

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 963 Session of  
2007

INTRODUCED BY BENNINGTON, PICKETT, MUNDY, FREEMAN, DERMODY,  
SIPTROTH, GERGELY, WALKO, YOUNGBLOOD, BUXTON, GRUCELA, KORTZ  
AND M. SMITH, APRIL 2, 2007

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 2, 2007

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, extensively revising provisions on  
3 adoption; and making repeals.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. The definitions of "agency," "intermediary,"  
7 "medical history information" and "parent" in section 2102 of  
8 Title 23 of the Pennsylvania Consolidated Statutes are amended  
9 and the section is amended by adding definitions to read:

10 § 2102. Definitions.

11 The following words and phrases when used in this part shall  
12 have, unless the context clearly indicates otherwise, the  
13 meanings given to them in this section:

14 \* \* \*

15 "Adoption-related counseling services." Services offered by  
16 an agency approved by the Department of Public Welfare, which,  
17 at a minimum, provide a birth parent with assistance in  
18 understanding the adoption process, the birth parents' rights

and obligations, the consequences of a decision to relinquish parental rights or to consent to an adoption and the alternatives to a relinquishment, consent or adoption.

"Adoptive parent." An individual who has adopted a child.

"Agency." [Any incorporated or unincorporated] An agency operated by a public or private organization, corporation, society, institution or [other] entity, [public or voluntary,] which [may receive or provide for the care of children, supervised by the Department of Public Welfare and providing] provides adoption services in accordance with standards established by the [department.] Department of Public Welfare. The term includes a county agency.

"Birth sibling." A biological sibling or the half-sibling of the adoptee.

"Child." An individual under 18 years of age.

\* \* \*

"County agency." The county children and youth social service agency established pursuant to section 405 of the act of June 24, 1937 (P.L.2017, No.396), known as the County Institution District Law, or its successor, and supervised by the Department of Public Welfare under Article IX of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code.

\* \* \*

"Department." The Department of Public Welfare of the Commonwealth.

"Family profile." An agency's formal assessment of the capacity and readiness of a prospective adoptive parent to adopt a child, conducted in accordance with the provisions of this part.

"Intermediary." Any person [or persons] or agency acting

1 between the [parent or] parents and the proposed adoptive  
2 [parent or] parents in arranging an adoption placement.

3 "Medical history information." Medical records and other  
4 information concerning an adoptee or an adoptee's [natural]  
5 birth family which is relevant to the adoptee's present or  
6 future health care or medical treatment. The term includes:

7 (1) otherwise confidential or privileged information  
8 provided that identifying contents have been removed pursuant  
9 to section 2909 (relating to medical history information);  
10 and

11 (2) information about the [natural] birth parents which  
12 may be relevant to a potential hereditary or congenital  
13 medical problem.

14 \* \* \*

15 "Parent." [Includes adoptive parent.] The birth parent or  
16 adoptive parent of the adoptee.

17 "Presumptive father." The husband of the birth mother, or an  
18 individual who was her husband at any time within one year of  
19 the birth of the child, who is not necessarily the birth father  
20 of the child.

21 "Putative father." An alleged birth father of a child  
22 conceived or born out of wedlock.

23 "Stepparent." The husband or wife of a parent, who is not  
24 the birth or adoptive parent of the child.

25 Section 2. Sections 2302(1), 2313 and 2501(a) of Title 23  
26 are amended to read:

27 § 2302. Venue.

28 Proceedings for voluntary relinquishment, involuntary  
29 termination and adoption may be brought in the court of the  
30 county:

1 (1) Where the parent [or parents or], the adoptee or the  
2 person [or persons] who [have] has filed a report of  
3 intention to adopt required by section 2531 (relating to  
4 report of intention to adopt) [reside] resides.

5 \* \* \*

6 § 2313. Representation.

7 (a) Child.--The court shall appoint [counsel] a guardian ad  
8 litem who is an attorney at law to represent the legal and best  
9 interests of the child in an involuntary termination proceeding  
10 when the proceeding is being contested by one or both of the  
11 parents. The court may appoint [counsel or] a guardian ad litem  
12 who is an attorney at law to represent any child who has not  
13 reached the age of 18 years and is subject to any other  
14 proceeding under this part whenever it is in the best interests  
15 of the child. No attorney or law firm shall represent both the  
16 child and the adopting parent [or parents].

17 (a.1) Parent.--

18 (1) The court shall appoint counsel for a parent whose  
19 rights are subject to termination in an involuntary  
20 termination proceeding if, upon petition of the parent, the  
21 court determines that the parent is unable to pay for counsel  
22 or if payment would result in substantial financial hardship.

23 (2) The court shall appoint counsel for a parent who is  
24 under 18 years of age and whose consent is required under  
25 section 2711 (relating to consents necessary to adoption) if  
26 the court determines that the parent is unable to pay for  
27 counsel or if payment would result in substantial financial  
28 hardship.

29 (b) Payment of costs.--[The] For counsel appointed under  
30 subsection (a.1), the county of residence of the parent for whom

counsel is appointed shall be responsible for the payment of attorney costs. Except as set forth in subsection (c)(2), the court[, in its discretion,] may order [all or part] that the adopting parent pay up to 50% of the costs [attendant to a proceeding under this part to be paid by the county wherein the case is heard, the adopting parents or apportioned to both, provided that if the adopting parents shall be ordered to bear all or a portion of the costs of this part that:

(1) the court may direct] of the appointment of a guardian ad litem, commensurate with the ability to pay without causing financial hardship and that the payment [of the fees or a portion thereof may be paid by] be made according to a court ordered schedule [of payments extending beyond the date of the involuntary termination hearing; and

(2) the fee shall not exceed \$150]. The remaining costs for a guardian ad litem shall be paid by the county where the action is heard.

(c) Exceptions.--

(1) An adopting parent shall not be responsible for costs related to court-appointed counsel under subsection (a.1).

(2) An adopting parent who is adopting a special needs child eligible for adoption assistance under regulations of the department shall not be responsible for payment of costs under subsection (b).

§ 2501. Relinquishment to agency.

(a) Petition.--When any child under the age of 18 years has been in the care of an agency for a minimum period of three days or, whether or not the agency has the physical care of the child, the agency has received a written notice of the present

1 intent to transfer to it custody of the child, executed by the  
2 birth parent, the birth parent [or parents] of the child may  
3 petition the court for permission to relinquish forever all  
4 parental rights and duties with respect to their child. The  
5 petition must include an acknowledgment in writing by the birth  
6 parent of all of the following:

7       (1) Adoption-related counseling services have been  
8 offered to the birth parent.

9       (2) If the birth parent requested adoption-related  
10 counseling services, whether the adoption-related counseling  
11 services have been provided.

12       (3) If adoption-related counseling services were  
13 provided, the name and address of the agency which provided  
14 them.

15       \* \* \*

16       Section 3. Section 2502(a) of Title 23 is amended and the  
17 section is amended by adding a subsection to read:

18       § 2502. Relinquishment to adult intending to adopt child.

19       (a) Petition.--When any child under the age of 18 years has  
20 been for a minimum period of three days in the exclusive care of  
21 an adult or adults who have filed a report of intention to adopt  
22 required by section 2531 (relating to report of intention to  
23 adopt), the parent [or parents] of the child may petition the  
24 court for permission to relinquish forever all parental rights  
25 to [their] the child. The petition must include an  
26 acknowledgment in writing by the birth parent of all of the  
27 following:

28       (1) Adoption-related counseling services have been  
29 offered to the birth parent.

30       (2) If the birth parent requested adoption-related

counseling services, whether the adoption-related counseling services have been provided.

(3) If adoption-related counseling services were provided, the name and address of the agency which provided them.

\* \* \*

(c) Written authorization.--If a parent or guardian has relinquished a child under this section, the parent or guardian shall furnish to the prospective adoptive parent a signed writing stating that the relinquishment is for the purpose of adoption and authorizes the prospective adoptive parent to provide support and medical and other care for the child until the adoption is finalized.

Section 4. Title 23 is amended by adding a section to read:  
§ 2502.1. Agency requirements for abandoned child.

(a) Designation of adoptive parent.--Within 30 days after an agency obtains custody of a child found under such circumstances that the identities or whereabouts of the birth parents are unknown, the agency shall make all reasonable efforts to identify and designate a prospective adoptive parent.

(b) Diligent search.--The agency shall commence a search for the birth parents of the abandoned child under section 2511(a)(4) (relating to grounds for involuntary termination). The search shall be completed within 75 days after the agency obtains custody of the child.

(c) Termination petition.--If the requirements of this section and section 2511(a)(4) are met, the agency shall file a petition for termination of parental rights within 120 days after the date on which the child was found.

(d) Hearing.--A hearing on a petition under this section

1 shall be conducted by the court on an expedited basis.

2 (e) Report of intention to adopt.--The agency shall assist  
3 the prospective adoptive parent with the filing of the report  
4 under section 2531 (relating to report of intention to adopt).

5 Section 5. Section 2503 heading and (b)(3), (c), (d) and (e)  
6 of Title 23 are amended and the section is amended by adding a  
7 subsection to read:

8 § 2503. [Hearing] Voluntary relinquishment hearing.

9 \* \* \*

10 (a.1) Custody of child.--During the pendency of a proceeding  
11 under this section, unless the court directs otherwise, custody  
12 of the child shall remain with the individual or agency that had  
13 custody at the time the petition was filed.

14 (b) Notice.--

15 \* \* \*

16 (3) The [copy of the notice which is given to the]  
17 putative father shall [state that his rights may also be  
18 subject to termination pursuant to subsection (d) if he fails  
19 to file either an acknowledgment of paternity or claim of  
20 paternity pursuant to section 5103 (relating to  
21 acknowledgment and claim of paternity) and fails to either  
22 appear at the hearing for the purpose of objecting to the  
23 termination of his rights or file a written objection to such  
24 termination with the court prior to the hearing.] receive  
25 notice in the form provided in section 2513(b) (relating to  
26 hearing). If the identity or whereabouts of the putative  
27 father is unknown, notice shall be given pursuant to section  
28 2514(b) (relating to notice if putative father or his  
29 whereabouts unknown). Notice under this paragraph shall state  
30 that the putative father's rights may also be terminated



1 under subsection (d) if any of the following apply:

2 (i) He fails to file with the court prior to the  
3 hearing a written objection to the termination.

4 (ii) He fails to appear at the hearing for the  
5 purpose of objecting to the termination of his rights.

6 (iii) The court determines, after a hearing, that he  
7 has failed to:

8 (A) provide substantial financial support for  
9 the child; or

10 (B) make substantial and ongoing provision for  
11 the child's care.

12 (c) Decree.--

13 (1) After a hearing, which shall be private, the court  
14 may enter a decree of termination of parental rights [in the  
15 case of their relinquishment to an adult or a decree of  
16 termination of parental rights and duties, including the  
17 obligation of support, in the case of their relinquishment to  
18 an agency].

19 (2) Subject to paragraph (3), a decree of termination of  
20 parental rights terminates forever all the subject parent's  
21 parental rights and duties with respect to the child,  
22 including the obligation of support.

23 (3) A decree of termination of parental rights does not  
24 extinguish the duty of a parent to pay arrearages for child  
25 support.

26 (d) [Putative father.--] Termination of putative father's  
27 parental rights.--If a putative father [will not file a petition  
28 to voluntarily relinquish his parental rights pursuant to  
29 section 2501 (relating to relinquishment to agency) or 2502  
30 (relating to relinquishment to adult intending to adopt child),]

1 has been given notice of the hearing being held pursuant to this  
2 section [and], the court may enter a decree terminating his  
3 parental rights, whether or not the putative father has filed an  
4 acknowledgment of paternity or claim of paternity under section  
5 5103, if any of the following paragraphs apply:

6       (1) The putative father fails to [either]:

7               (i) file a written objection to the termination with  
8 the court prior to the hearing; or

9               (ii) appear at that hearing for the purpose of  
10 objecting to termination of his parental rights [or file  
11 a written objection to such termination with the court  
12 prior to the hearing and has not filed an acknowledgment  
13 of paternity or claim of paternity pursuant to section  
14 5103, the court may enter a decree terminating the  
15 parental rights of the putative father pursuant to  
16 subsection (c)].

17       (2) The court determines, after a hearing, that the  
18 putative father has failed to:

19               (i) provide substantial financial support for the  
20 child; or

21               (ii) make substantial and ongoing provision for the  
22 child's care.

23       (e) Right to file personal and medical history  
24 information.--At the time the decree of termination is  
25 transmitted to the parent whose rights are terminated, the court  
26 shall advise that parent, in writing, of his or her continuing  
27 right to place and update personal and medical history  
28 information, whether or not the medical condition is in  
29 existence or discoverable at the time of adoption, on file with  
30 the court, with the Department of Health and with the

1 [Department of Public Welfare] department pursuant to section  
2 2905(d) (relating to impounding of proceedings and access to  
3 records).

4 Section 6. Section 2504 of Title 23 is repealed:

5 [§ 2504. Alternative procedure for relinquishment.

6 (a) Petition to confirm consent to adoption.--If the parent  
7 or parents of the child have executed consents to an adoption,  
8 upon petition by the intermediary or, where is no intermediary,  
9 by the adoptive parent, the court shall hold a hearing for the  
10 purpose of confirming a consent to an adoption upon expiration  
11 of the time periods under section 2711 (relating to consents  
12 necessary to adoption). The original consent or consents to the  
13 adoption shall be attached to the petition.

14 (b) Hearing.--Upon presentation of a petition filed pursuant  
15 to this section, the court shall fix a time for a hearing which  
16 shall not be less than ten days after filing of the petition.  
17 Notice of the hearing shall be by personal service or by  
18 registered mail or by such other means as the court may require  
19 upon the consenter and shall be in the form provided in section  
20 2513(b) (relating to hearing). Notice of the hearing shall be  
21 given to the other parent or parents, to the putative father  
22 whose parental rights could be terminated pursuant to subsection  
23 (c) and to the parents or guardian of a consenting parent who  
24 has not reached 18 years of age. The notice shall state that the  
25 consenting parent's or putative father's rights may be  
26 terminated as a result of the hearing. After hearing, which  
27 shall be private, the court may enter a decree of termination of  
28 parental rights in the case of a relinquishment to an adult or a  
29 decree of termination of parental rights and duties, including  
30 the obligation of support, in the case of a relinquishment to an

1 agency.

2 (c) Putative father.--If a putative father will not execute  
3 a consent to an adoption as required by section 2711, has been  
4 given notice of the hearing being held pursuant to this section  
5 and fails to either appear at that hearing for the purpose of  
6 objecting to termination of his parental rights or file a  
7 written objection to such termination with the court prior to  
8 the hearing and has not filed an acknowledgment of paternity or  
9 claim of paternity pursuant to section 5103 (relating to  
10 acknowledgment and claim of paternity), the court may enter a  
11 decree terminating the parental rights of the putative father  
12 pursuant to subsection (b).

13 (d) Right to file personal and medical history  
14 information.--At the time the decree of termination is  
15 transmitted to the parent, the court shall also advise, in  
16 writing, the parent whose rights have been terminated of his or  
17 her continuing right to place and update personal and medical  
18 history information, whether or not the medical condition is in  
19 existence or discoverable at the time of adoption, on file with  
20 the court and with the Department of Public Welfare pursuant to  
21 section 2905(d) (relating to impounding of proceedings and  
22 access to records).]

23 Section 7. Sections 2504.1 and 2505 of Title 23 are amended  
24 to read:

25 § 2504.1. Confidentiality.

26 The court shall take such steps as are reasonably necessary  
27 to assure that the identity of the adoptive parent [or parents]  
28 is not disclosed without [their] that parent's consent in any  
29 proceeding under this subchapter or Subchapter B (relating to  
30 involuntary termination). The Supreme Court may prescribe

1 uniform rules under this section relating to such  
2 confidentiality.

3 § 2505. [Counseling] Adoption-related counseling services.

4 (a) [List of counselors] Information.--Any hospital or other  
5 facility providing maternity care shall provide a list of  
6 [available counselors and] agencies approved to provide  
7 adoption-related counseling services compiled pursuant to  
8 subsection (b) to its maternity patients who are known to be  
9 considering relinquishment or termination of parental rights or  
10 consent to adoption pursuant to this part[.] and information  
11 about the counseling fund and how to access it for patients who  
12 are unable to pay for counseling. The patient shall sign an  
13 acknowledgment of receipt of such list prior to discharge, a  
14 copy of which receipt shall be provided to the patient.

15 (b) Compilation of list.--The [court] department shall  
16 compile a list, on a county-by-county basis, of [qualified  
17 counselors and] agencies approved by the department to provide  
18 adoption-related counseling services [(including all adoption  
19 agencies)] which are available to [counsel natural] birth  
20 parents [within the county] who are contemplating relinquishment  
21 or termination of parental rights or consent to adoption, who  
22 have filed a petition to relinquish parental rights or who have  
23 executed a consent to an adoption, pursuant to this part. Such  
24 list shall be distributed to every court of common pleas,  
25 agency, hospital or [other] facility providing maternity care  
26 within the county [and]. The department shall [be made] make the  
27 list available upon request to any [intermediary or licensed  
28 health care professional] person.

29 (c) Court determination and referral.--Prior to entering a  
30 decree of termination of parental rights pursuant to section

1 2503 (relating to voluntary relinquishment hearing) or [2504]  
2 2711.1 (relating to [alternative procedure for relinquishment),  
3 if the parent whose rights are to be terminated is present in  
4 court,] termination of parental rights pursuant to consent), the  
5 court shall [inquire] determine whether [he or she] the birth  
6 parent has [received] been offered adoption-related counseling  
7 [concerning the termination and the alternatives thereto from an  
8 agency or from a qualified counselor listed by a court pursuant  
9 to subsection (b)] services. If the birth parent has not  
10 [received such] been offered adoption-related counseling  
11 services, the court [may, with the parent's consent, refer]  
12 shall provide the birth parent [to an agency or qualified  
13 counselor listed by a court] with the list compiled pursuant to  
14 subsection (b) [for the purpose of receiving such counseling].  
15 In no event shall the court delay the completion of any hearing  
16 pursuant to section 2503 or [2504] 2711.1 for more than 15 days  
17 in order [to provide] for the birth parent to obtain such  
18 counseling.

19 (d) Application for counseling.--[Any parent who has filed]  
20 Any of the following may apply to a county agency for referral  
21 to an agency listed under subsection (b) for the purpose of  
22 receiving adoption-related counseling services, paid from funds  
23 under subsection (e):

24 (1) A birth parent, or an intermediary acting on behalf  
25 of the birth parent, who is contemplating:

26 (i) relinquishment of parental rights; or

27 (ii) execution of a consent to adoption.

28 (2) A birth parent, or an intermediary acting on behalf  
29 of the birth parent, who has not been offered adoption-  
30 related counseling services and has:

1           (i) filed a petition to relinquish [his or her]  
2           parental rights[,]; or [has]

3           (ii) executed a consent to adoption[, and is in  
4           need of counseling concerning the relinquishment or  
5           consent, and the alternatives thereto, may apply to the  
6           court for referral to an agency or qualified counselor  
7           listed by a court pursuant to subsection (b) for the  
8           purpose of receiving such counseling. The court, in its  
9           discretion, may make such a referral where it is  
10          satisfied that this counseling would be of benefit to the  
11          parent.]

12   (d.1) County agency.--

13          (1) Within three business days of receiving the  
14          application under subsection (d), the county agency must  
15          notify the applicant of approval or disapproval of the  
16          application. Disapproval must be in writing and include the  
17          reason. Failure to comply with this paragraph shall be deemed  
18          approval of the application.

19          (2) Upon notification that the applicant is approved,  
20          the county agency shall advise the applicant of procedures to  
21          obtain adoption-related counseling services.

22          (3) The frequency of adoption-related counseling  
23          services shall be determined by the county in accordance with  
24          regulations promulgated by the department, which take into  
25          account the needs of the parent.

26   (e) [Counseling fund] Funds.--

27          (1) Except as [hereinafter] provided in paragraph (2),  
28          each report of intention to adopt filed pursuant to section  
29          2531 (relating to report of intention to adopt) shall be  
30          accompanied by a filing fee in the amount of \$75 which shall

1 be [paid into a segregated fund established by] transferred  
2 to the [county] agency to pay for adoption-related services.  
3 The county may also make supplemental appropriations to the  
4 fund. All costs of adoption-related counseling services  
5 provided pursuant to subsection (c) or (d) to individuals who  
6 are unable to pay for such counseling shall be paid from the  
7 fund. Costs related to adoption-related counseling services  
8 for a birth parent whose child is adjudicated dependent shall  
9 be considered a reimbursable expenditure of the county agency  
10 as an adoption service, with reimbursement to the county  
11 agency by the department of the reasonable costs, under  
12 section 704.1(a)(6) of the act of June 13, 1967 (P.L.31,  
13 No.21), known as the Public Welfare Code.

14 (2) No filing fee may be exacted under this subsection  
15 with respect to the adoption of a special needs child who  
16 would be eligible for adoption assistance pursuant to  
17 regulations promulgated by the [Department of Public Welfare]  
18 department. In addition, the court may reduce or waive the  
19 fee in cases of demonstrated financial hardship.

20 (3) On an annual basis, the county agency shall report  
21 to the department all of the following:

22 (i) The amount of money made available to the county  
23 agency through filing fees established in paragraph (1)  
24 and other sources of funding for adoption-related  
25 counseling services.

26 (ii) The number of requests to the county agency for  
27 referral to adoption-related counseling services.

28 (iii) The amount paid by the county agency for  
29 adoption-related counseling services.

30 (iv) The estimated per-parent cost of adoption-



1           related counseling services.

2           Section 8. Section 2511(a)(2), (3), (4), (6) and (7), (b)  
3 and (c) of Title 23 are amended and subsection (a) is amended by  
4 adding paragraphs to read:

5   § 2511. Grounds for involuntary termination.

6       (a) General rule.--The rights of a parent in regard to a  
7 child may be terminated after a petition filed on any of the  
8 following grounds:

9           \* \* \*

10          (2) The repeated and continued incapacity, abuse,  
11 neglect or refusal of the parent has caused the child to be  
12 without essential parental care, control or subsistence  
13 necessary for his physical or mental well-being and the  
14 conditions and causes of the incapacity, abuse, neglect or  
15 refusal cannot or will not be remedied by the parent within a  
16 reasonable period of time.

17          (3) The parent is the presumptive but not the [natural]  
18 birth father of the child.

19          (4) The child was abandoned and is in the custody of an  
20 agency, [having been found under such circumstances that] the  
21 identity or whereabouts of the parent is unknown and cannot  
22 be ascertained by diligent search and the parent does not  
23 claim the child within three months after the child is found.

24           \* \* \*

25          (6) In the case of a newborn child, the parent knows or  
26 has reason to know of the child's birth, does not reside with  
27 the child, [has not married the child's other parent,] has  
28 failed for a period of four months immediately preceding the  
29 filing of the petition to make reasonable efforts to maintain  
30 substantial and continuing contact with the child and has

1 failed during the same four-month period to provide  
2 substantial financial support for the child.

3 (7) The parent is the [father of a child conceived as a  
4 result] perpetrator of a rape or sexual assault or of incest,  
5 which resulted in the conception of the child.

6 \* \* \*

7 (10) The identity or whereabouts of the putative father  
8 of the child is unknown and notice has been provided under  
9 section 2514 (relating to notice if putative father or his  
10 whereabouts unknown).

11 (11) The parent has engaged in repeated and continued  
12 abuse or neglect of the child, the child's sibling or another  
13 child residing in the child's household.

14 (12) The child, the child's sibling or another child  
15 residing in the child's household has been the victim of any  
16 of the following by the parent whose rights are to be  
17 involuntarily terminated:

18 (i) Serious bodily injury, as defined in section  
19 6303(a) (relating to definitions).

20 (ii) An offense under 18 Pa.C.S. Ch. 25 (relating to  
21 criminal homicide).

22 (iii) Indecent contact, as defined in 18 Pa.C.S. §  
23 3101 (relating to definitions).

24 (iv) An offense under any of the following  
25 provisions of 18 Pa.C.S. (relating to crimes and  
26 offenses):

27 Section 3121(a) (relating to rape).

28 Section 3122.1 (relating to statutory sexual  
29 assault).

30 Section 3123 (relating to involuntary deviate

1           sexual intercourse).

2           Section 3124.1 (relating to sexual assault).

3           Section 3125 (relating to aggravated indecent  
4           assault).

5           Section 3126 (relating to indecent assault).

6           Section 4302 (relating to incest).

7           Section 6312 (relating to sexual abuse of  
8           children).

9           Section 6320 (relating to sexual exploitation of  
10          children).

11          (v) An offense in another jurisdiction similar to an  
12          offense listed in this paragraph.

13          (b) Other considerations.--The court in terminating the  
14 rights of a parent shall give primary consideration to the  
15 developmental, physical and emotional needs and welfare of the  
16 child. The rights of a parent shall not be terminated solely on  
17 the basis of environmental factors such as inadequate housing,  
18 furnishings, income, clothing and medical care if found to be  
19 beyond the control of the parent. With respect to any petition  
20 filed pursuant to subsection (a)[(1), (6) or (8)], the court  
21 shall not consider any efforts by the parent to remedy the  
22 conditions described therein which are first initiated  
23 subsequent to the giving of notice of the filing of the  
24 petition.

25          (c) Right to file personal and medical history  
26 information.--At the time the decree of termination is  
27 transmitted to the parent whose rights have been terminated, the  
28 court shall advise the parent, in writing, of his or her  
29 continuing right to place and update personal and medical  
30 history information, whether or not the medical condition is in

1 existence or discoverable at the time of adoption, on file with  
2 the court, the Department of Health and [with] the [Department  
3 of Public Welfare] department pursuant to section 2905(d)  
4 (relating to impounding of proceedings and access to records).

5 Section 9. Section 2512(c) of Title 23 is amended to read:

6 § 2512. Petition for involuntary termination.

7 \* \* \*

8 [(c) Father not identified.--If the petition does not  
9 identify the father of the child, it shall state whether a claim  
10 of paternity has been filed under section 8303 (relating to  
11 claim of paternity).]

12 Section 10. Section 2513(b), (c) and (d) of Title 23 are  
13 amended and the section is amended by adding a subsection to  
14 read:

15 § 2513. Hearing.

16 \* \* \*

17 (a.1) Custody of child.--During the pendency of a proceeding  
18 under this section, unless the court directs otherwise, custody  
19 of the child shall remain with the individual or agency that had  
20 custody at the time the petition was filed.

21 (b) Notice.--At least ten days' notice shall be given to the  
22 parent [or parents], putative father, or parent of a minor  
23 parent whose rights are to be terminated, by personal service or  
24 by registered mail to his or their last known address or by such  
25 other means as the court may require. A copy of the notice shall  
26 be given in the same manner to the other parent, putative father  
27 or parent or guardian of a minor parent whose rights are to be  
28 terminated. A putative father shall include one who has filed a  
29 claim of paternity as provided in section 5103 (relating to  
30 acknowledgment and claim of paternity) prior to the institution

1 of proceedings. The notice shall state the following:

2 ["]A petition has been filed asking the court to put an  
3 end to all rights you have to your child (insert name of  
4 child). The court has set a hearing to consider ending your  
5 rights to your child. That hearing will be held in (insert  
6 place, giving reference to exact room and building number or  
7 designation) on (insert date) at (insert time). You are  
8 warned that even if you fail to appear at the scheduled  
9 hearing, the hearing will go on without you and your rights  
10 to your child may be ended by the court without [your] you  
11 being present. You have a right to be represented at the  
12 hearing by a lawyer. You should take this paper to your  
13 lawyer at once. If you do not have a lawyer or cannot afford  
14 one, go to or telephone the office set forth below to find  
15 out where you can get legal help.

16 (Name).....  
17 (Address).....  
18 .....  
19 (Telephone number).....["]

20 (c) Mother competent witness on paternity issue.--The  
21 [natural] birth mother shall be a competent witness as to  
22 whether the presumptive or putative father is the [natural]  
23 birth father of the child.

24 (d) Decree.--

25 (1) After hearing, which may be private, the court shall  
26 make a finding relative to the pertinent provisions of  
27 section 2511 (relating to grounds for involuntary  
28 termination) [and upon such]. Upon a finding by clear and  
29 convincing evidence of a ground under section 2511, the court  
30 may enter a decree of termination of parental rights.

1       (2) Subject to paragraph (3), a decree of termination of  
2       parental rights terminates forever all the subject parent's  
3       parental rights and duties with respect to the child,  
4       including the obligation of support.

5       (3) A decree of termination of parental rights does not  
6       extinguish the duty of a parent to pay arrearages for child  
7       support.

8       Section 11. Title 23 is amended by adding a section to read:

9       § 2514. Notice if putative father or his whereabouts unknown.

10       (a) Reasonable efforts.--

11       (1) A petitioner under sections 2501 (relating to  
12       relinquishment to agency), 2502 (relating to relinquishment  
13       to adult intending to adopt child), 2512 (relating to  
14       petition for involuntary termination) and 2711.1 (relating to  
15       termination of parental rights pursuant to consent) must  
16       establish that reasonable efforts were made to identify or  
17       locate a putative father for the purpose of providing notice  
18       in a proceeding under this part.

19       (2) In determining whether the petitioner's efforts to  
20       provide notice were sufficient under this part, the court  
21       shall consider all of the following:

22               (i) The extent to which inquiries were made as to  
23       whether:

24               (A) The birth mother was married or cohabitating  
25       with a man at the probable time of conception of the  
26       child.

27               (B) The birth mother has received payments or  
28       promises of support, other than from a governmental  
29       agency, with respect to the child or because of her  
30       pregnancy.

1           (C) The birth mother has named any individual as  
2           the father on the birth certificate of the child or  
3           in connection with applying for or receiving public  
4           assistance.

5           (D) An individual has formally or informally  
6           acknowledged or claimed paternity of the child in a  
7           jurisdiction in which the birth mother resided during  
8           or since her pregnancy or in which the child has  
9           resided or resides at the time of the inquiry.

10          (ii) Documentation that notice has been sent  
11          unsuccessfully to the identified putative father at his  
12          last known address.

13          (iii) Documentation that inquiry regarding the last  
14          known address or residence of the putative father was  
15          made to the following entities if applicable:

16               (A) Local post office.

17               (B) State agency with jurisdiction over drivers'  
18               licenses.

19               (C) State agency with jurisdiction over public  
20               assistance.

21               (D) State or local voter registration agency.

22               (E) State and local probation and parole  
23               offices.

24          (b) Notice by publication.--If the petitioner can establish  
25          that reasonable but unsuccessful efforts were made to identify  
26          or locate a putative father, notice of the proceeding may be  
27          given to the putative father by publication one time in both a  
28          newspaper of general circulation and in the county legal journal  
29          at least ten days before the date of the hearing. Proof of  
30          publication of the notice provided under this subsection must be

1 submitted to the court.

2 (c) Affidavit of service.--At the hearing on a petition to  
3 terminate the parental rights of a putative father whose  
4 identity or whereabouts are unknown, the petitioner must submit  
5 to the court an affidavit of the reasonable efforts made to  
6 identify or locate a putative father for the purpose of  
7 providing notice of the proceedings.

8 (d) Determination by the court.--A specific finding must be  
9 made by the court that reasonable efforts were made by the  
10 petitioner under subsection (a)(1), including publication of  
11 notice required under subsection (b), and that the putative  
12 father is unknown or cannot be located for the purpose of  
13 providing notice.

14 Section 12. Sections 2530 and 2531(b) of Title 23 are  
15 amended to read:

16 § 2530. [Home study and preplacement report] Family profile.

17 (a) General rule.--No [intermediary shall place a] child may  
18 be placed in the physical care or custody of a prospective  
19 adoptive parent [or parents] unless a [home study] family  
20 profile containing a favorable recommendation for placement of a  
21 child with the prospective parent [or parents] has been  
22 completed within three years prior thereto and which has been  
23 supplemented within one year prior thereto. The [home study]  
24 family profile shall be conducted by a [local public child-care  
25 agency,] county agency or an adoption agency [or a licensed  
26 social worker designated by the court to perform such study].  
27 The family profile is not required if a parent or guardian  
28 places a child directly with a relative of the child, as  
29 identified in section 2531(c) (relating to report of intention  
30 to adopt) for purposes of adoption.



(b) [Preplacement report.--A preplacement report shall be prepared by the agency or person conducting the home study.]

Contents.--

(1) The [preplacement report] family profile shall set forth all pertinent information relating to the parental fitness of the adopting [parents as parents] parent.

(2) The [preplacement report] family profile shall be based upon a study which shall include an investigation of the home environment, family life, parenting skills, age, physical and mental health, social, cultural and religious background, facilities and resources of the adoptive [parents] parent and [their] that parent's ability to manage [their] resources. The [preplacement report] family profile shall also include the information required by section 6344(b) (relating to information relating to prospective child-care personnel), as well as a report of Federal criminal history record information.

(3) The [preplacement report] family profile shall include a determination regarding the parental fitness of the adopting [parents as parents] parent.

(4) The [preplacement report] family profile shall be dated and verified.

(5) The family profile shall be based on a personal interview with the petitioner in the petitioner's residence.

(c) Interim placement.--Where a [home study] family profile required under this section is in process, but not yet completed, [an intermediary may place] a child may be placed in the physical care or custody of a prospective adoptive parent [or parents] if all of the following conditions are met:

(1) The [intermediary] agency preparing the family

1 profile has no reason to believe that the prospective  
2 adoptive parent [or parents] would not receive a favorable  
3 recommendation for placement as a result of the [home study]  
4 family profile.

5 (2) The [individual or] agency [conducting] preparing  
6 the [home study] family profile assents to the interim  
7 placement.

8 (3) The [intermediary] agency immediately notifies the  
9 court of the interim placement and [the identity of the  
10 individual or agency conducting the home study] that it is  
11 preparing the family profile. If at any time prior to the  
12 completion of the [home study] family profile, the court is  
13 notified by the [individual or] agency [conducting] preparing  
14 the [home study] family profile that it withdraws its assent  
15 to the interim placement, the court may order the placement  
16 of the child in temporary foster care with an agency until a  
17 favorable recommendation for placement is received.

18 § 2531. Report of intention to adopt.

19 \* \* \*

20 (b) Contents.--The report shall set forth:

21 (1) The circumstances surrounding the persons receiving  
22 or retaining custody or physical care of the child, including  
23 the date upon which a [preplacement investigation] family  
24 profile was concluded.

25 (2) The name, sex, racial background, age, date and  
26 place of birth and religious affiliation of the child.

27 (3) The name and address of the intermediary.

28 (4) An itemized accounting of moneys and consideration  
29 paid or to be paid to the intermediary.

30 (5) Whether the parent [or parents] whose parental

1 rights are to be terminated [have received] has received  
2 adoption-related counseling with respect to the termination  
3 and the alternatives thereto. If so, the report shall state  
4 the dates on which the counseling was provided and the name  
5 and address of the [counselor or] agency which provided the  
6 counseling.

7 (6) The name, address and signature of the person or  
8 persons making the report. Immediately above the signature of  
9 the person or persons intending to adopt the child shall  
10 appear the following statement:

11 I acknowledge that I have been advised or know and  
12 understand that the birth father or putative father may  
13 revoke the consent to the adoption of this child within  
14 30 days after the later of the birth of the child or the  
15 date he has executed the consent to an adoption and that  
16 the birth mother may revoke the consent to an adoption of  
17 this child within 30 days after the date she has executed  
18 the consent.

19 (7) A copy of the [preplacement report prepared pursuant  
20 to section 2530 (relating to home study and preplacement  
21 report).] family profile. The copy of the family profile must  
22 be provided to the court within 30 days of filing the report.

23 (8) Either:

24 (i) a copy of the medical and personal history of  
25 the birth parents; or

26 (ii) the reason that the copy under subparagraph (i)  
27 has not been obtained.

28 When a person receives or retains custody or physical care of a  
29 child from an agency, the report shall set forth only the name  
30 and address of the agency, the circumstances surrounding such

1 person receiving or retaining custody or physical care of the  
2 child and a copy of the [preplacement report] family profile  
3 prepared pursuant to section 2530 (relating to family profile).

4 \* \* \*

5 Section 13. Title 23 is amended by adding a section to read:

6 § 2531.1. Criminal and child abuse background checks for  
7 stepparent or relative adoptions.

8 The criminal and child abuse history record information  
9 required under section 2530(b)(2) (relating to family profile)  
10 must be obtained for any prospective adoptive parent who is a  
11 stepparent or other relative of the adoptee. This information  
12 must be attached to the petition for adoption.

13 Section 14. Section 2533(a), (b)(3) and (12) and (d)  
14 introductory paragraph, (1) and (3) of Title 23 are amended and  
15 subsections (b) and (d) are amended by adding paragraphs to  
16 read:

17 § 2533. Report of intermediary.

18 (a) General rule.--Within six months after filing the report  
19 of intention to adopt, the intermediary who or which arranged  
20 the adoption placement of any child under the age of 18 years  
21 shall make a written report under oath to the court in which the  
22 petition for adoption will be filed and shall thereupon  
23 forthwith notify in writing the adopting parent [or parents] of  
24 the fact that the report has been filed and the date thereof.

25 (b) Contents.--The report shall set forth:

26 \* \* \*

27 (3) The date of the placement of the child with the  
28 adopting parent [or parents].

29 \* \* \*

30 (12) A statement:

1           (i) that personal and medical history information  
2           was obtained [and if not obtained, a statement]; or  
3           (ii) of the reason [therefor.] that the information  
4           under subparagraph (i) was not obtained.

5           (13) A list of the dates of supervision of the adoptive  
6           placement by the supervising agency.

7           \* \* \*

8           (d) Permissible reimbursement of expenses.--Payments made by  
9           the adoptive [parents] parent to an intermediary or a third  
10          party for reimbursement of the following expenses, calculated  
11          without regard to the income of the adoptive [parents] parent,  
12          are permissible and are not in violation of 18 Pa.C.S. § 4305  
13          (relating to dealing in infant children):

14          (1) Medical [and], hospital, nursing, pharmaceutical,  
15          travel or other similar expenses incurred by the [natural  
16          mother for prenatal care and those medical and hospital  
17          expenses incurred by the natural] birth mother [and] or her  
18          child incident to birth or any illness of the child.

19          \* \* \*

20          (3) Reasonable expenses incurred by the agency or a  
21          third party for adjustment counseling and training services  
22          provided to the adoptive parents [and for home studies], for  
23          family profiles or investigations.

24          \* \* \*

25          (5) Expenses for adoption-related counseling services  
26          for a birth parent and for counseling services for the child  
27          for a reasonable time before and after the child's placement  
28          for adoption.

29          (6) Living expenses of a birth mother, which are limited  
30          to food, clothing and shelter, for a reasonable time before

1 the birth of her child and for no more than six weeks after  
2 the birth.

3 (7) Foster care expenses for a child who is not in the  
4 custody of a county agency.

5 (8) Expenses for legal services performed for a birth  
6 parent who consents to the adoption of a child or  
7 relinquishes the child to an agency.

8 (9) Expenses for any other service the court finds to be  
9 reasonably necessary.

10 Section 15. Section 2534 of Title 23 is amended by adding  
11 paragraphs to read:

12 § 2534. Exhibits.

13 The report of the intermediary shall have attached to it the  
14 following exhibits:

15 \* \* \*

16 (4) A copy of the supervisory reports prepared by the  
17 supervising agency.

18 (5) If obtained, a copy of the medical and personal  
19 history information of the birth parents.

20 Section 16. Section 2535(a) of Title 23 is amended to read:

21 § 2535. Investigation.

22 (a) General rule.--When a report required by section 2531  
23 (relating to report of intention to adopt) has been filed, the  
24 court shall cause an investigation to be made and a report to be  
25 filed by a [local public child care] county agency[, a voluntary  
26 child care] or an adoption agency with its consent [or an  
27 appropriate person designated by the court]. In lieu of the  
28 investigation, the court may accept an investigation made by the  
29 agency which placed the child and the report of investigation in  
30 such cases may be incorporated into the report of the

1 intermediary required by section 2533 (relating to report of  
2 intermediary).

3 \* \* \*

4 Section 17. Title 23 is amended by adding a section to read:

5 § 2536. Postplacement supervision.

6 An agency supervising an adoption shall conduct postplacement  
7 supervision, consisting of a minimum of three visits to the  
8 adoptive home.

9 Section 18. Subchapter E heading and sections 2551, 2552,  
10 2553, 2554, 2555, 2556 and 2558(2) of Title 23 are amended to  
11 read:

12 SUBCHAPTER E

13 PENNSYLVANIA ADOPTION [COOPERATIVE EXCHANGE] REGISTRY

14 § 2551. Definitions.

15 The following words and phrases when used in this subchapter  
16 shall have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 ["Department." The Department of Public Welfare of the  
19 Commonwealth.]

20 "[PACE] PAR." The Pennsylvania Adoption [Cooperative  
21 Exchange] Registry established in section 2552 (relating to  
22 Pennsylvania Adoption Registry).

23 § 2552. Pennsylvania Adoption [Cooperative Exchange] Registry.

24 There shall be a Pennsylvania Adoption [Cooperative Exchange]  
25 Registry in the Office of Children, Youth and Families of the  
26 [Department of Public Welfare] department.

27 § 2553. Registration of children.

28 (a) Mandatory registration.--[PACE] PAR shall register and  
29 be responsible for the review and referral of children for whom  
30 parental rights have been terminated for [90] 30 days and for

1 whom no report of intention to adopt has been filed in the court  
2 of common pleas.

3 (b) Optional registration.--[PACE may also]

4 (1) PAR may register children [where] if:

5 (i) restoration to the biological family is neither  
6 possible nor appropriate[,];

7 (ii) a petition to terminate parental rights has  
8 been filed; and

9 (iii) adoption is planned pending identification of  
10 an adoptive parent [or parents. However, information].

11 (2) PAR may register children with a court-approved goal  
12 of adoption if:

13 (i) the court-approved goal of adoption has not been  
14 appealed within 30 days; and

15 (ii) a petition to terminate parental rights has not  
16 been filed.

17 (3) Information about these children shall not be  
18 publicized without prior approval by the department, which  
19 shall ensure the anonymity of these children until such time  
20 as parental rights are terminated.

21 (c) Children excluded from registration.--A child for whom  
22 termination of parental rights is being appealed in a court  
23 shall not be registered with [PACE] PAR as available for  
24 adoption. Identifying information of such children shall be  
25 forwarded to [PACE] PAR by the agency, with reference to the  
26 specific reason for which the child is not to be placed on the  
27 listing service.

28 § 2554. Responsibilities of [PACE] PAR.

29 [PACE] PAR shall be responsible for the following:

30 (1) Registration of adoptive parent applicants who have



1       been approved by agencies.

2           (2)   Accumulation and dissemination of statistical  
3       information regarding all children registered with [PACE]  
4       PAR.

5           (3)   Creation and administration of a public information  
6       program designed to inform potential adoptive parents of the  
7       need for adoptive homes for children registered with [PACE]  
8       PAR.

9           (4)   Preparation and distribution of a photographic  
10      listing service on children registered with [PACE] PAR.

11          (5)   Preparation of annual [reports] report concerning  
12      functions of [PACE] PAR regarding the children and the  
13      prospective parents listed with [PACE] it. The [reports]  
14      report shall be submitted annually by May 1 to the [Health  
15      and Welfare and Judiciary Committees] Governor and the  
16      appropriate standing committees of the Senate and of the  
17      House of Representatives[, to the Public Health and Welfare  
18      and Judiciary Committees of the Senate and to the Governor].  
19      The report shall include program and fiscal information  
20      regarding PAR and additional Commonwealth and local  
21      initiatives involving the recruitment of families interested  
22      in adopting a child with special needs. As used in this  
23      paragraph, the term "child with special needs" means an  
24      "eligible child," as defined in section 772 of the act of  
25      June 13, 1967 (P.L.31, No.21), known as the Public Welfare  
26      Code.

27          (6)   Coordination of its functions with other state,  
28      regional and national adoption exchanges.

29   § 2555.   Responsibilities of [public and private] agencies.

30      [All public and licensed private child service agencies] An

1 agency shall register with PAR all children [with PACE] for whom  
2 parental rights have been terminated for [90] 30 days and for  
3 whom no report of intention to adopt has been filed in the court  
4 of common pleas. [A public or licensed private] An agency may  
5 register other children as set forth in section 2553(b)  
6 (relating to registration of children). An agency shall advise  
7 prospective adopting parents of the existence of PAR.

8 § 2556. Related activities of agencies unaffected.

9 This subchapter shall not be construed to limit or delay  
10 actions by agencies [or institutions] to arrange for adoptions  
11 or other related matters on their own initiative and shall not  
12 alter or restrict the duties, authority and confidentiality of  
13 the agencies [and institutions] in those matters.

14 § 2558. Retroactive application of subchapter.

15 This subchapter shall apply retroactively to all children for  
16 whom:

17 \* \* \*

18 (2) Restoration to the [biological] birth family is  
19 neither possible nor appropriate, a petition to terminate  
20 parental rights has been filed and adoption is planned  
21 pending identification of an adoptive parent [or parents].

22 Section 19. Section 2701(1), (2) and (4) of Title 23 are  
23 amended and the section is amended by adding paragraphs to read:

24 § 2701. Contents of petition for adoption.

25 A petition for adoption shall set forth:

26 (1) The full name, residence, marital status, age,  
27 occupation, religious affiliation and racial background of  
28 the adopting parent [or parents] and [their] the  
29 relationship, if any, to the adoptee.

30 (2) That the reports under sections 2530 (relating to

[home study and preplacement report] family profile), 2531  
(relating to report of intention to adopt) and 2533 (relating  
to report of intermediary) have been filed, if required.

(2.1) That the criminal and child abuse history record  
information required by sections 2530(b)(2) and 2531.1  
(relating to criminal and child abuse background checks for  
stepparent or relative adoptions), has been filed with the  
court.

\* \* \*

(4) The full name of the adoptee and the fact and length  
of time of the residence of the adoptee with the adopting  
parent [or parents].

\* \* \*

(10) That an investigation required under section 2535  
(relating to investigation) has been completed.

(11) Either:

(i) that the medical and personal history of the  
birth parents has been obtained; or

(ii) the reason that the information under  
subparagraph (i) has not been obtained.

(12) The dates of the supervision of the adoptive  
placement.

Section 20. Section 2702 of Title 23 is amended by adding  
paragraphs to read:

§ 2702. Exhibits.

The petition shall have attached to it the following  
exhibits:

\* \* \*

(3) Any report of investigation required under section  
2535 (relating to investigation).

1           (4) If obtained, the personal and medical history of the  
2           birth parents.

3           (5) A copy of the postplacement supervisory reports.

4           Section 21. Section 2711(b) and (d) of Title 23 are amended  
5 and the section is amended by adding subsections to read:

6   § 2711. Consents necessary to adoption.

7           \* \* \*

8           (b) Husband of [natural] birth mother.--The consent of the  
9 [husband of the mother] presumptive father shall not be  
10 necessary if, after notice to [the husband, it is proved to the  
11 satisfaction of] him, the court finds, by clear and convincing  
12 evidence, including testimony of the [natural] birth mother,  
13 that the [husband of the natural mother] presumptive father is  
14 not the [natural] birth father of the child. [Absent such proof,  
15 the consent of a former husband of the natural mother shall be  
16 required if he was the husband of the natural mother at any time  
17 within one year prior to the birth of the adoptee.]

18           \* \* \*

19           (c.1) Consent from another jurisdiction.--The validity and  
20 revocability of a consent to adoption or a similar document  
21 executed outside this Commonwealth shall be determined by the  
22 law of the jurisdiction in which the document was executed.

23           (d) Contents of consent.--

24           (1) [The] Unless a parent consents to an adoption by the  
25 parent's spouse, the consent of a parent of an adoptee under  
26 18 years of age shall set forth the name, age and marital  
27 status of the parent, the relationship of the consenter to  
28 the child, the name of the other parent [or parents] of the  
29 child and the following:

30           I hereby voluntarily and unconditionally consent to

1 the adoption of the above named child.

2 I understand that by signing this consent I indicate  
3 my intent to permanently give up all rights to this  
4 child.

5 I understand such child will be placed for adoption.

6 I understand that I have a right to consult an  
7 attorney who is not the attorney for the adopting  
8 parents. I understand that if I am less than 18 years of  
9 age, I must be represented by an attorney.

10 I have been informed of the meaning and consequences  
11 of adoption.

12 I have been offered adoption-related counseling  
13 services.

14 I understand the consequences of misidentifying the  
15 other birth parent of the child.

16 I understand that I have the right to place personal  
17 and medical history information on file with the court,  
18 the Department of Health and the Department of Public  
19 Welfare under section 2905(d) (relating to impounding of  
20 proceedings and access to records).

21 I understand I may revoke this consent to permanently  
22 give up all rights to this child by placing the  
23 revocation in writing and [serving] delivering it [upon]  
24 to the agency or adult to whom the child was  
25 relinquished.

26 If I am the birth father or putative father of the  
27 child, I understand that this consent to an adoption is  
28 irrevocable unless I revoke it within 30 days after  
29 either the birth of the child or my execution of the  
30 consent, whichever occurs later, by delivering a written

1 revocation to (insert the name and address of the agency  
2 coordinating the adoption) or (insert the name and  
3 address of an attorney who represents the individual  
4 relinquishing parental rights or prospective adoptive  
5 parent of the child) or (insert the court of the county  
6 in which the voluntary relinquishment form was or will be  
7 filed).

8 If I am the birth mother of the child, I understand  
9 that this consent to an adoption is irrevocable unless I  
10 revoke it within 30 days after executing it by delivering  
11 a written revocation to (insert the name and address of  
12 the agency coordinating the adoption) or (insert the name  
13 and address of an attorney who represents the individual  
14 relinquishing parental rights or prospective adoptive  
15 parent of the child) or (insert the court of the county  
16 in which the voluntary relinquishment form was or will be  
17 filed). Department of Health and the Department of Public  
18 Welfare under section 2905(d) (relating to impounding of  
19 proceedings and access to records).

20 I have read and understand the above and I am signing  
21 it as a free and voluntary act.

22 (2) The consent shall include the date and place of its  
23 execution and names and addresses and signatures of at least  
24 two persons who witnessed its execution and their  
25 relationship to the consenter.

26 (3) A consent to a proposed adoption may identify the  
27 adopting parent.

28 (4) If a parent executing the consent is a minor, the  
29 consent must state that the parent has been:

30 (i) represented by an attorney who is not

1 representing an adoptive parent; and

2 (ii) advised of the parent's legal rights.

3 (5) The consent must state that the parent has been  
4 informed of the right to have an attorney who is not  
5 representing an adoptive parent.

6 (6) The consent shall not be valid unless the parent  
7 provides a written acknowledgment that adoption-related  
8 counseling services have been offered. If counseling services  
9 have been provided, the name and address of the agency which  
10 provided the counseling must be set forth in the consent.

11 (e) Information.--Before executing a consent, a parent must  
12 be informed of the meaning and consequences of adoption, the  
13 consequences of misidentifying the other birth parent, and the  
14 right to place personal and medical history information on file  
15 with the court, the Department of Health and the department  
16 under section 2905(d).

17 Section 22. Title 23 is amended by adding a section to read:

18 § 2711.1. Termination of parental rights pursuant to consent.

19 (a) Petition.--

20 (1) If the parent of the child executes a consent to  
21 adoption under section 2711 (relating to consents necessary  
22 to adoption) and the time periods under section 2711(c) have  
23 expired, the intermediary may petition the court to hold a  
24 hearing for the purpose of determining whether the consent is  
25 valid under section 2711, and to terminate parental rights  
26 pursuant to the consent. In the case where there is no  
27 intermediary, the adopting parent may file the petition.

28 (2) The original consent, and any other documentation  
29 which demonstrates the validity of the consent, must be  
30 attached to the petition.

1     (b) Hearing.--

2             (1) Upon presentation of a petition under subsection  
3     (a), the court shall fix a time for a hearing not less than  
4     ten days after filing of the petition.

5             (2) Notice of the hearing must be by personal service or  
6     by registered mail to the last known address or by such other  
7     means as the court may require upon the individual who  
8     executed the consent and must be in the following form:

9             A petition has been filed asking the court to  
10            determine the validity of the consent to adoption that  
11            you signed regarding your child (name of child). If the  
12            court determines that your consent to the adoption of  
13            your child is valid, your rights as a parent to your  
14            child shall be terminated. The hearing will be held in  
15            (insert place, giving reference to exact room and  
16            building number or designation) on (insert date) at  
17            (insert time). You are not required to attend the  
18            hearing. You should take this paper to your lawyer at  
19            once. If you do not have a lawyer or cannot afford one,  
20            go to or telephone the office set forth below to find out  
21            where you can get legal help.

22                             (Name).....

23                             (Address).....

24                             .....

25                             (Telephone number).....

26             (3) Notice of the hearing must be given to the other  
27     parent, to the putative father and to the parent or guardian  
28     of a consenting parent who has not reached 18 years of age.

29             (4) The notice which is given to the putative father  
30     must state that his rights may also be subject to termination



1 under subsection (d) if he fails to file a written objection  
2 to the termination with the court prior to the hearing or  
3 fails to appear at the hearing for the purpose of objecting  
4 to the termination of his rights. If the identity or  
5 whereabouts of the putative father are unknown, notice must  
6 be given under section 2514 (relating to notice if putative  
7 father or his whereabouts unknown).

8 (c) Custody of child.--During the pendency of a proceeding  
9 under this section, unless the court directs otherwise, custody  
10 of the child shall remain with the individual or agency that had  
11 custody at the time the petition was filed.

12 (d) Termination of parental rights of putative father.--If a  
13 putative father has been given notice of the hearing being held  
14 under this section, the court may enter a decree terminating his  
15 parental rights whether or not he has filed an acknowledgment of  
16 paternity or claim of paternity under section 5103 (relating to  
17 acknowledgment and claim of paternity), if any of the following  
18 paragraphs apply:

19 (1) The putative father fails to:

20 (i) file a written objection to the termination of  
21 his parental rights with the court prior to the hearing;  
22 or

23 (ii) appear at the hearing for the purpose of  
24 objecting to such termination.

25 (2) The court determines, after a hearing, that the  
26 putative father has failed to:

27 (i) provide substantial financial support for the  
28 child; or

29 (ii) make substantial and ongoing provision for the  
30 child's care.

1     (e) Right to file personal and medical history  
2 information.--At the time the decree of termination is  
3 transmitted to the parent, the court shall, in writing, advise  
4 the parent whose rights have been terminated of the parent's  
5 continuing right to place and update personal and medical  
6 history information, on file with the court, the Department of  
7 Health and the department under section 2905(d) (relating to  
8 impounding of proceedings and access to records).

9     Section 23. Section 2712 of Title 23 is repealed:

10  [§ 2712. Consents not naming adopting parents.

11     A consent to a proposed adoption meeting all the requirements  
12 of this part but which does not name or otherwise identify the  
13 adopting parent or parents shall be valid if it contains a  
14 statement that it is voluntarily executed without disclosure of  
15 the name or other identification of the adopting parent or  
16 parents.]

17     Section 24. Title 23 is amended by adding a section to read:

18 § 2715. Judicial set-aside.

19     A consent which is otherwise irrevocable under section 2711  
20 (relating to consents necessary to adoption) or a decree  
21 terminating parental rights under section 2711.1 (relating to  
22 termination of parental rights pursuant to consent) shall be set  
23 aside by the court, before a decree of adoption is entered,  
24 under any of the following circumstances:

25         (1) It is proven by clear and convincing evidence that  
26 the consent was obtained by fraud or duress.

27         (2) The parental rights of the other birth parent have  
28 not been terminated, except for an adoption by a stepparent.

29         (3) A prospective adoptive parent named in the consent  
30 fails to file a petition for adoption.

1           (4) The petition for adoption filed by a prospective  
2           parent named in the consent is denied or withdrawn.

3           Section 25. Sections 2721, 2722, 2723, 2724(b), 2725, 2901,  
4           2902 and 2904 of Title 23 are amended to read:

5           § 2721. Notice of adoption hearing.

6           The court shall fix a time and place for the adoption  
7           hearing. Notice of the hearing shall be given to all persons  
8           whose consents are required and to such other persons as the  
9           court shall direct. Notice to the parent [or parents] of the  
10          adoptee, if required, may be given by the intermediary or  
11          someone acting on his behalf. Notice shall be by personal  
12          service or by registered mail to the last known address of the  
13          person to be notified or in such other manner as the court shall  
14          direct.

15          § 2722. Place of adoption hearing.

16          The adoption hearing shall be private [or in open court as  
17          the court deems appropriate].

18          § 2723. Attendance at adoption hearing.

19          The adopting parent [or parents] and the adoptee must appear  
20          at and, if required, testify at the adoption hearing under oath  
21          unless the court determines their presence is unnecessary. In  
22          addition, the court may require the appearance and testimony of  
23          all persons whose consents are required by this part and  
24          representatives of agencies or individuals who have acted as an  
25          intermediary if their appearance or testimony would be necessary  
26          or helpful to the court.

27          § 2724. Testimony and investigation.

28          \* \* \*

29          (b) Investigation.--The court may request that an  
30          investigation be made by a [person or public] county agency or,

1 with its consent, [a voluntary] an adoption agency,  
2 [specifically] designated by the court to verify the statements  
3 of the petition and such other facts that will give the court  
4 full knowledge of the desirability of the proposed adoption, [or  
5 the court may rely in whole or in part upon a report] unless an  
6 earlier investigation has been made under section 2535 (relating  
7 to investigation). In any case, the age, sex, health, social and  
8 economic status or racial, ethnic or religious background of the  
9 child or adopting [parents] parent shall not preclude an  
10 adoption but the court shall decide its desirability on the  
11 basis of the physical, mental and emotional needs and welfare of  
12 the child.

13 \* \* \*

14 § 2725. Religious belief.

15 The intermediary may honor the preference of the [natural]  
16 birth parents as to the religious faith in which the adoptive  
17 parents intend to rear the adopted child. No person shall be  
18 denied the benefits of this part because of a religious belief  
19 in the use of spiritual means or prayer for healing.

20 § 2901. Time of entry of decree of adoption.

21 Unless the court for cause shown determines otherwise, no  
22 decree of adoption shall be entered unless the [natural parent  
23 or] parents' rights have been terminated, the investigation  
24 required by section 2535 (relating to investigation) or 2724(b)  
25 (relating to testimony and investigation) has been completed,  
26 the report of the intermediary has been filed pursuant to  
27 section 2533 (relating to report of intermediary) and all other  
28 legal requirements have been met. If all legal requirements have  
29 been met, the court may enter a decree of adoption at any time.

30 § 2902. Requirements and form of decree of adoption.

1 (a) General rule.--If satisfied that the statements made in  
2 the adoption petition are true, that the needs and welfare of  
3 the person proposed to be adopted will be promoted by the  
4 adoption and that all requirements of this part have been met,  
5 the court shall enter a decree so finding and directing that the  
6 person proposed to be adopted shall have all the rights of a  
7 child and heir of the adopting parent [or parents] and shall be  
8 subject to the duties of a child to [him or them] the adopting  
9 parent.

10 (b) Withdrawal or dismissal of petition.--In any case in  
11 which the adoption petition is withdrawn or dismissed, the court  
12 shall enter an appropriate order in regard to the custody of the  
13 child.

14 (c) Finality.--

15 (1) A decree or order issued under this part may not be  
16 set aside, vacated, annulled or reversed upon application of  
17 a person who waived notice or who was properly served with  
18 notice under this part and failed to respond or appear or to  
19 file an answer within the time allowed.

20 (2) A decree of adoption or other order issued under  
21 this part is not subject to a challenge filed more than 60  
22 days after the decree or order is issued.

23 § 2904. Name of adoptee.

24 [If requested by the petitioners, the] The decree [may  
25 provide that the adoptee] shall [assume] state the name [of the  
26 adopting parent or parents and any given first or middle names  
27 that may be chosen] by which the adoptee is to be known from the  
28 date of the decree.

29 Section 26. Section 2905 of Title 23 is amended to read:

30 § 2905. Impounding of proceedings and access to records.

1 (a) General rule.--All petitions, exhibits, reports, notes  
2 of testimony, decrees, and other papers pertaining to any  
3 proceeding under this part or former statutes relating to  
4 adoption shall be kept in the files of the court as a permanent  
5 record thereof and withheld from inspection except on an order  
6 of court granted upon cause shown or except as otherwise  
7 provided in this section. In the case of an adult adoptee who is  
8 assuming a name under section 2904 (relating to name of  
9 adoptee), an order of court is not required for the court to  
10 forward to the Pennsylvania State Police documentation in  
11 accordance with 54 Pa.C.S. § 702 (relating to change by order of  
12 court). Only the court in the county in which an adoption was  
13 finalized, the agency which handled the adoption or a successor  
14 agency authorized by the court may access records relating to  
15 the adoption for purposes of releasing nonidentifying or  
16 identifying information pursuant to this section. Any report  
17 required to be filed under sections 2530 (relating to [home  
18 study and preplacement report] family profile), 2531 (relating  
19 to report of intention to adopt) [and], 2535 (relating to  
20 investigation) and 2724(b) (relating to testimony and  
21 investigation) shall be made available to parties to an adoption  
22 proceeding only after all identifying names and addresses in the  
23 report have been extirpated by the court.

24 (b) Petition to court or request to agency for [limited]  
25 nonidentifying information.--[Upon petition by any adoptee at  
26 least 18 years of age or, if less than 18, his adoptive parent  
27 or legal guardian to the court in the judicial district in which  
28 the permanent records relating to the adoption have been  
29 impounded, the court shall furnish to the adoptee as much  
30 information concerning the adoptee's natural parents as will not

1 endanger the anonymity of the natural parents. The information  
2 shall first be reviewed, in camera, by the court to insure that  
3 no information is revealed which would endanger the anonymity of  
4 the natural parents. The court shall, upon motion of the  
5 adoptee, examine the entire record to determine if any  
6 additional information can safely be revealed without  
7 endangering the anonymity of the natural parents.]

8       (1) A petition or request for nonidentifying information  
9       may be filed with the court or agency by any of the  
10       following:

11               (i) An adoptee who is 18 years of age or older.

12               (ii) An adoptive parent or legal guardian of an  
13       adoptee who is under 18 years of age.

14               (iii) The birth parent of an adoptee who is 18 years  
15       of age or older.

16               (iv) The parent of a birth parent of an adoptee who  
17       is 18 years of age or older if the birth parent is  
18       deceased or has been adjudicated incapacitated.

19               (v) A birth sibling of an adoptee if the birth  
20       sibling and the adoptee are 18 years of age or older.

21       (2) If the court or agency receives a petition or  
22       request for nonidentifying information from an individual  
23       under paragraph (1), within 30 days it shall notify the  
24       petitioner or requester whether it has in its possession any  
25       records relating to the adoptee. If records are located, the  
26       court or agency shall, within 90 days, review the records and  
27       furnish to the petitioner or requester information concerning  
28       the adoption which will not compromise the confidentiality of  
29       the biological relationship between the adoptee and the  
30       adoptee's birth parent. Unless the court or agency

determines, due to unusual circumstances, that disclosure of one or more of these items may facilitate the identification of the birth parents or their extended family, nonidentifying information about the birth parents shall include, to the extent available, the following:

(i) Race/ethnic background.

(ii) Religion.

(iii) Approximate ages at time of adoptee's birth.

(iv) Marital status.

(v) Occupation.

(vi) Physical description. This paragraph includes height, weight, complexion, eye and hair color.

(vii) Education.

(viii) Hobbies.

(ix) Medical information of birth parents and adoptee.

(x) Other children at time of adoptee's birth, including age and sex.

(xi) Circumstances leading to adoption.

(c) [Access to identity of natural parents] Petition to court or request to agency for identifying information or contact.--

[(1) Upon petition of an adoptee at least 18 years of age or, if less than 18, his adoptive parent or legal guardian, the court may also, through its designated agent, attempt to contact the natural parents, if known, to obtain their consent to release their identity and present place of residence to the adoptee. The petition may state the reasons why the adoptee desires to contact his natural parents, which reasons shall be disclosed to the natural parents if



1 contacted. However, the court and its agents shall take care  
2 that none but the natural parents themselves are informed of  
3 the adoptee's existence and relationship to them. The court  
4 may refuse to contact the natural parents if it believes  
5 that, under the circumstances, there would be a substantial  
6 risk that persons other than the natural parents would learn  
7 of the adoptee's existence and relationship to the natural  
8 parents. The court shall appoint either the county children  
9 and youth agency, or a private agency which provides adoption  
10 services in accordance with standards established by the  
11 Department of Public Welfare, to contact the natural parents  
12 as its designated agent.

13 (2) In addition to petitioning the court to contact the  
14 natural parents, an adoptee at least 18 years of age or, if  
15 less than 18, his adoptive parent or legal guardian may  
16 request the agency that placed the adoptee to contact his  
17 natural parents. If the agency agrees to attempt to contact  
18 the natural parents, it shall do so pursuant to the same  
19 safeguards provided for court inquiries in paragraph (1).

20 (3) If the court or an agency contacts the natural  
21 parents of an adoptee pursuant to a petition or request made  
22 under paragraph (1) or (2), except as hereinafter provided,  
23 information relating to both natural parents shall only be  
24 disclosed to the adoptee if both natural parents agree to the  
25 disclosure. If both of the natural parents are deceased,  
26 their identities may be disclosed. If one parent is deceased,  
27 his or her identity may be disclosed. If only one parent  
28 agrees to the disclosure, then only the information relating  
29 to the agreeing parent shall be disclosed.

30 (4) The Department of Public Welfare may, by regulation,

1 prescribe procedures related to contact of natural parents by  
2 designated agents of the court.]

3 (1) A petition or request for identifying information or  
4 contact may be made by the following individuals:

5 (i) An adoptee 18 years of age or older.

6 (ii) The adoptive parent or legal guardian of an  
7 adoptee under 18 years of age.

8 (iii) The birth parent of an adoptee 18 years of age  
9 or older.

10 (iv) The parent of a birth parent of an adoptee 18  
11 years of age or older if the birth parent is deceased or  
12 has been legally adjudicated incapacitated.

13 (v) A birth sibling of an adoptee, if the birth  
14 sibling and the adoptee are 18 years of age or older.

15 (2) The following individuals may be the subject of a  
16 search:

17 (i) An adoptee 18 years of age or older.

18 (ii) A birth parent.

19 (iii) A parent of a birth parent of an adoptee 18  
20 years of age or older if the birth parent is deceased or  
21 has been legally adjudicated incapacitated.

22 (iv) A birth sibling of an adoptee if both the  
23 adoptee and the birth sibling are at least 18 years of  
24 age.

25 (3) If the court or agency receives a petition or  
26 request for identifying information or contact, within 60  
27 days it shall do all of the following:

28 (i) Determine whether it has in its possession any  
29 records relating to the adoptee.

30 (ii) Notify any other court or agency listed in its

1 records of the existence of a petition or request.

2 (iii) Notify the individual filing the petition or  
3 request of its findings pursuant to this subsection.

4 (4) If records are located, a good faith search for  
5 identifying information shall be commenced within 90 days.  
6 The search shall only be conducted by the court in which the  
7 adoption was finalized; by the agency which handled the  
8 adoption; by a successor, by merger or acquisition, of the  
9 agency which handled the adoption; or, if neither the agency  
10 nor a successor exists, by an agency authorized by the court.  
11 The court or agency shall appoint an authorized  
12 representative to conduct a search. The following apply:

13 (i) The representative shall review the court and  
14 agency records for identifying information regarding the  
15 birth or adoptive family.

16 (ii) The representative shall use reasonable efforts  
17 to locate the subject of a search.

18 (iii) If the subject of a search is located, the  
19 representative shall obtain written authorization from  
20 the subject before identifying information can be  
21 released or contact between the parties is made.

22 (iv) If the subject of the search agrees or is  
23 deceased, identifying information shall be disclosed to a  
24 petitioner or requester.

25 (5) The department shall make available to authorized  
26 representatives a standardized training program on conducting  
27 searches under this part.

28 (c.1) Limitations of search.--No representative of the court  
29 or agency conducting the search shall be required to make  
30 inquiries which the representative believes may compromise the

1 confidentiality of the biological relationship between the  
2 adoptee and the adoptee's birth parent.

3 (c.2) Refusal to search.--Notwithstanding subsection (c),  
4 the following apply:

5 (1) An agency receiving a request for identifying  
6 information or contact may decline to perform a search if it  
7 is satisfied that the request could cause physical or  
8 emotional harm to the petitioner or others. The declining  
9 agency shall refer the request to the court which handled the  
10 adoption and inform the court of its reasons for declining  
11 the petitioner's request. The agency shall notify the  
12 petitioner of the referral and identify the court to which  
13 the referral was made.

14 (2) A court receiving a petition for identifying  
15 information or contact may decline to perform a search if it  
16 is satisfied that the request could cause physical or  
17 emotional harm to the petitioner or others.

18 (d) Disclosure of information.--

19 (1) No disclosure of information shall be made by the  
20 court, an agency, the Department of Health or any other  
21 Commonwealth agency regarding the adopted person's original  
22 certificate of birth or regarding the documents of proof on  
23 which the amended certificate of birth is based or relating  
24 in any way to the [natural] birth parents unless the  
25 disclosure is made pursuant to the provisions of this  
26 section.

27 (2) Notwithstanding any other provision in this section  
28 to the contrary, the [natural] birth parents may, at the time  
29 of the termination of their parental rights pursuant to  
30 Chapter 25 (relating to proceedings prior to petition to

1 adopt) or at any time thereafter, place on file, with the  
2 court and with the Department of Health, a consent form  
3 granting permission for the court or the department to  
4 disclose the information contained in the adoptee's original  
5 certificate of birth, or any other identifying or  
6 nonidentifying information pertaining to the [natural] birth  
7 parents, at any time after the adoptee attains the age of 18  
8 or, if less than 18, to his adoptive parent or legal  
9 guardian. If both parents give their consent, the information  
10 on the birth certificate may be disclosed. If only one parent  
11 gives consent, only the identity of the consenting parent  
12 shall be disclosed. The [natural parents] birth parent shall  
13 be entitled to update those records, as necessary, to reflect  
14 the [natural] birth parent's current address or any other  
15 information pertaining to the [natural parents] birth parent.  
16 The [information may only be disclosed upon the request of  
17 the adoptee or his adoptive parent or legal guardian, and  
18 the] consent of the [natural] birth parents may be withdrawn  
19 at any time by filing a withdrawal of consent form with the  
20 court and the department. The department shall prescribe by  
21 regulation the procedure and forms to be utilized for the  
22 giving, updating and withdrawal of the consent.

23 (3) An adoptee at least 18 years of age or, if less than  
24 18 years of age, the parent or legal guardian of the adoptee  
25 shall have access to any original or updated medical history  
26 information on file with the court which entered the decree  
27 of termination or the [Department of Public Welfare]  
28 department. No medical history information shall be released  
29 which would [endanger the anonymity of the natural parents.]  
30 compromise the confidentiality of the biological relationship

1 between the adoptee and the adoptee's birth parents.

2 (e) Immunity from liability.--Any person or agency,  
3 including the Commonwealth or its political subdivision, that in  
4 good faith acted or failed to act concerning any requirement of  
5 this section shall be immune from civil or criminal liability  
6 due to providing or refusing to provide services under this  
7 section. In any proceeding, the good faith of a person or agency  
8 acting under this section shall be presumed.

9 (f) Costs and fees.--A court or agency providing services  
10 under subsection (b) or (c) may establish a schedule of fees for  
11 services. The fees shall be reasonably related to the direct and  
12 indirect costs associated with providing services.

13 Section 27. Title 23 is amended by adding a section to read:

14 § 2905.1. Mutual consent registry.

15 The department shall do all of the following:

16 (1) Establish a Statewide confidential registry for  
17 receiving, filing and retaining documents requesting,  
18 authorizing or prohibiting the release of identifying  
19 information or contact.

20 (2) Prescribe and distribute forms or documents on which  
21 an individual may request, authorize or refuse to authorize  
22 the release of identifying information or contact.

23 (3) Devise a procedure for releasing identifying  
24 information in the possession of the court or agency which  
25 handled the adoption, upon receipt of an appropriate written  
26 request and authorization.

27 (4) Cooperate with registries in other states to  
28 facilitate the matching of documents under this chapter by  
29 individuals in different states.

30 (5) Announce and publicize to the general public the

existence of the registry and the procedure for the  
consensual release of identifying information or contact.

Section 28. Sections 2906, 2907, 2909 and 2910 of Title 23  
are amended to read:

§ 2906. Docket entries.

Upon the filing of any decree under this part, the clerk  
shall enter on the docket an entry showing the date of the  
decree. Information identifying the [natural] birth parents  
shall not be entered on the docket.

§ 2907. Certificate of adoption.

The clerk shall issue to the adopting parent [or parents] a  
certificate reciting that the court has granted the adoption.  
The certificate shall not disclose the name of any [natural]  
birth parent or the original name of the person adopted. The  
certificate shall be accepted in any legal proceedings in this  
Commonwealth as evidence of the fact that the adoption has been  
granted.

§ 2909. Medical history information.

(a) Delivery of information.--Prior to the finalization of  
an adoption, medical history information shall, where  
practicable, be delivered by the attending physician or other  
designated person to the intermediary who shall deliver such  
information to the adopting [parents] parent or [their] parent's  
physician. In cases where there is no intermediary, medical  
history information shall be delivered directly to the adopting  
[parents] parent or [their] parent's physician.

(b) Editing of information.--Except as provided in section  
2905 (relating to impounding of proceedings and access to  
records), medical history information shall be edited before  
delivery or release by the [Department of Public Welfare]

1 department so as to remove any contents which would identify the  
2 adoptee's [natural] birth family.

3 (c) Availability of information forms.--The [Department of  
4 Public Welfare] department shall[, upon request, make available]  
5 distribute to courts[, ] and adoption agencies, and make  
6 available upon request to individuals, medical history  
7 information forms that enable parents whose rights have been  
8 terminated to register and update medical history information  
9 with the [Department of Public Welfare] department and with the  
10 court which entered the decree of termination.

11 (c.1) Filing medical history information.--A birth parent  
12 may update medical history information at any time with the  
13 court that entered the decree of termination or with the  
14 department by utilizing the forms made available under  
15 subsection (c).

16 (c.2) Release of updated information.--At the request of an  
17 adoptee who is 18 years of age or older, an adoptive parent of  
18 an adoptee who is under 18 years of age or a guardian of an  
19 adoptee who is under 18 years of age or incapacitated, the  
20 department or the court that entered the decree of termination  
21 may provide such information, as edited under section (b), to  
22 the requester. Nothing in this part shall make the court or the  
23 department liable for the accuracy of any updated medical  
24 history information provided by a birth parent.

25 (d) Regulations.--The [Department of Public Welfare]  
26 department shall, in consultation with the Department of Health,  
27 prescribe by regulation the procedure to be utilized and to  
28 develop the content of medical history information forms.

29 § 2910. Penalty for unauthorized disclosure.

30 Any officer or employee of the court, other than a judge



1   thereof, the Department of Health, the [Department of Public  
2   Welfare] department or any agency who willfully discloses  
3   impounded or otherwise confidential information relating to an  
4   adoption, other than as expressly authorized and provided in  
5   this chapter, commits a misdemeanor of the third degree.

6       Section 29. The amendment, addition or repeal of the  
7   following provisions of Title 23 shall apply to actions  
8   initiated on or after the effective date of this act:

9           (1) Section 2102.

10          (2) Section 2313.

11          (3) Section 2501(a).

12          (4) Section 2502(a) and (c).

13          (5) Section 2503(b)(3), (c) and (d).

14          (6) Section 2504.

15          (7) Section 2505(c) and (d.1).

16          (8) Section 2511(a)(2), (3), (4), (6), (7), (10), (11)  
17   and (12).

18          (9) Section 2512(c).

19          (10) Section 2513(c) and (d).

20          (11) Section 2514.

21          (12) Section 2531(b).

22          (13) Section 2535(a).

23          (14) Section 2701(2), (2.1) and (10).

24          (15) Section 2702(3).

25          (16) Section 2711(b), (c.1), (d) and (e).

26          (17) Section 2711.1.

27          (18) Section 2712.

28          (19) Section 2715.

29          (20) Section 2724(b).

30          (21) Section 2901.

1           (22) Section 2902(c).

2           (23) Section 2905(b), (c) and (c.2).

3       Section 30. This act shall take effect as follows:

4           (1) The following provisions shall take effect  
5 immediately:

6               (i) Section 29 of this act.

7               (ii) This section.

8           (2) The remainder of this act shall take effect in 60  
9 days.