

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 451 Session of
2011

INTRODUCED BY PETRI, BOYD, CALTAGIRONE, D. COSTA, DENLINGER,
GEIST, MILLARD, MILLER, MURT, PICKETT, RAPP AND WATSON,
FEBRUARY 4, 2011

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 23, 2012

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, DEFINING "HOUSEHOLD" AND
3 "PUTATIVE FATHER"; further providing for HEARING, FOR
4 ALTERNATIVE PROCEDURE FOR RELINQUISHMENT, FOR GROUNDS FOR
5 INVOLUNTARY TERMINATION, FOR PETITION FOR INVOLUNTARY
6 TERMINATION; PROVIDING FOR NOTICE IF PUTATIVE FATHER OR HIS
7 WHEREABOUTS UNKNOWN; FURTHER PROVIDING FOR report of
8 intention to adopt and for consents necessary to adoption;
9 AND repealing provisions relating to consents not naming
10 adopting parents; and further providing for notice of
11 hearing.



12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Sections 2531(b)(6) and 2711(c) and (d) of Title~~
15 ~~23 of the Pennsylvania Consolidated Statutes are amended to~~
16 ~~read:~~



17 SECTION 1. SECTION 2102 OF TITLE 23 OF THE PENNSYLVANIA
18 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
19 § 2102. DEFINITIONS.



20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS PART SHALL
21 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE

1 MEANINGS GIVEN TO THEM IN THIS SECTION:

2 * * *

3 "HOUSEHOLD." A GROUP OF PEOPLE WHO RESIDE TOGETHER IN THE
4 SAME HOUSING UNIT.

5 * * *

6 "PUTATIVE FATHER." AN ALLEGED BIRTH FATHER OF A CHILD
7 CONCEIVED OR BORN OUT OF WEDLOCK WHOSE PARENTAL STATUS HAS NOT
8 BEEN LEGALLY ESTABLISHED.

9 SECTION 2. SECTIONS 2503(A), (B)(3) AND (D), 2504, 2511(A)
10 AND 2512(C) OF TITLE 23 ARE AMENDED TO READ:

11 § 2503. HEARING.

12 (A) GENERAL RULE.--UPON PRESENTATION OF A PETITION PREPARED
13 PURSUANT TO SECTION 2501 (RELATING TO RELINQUISHMENT TO AGENCY)
14 OR SECTION 2502 (RELATING TO RELINQUISHMENT TO ADULT INTENDING
15 TO ADOPT CHILD), THE COURT SHALL FIX A TIME FOR HEARING WHICH
16 SHALL NOT BE LESS THAN TEN DAYS, NOR MORE THAN 20 DAYS, AFTER
17 FILING OF THE PETITION. THE PETITIONER MUST APPEAR AT THE
18 HEARING.

19 (B) NOTICE.--

20 * * *

21 (3) THE [COPY OF THE NOTICE WHICH IS GIVEN TO THE]
22 PUTATIVE FATHER SHALL [STATE THAT HIS RIGHTS MAY ALSO BE
23 SUBJECT TO TERMINATION PURSUANT TO SUBSECTION (D) IF HE FAILS
24 TO FILE EITHER AN ACKNOWLEDGMENT OF PATERNITY OR CLAIM OF
25 PATERNITY PURSUANT TO SECTION 5103 (RELATING TO
26 ACKNOWLEDGMENT AND CLAIM OF PATERNITY) AND FAILS TO EITHER
27 APPEAR AT THE HEARING FOR THE PURPOSE OF OBJECTING TO THE
28 TERMINATION OF HIS RIGHTS OR FILE A WRITTEN OBJECTION TO SUCH
29 TERMINATION WITH THE COURT PRIOR TO THE HEARING.] BE GIVEN
30 NOTICE IN THE FORM PROVIDED IN SECTION 2513(B) (RELATING TO

1 HEARING). IF THE IDENTITY OR WHEREABOUTS OF THE PUTATIVE
2 FATHER IS UNKNOWN, NOTICE SHALL BE GIVEN UNDER SECTION
3 2514(B) (RELATING TO NOTICE IF PUTATIVE FATHER OR HIS
4 WHEREABOUTS UNKNOWN). NOTICE UNDER THIS PARAGRAPH SHALL STATE
5 THAT THE PUTATIVE FATHER'S RIGHTS MAY ALSO BE TERMINATED
6 UNDER SUBSECTION (D) IF ANY OF THE FOLLOWING APPLY:

7 (I) HE FAILS TO FILE WITH THE COURT PRIOR TO THE
8 HEARING A WRITTEN OBJECTION TO THE TERMINATION.

9 (II) HE FAILS TO APPEAR AT THE HEARING FOR THE
10 PURPOSE OF OBJECTING TO THE TERMINATION OF HIS RIGHTS.

11 * * *

12 (D) [PUTATIVE FATHER] TERMINATION OF PUTATIVE FATHER'S
13 PARENTAL RIGHTS.--IF A PUTATIVE FATHER [WILL NOT FILE A PETITION
14 TO VOLUNTARILY RELINQUISH HIS PARENTAL RIGHTS PURSUANT TO
15 SECTION 2501 (RELATING TO RELINQUISHMENT TO AGENCY) OR 2502
16 (RELATING TO RELINQUISHMENT TO ADULT INTENDING TO ADOPT CHILD),]
17 HAS BEEN GIVEN NOTICE OF THE HEARING BEING HELD PURSUANT TO THIS
18 SECTION [AND], THE COURT MAY ENTER A DECREE TERMINATING HIS
19 PARENTAL RIGHTS, WHETHER OR NOT THE PUTATIVE FATHER HAS FILED A
20 CLAIM OF PATERNITY UNDER SECTION 5103(B) (RELATING TO
21 ACKNOWLEDGMENT AND CLAIM OF PATERNITY), IF THE PUTATIVE FATHER
22 FAILS TO [EITHER]:

23 (1) FILE A WRITTEN OBJECTION TO THE TERMINATION WITH THE
24 COURT PRIOR TO THE HEARING; OR

25 (2) APPEAR AT THAT HEARING FOR THE PURPOSE OF OBJECTING
26 TO TERMINATION OF HIS PARENTAL RIGHTS [OR FILE A WRITTEN
27 OBJECTION TO SUCH TERMINATION WITH THE COURT PRIOR TO THE
28 HEARING AND HAS NOT FILED AN ACKNOWLEDGMENT OF PATERNITY OR
29 CLAIM OF PATERNITY PURSUANT TO SECTION 5103, THE COURT MAY
30 ENTER A DECREE TERMINATING THE PARENTAL RIGHTS OF THE

1 PUTATIVE FATHER PURSUANT TO SUBSECTION (C)].

2 * * *

3 § 2504. ALTERNATIVE PROCEDURE FOR RELINQUISHMENT.

4 (A) PETITION TO CONFIRM CONSENT TO ADOPTION.--IF THE PARENT
5 OR PARENTS OF THE CHILD HAVE EXECUTED CONSENTS TO AN ADOPTION,
6 UPON PETITION BY THE INTERMEDIARY OR, WHERE THERE IS NO
7 INTERMEDIARY, BY THE ADOPTIVE PARENT, THE COURT SHALL HOLD A
8 HEARING FOR THE PURPOSE OF CONFIRMING A CONSENT TO AN ADOPTION
9 UPON EXPIRATION OF THE TIME PERIODS UNDER SECTION 2711 (RELATING
10 TO CONSENTS NECESSARY TO ADOPTION). THE ORIGINAL CONSENT OR
11 CONSENTS TO THE ADOPTION SHALL BE ATTACHED TO THE PETITION.

12 (B) HEARING.--UPON PRESENTATION OF A PETITION FILED PURSUANT
13 TO THIS SECTION, THE COURT SHALL FIX A TIME FOR A HEARING WHICH
14 SHALL NOT BE LESS THAN TEN DAYS, NOR MORE THAN 40 DAYS, AFTER
15 FILING OF THE PETITION. NOTICE OF THE HEARING SHALL BE BY
16 PERSONAL SERVICE OR BY REGISTERED MAIL OR BY SUCH OTHER MEANS AS
17 THE COURT MAY REQUIRE UPON THE CONSENTER AND SHALL BE IN THE
18 FORM PROVIDED IN SECTION 2513(B) (RELATING TO HEARING). NOTICE
19 OF THE HEARING SHALL BE GIVEN TO THE OTHER PARENT OR PARENTS, TO
20 THE PUTATIVE FATHER WHOSE PARENTAL RIGHTS COULD BE TERMINATED
21 PURSUANT TO SUBSECTION (C) AND TO THE PARENTS OR GUARDIAN OF A
22 CONSENTING PARENT WHO HAS NOT REACHED 18 YEARS OF AGE. IF THE
23 IDENTITY OR WHEREABOUTS OF THE PUTATIVE FATHER IS UNKNOWN,
24 NOTICE SHALL BE GIVEN UNDER SECTION 2514(B) (RELATING TO NOTICE
25 IF PUTATIVE FATHER OR HIS WHEREABOUTS UNKNOWN). THE NOTICE SHALL
26 STATE THAT THE CONSENTING PARENT'S OR PUTATIVE FATHER'S RIGHTS
27 MAY BE TERMINATED AS A RESULT OF THE HEARING. AFTER HEARING,
28 WHICH SHALL BE PRIVATE, THE COURT MAY ENTER A DECREE OF
29 TERMINATION OF PARENTAL RIGHTS IN THE CASE OF A RELINQUISHMENT
30 TO AN ADULT OR A DECREE OF TERMINATION OF PARENTAL RIGHTS AND

DUTIES, INCLUDING THE OBLIGATION OF SUPPORT, IN THE CASE OF A
RELINQUISHMENT TO AN AGENCY.

(C) [PUTATIVE] TERMINATION OF PARENTAL RIGHTS OF PUTATIVE
FATHER.--IF A PUTATIVE FATHER [WILL NOT EXECUTE A CONSENT TO AN
ADOPTION AS REQUIRED BY SECTION 2711,] HAS BEEN GIVEN NOTICE OF
THE HEARING BEING HELD PURSUANT TO THIS SECTION [AND FAILS TO
EITHER APPEAR AT THAT HEARING FOR THE PURPOSE OF OBJECTING TO
TERMINATION OF HIS PARENTAL RIGHTS OR FILE A WRITTEN OBJECTION
TO SUCH TERMINATION WITH THE COURT PRIOR TO THE HEARING AND HAS
NOT FILED AN ACKNOWLEDGMENT OF PATERNITY OR CLAIM OF PATERNITY
PURSUANT TO SECTION 5103 (RELATING TO ACKNOWLEDGMENT AND CLAIM
OF PATERNITY)], THE COURT MAY ENTER A DECREE TERMINATING THE
PARENTAL RIGHTS OF THE PUTATIVE FATHER [PURSUANT TO SUBSECTION
(B).], IF THE PUTATIVE FATHER FAILS TO:

- (1) FILE A WRITTEN OBJECTION TO THE TERMINATION OF HIS
PARENTAL RIGHTS WITH THE COURT PRIOR TO THE HEARING; OR
- (2) APPEAR AT THE HEARING FOR THE PURPOSE OF OBJECTING
TO SUCH TERMINATION.

(D) RIGHT TO FILE PERSONAL AND MEDICAL HISTORY
INFORMATION.--AT THE TIME THE DECREE OF TERMINATION IS
TRANSMITTED TO THE PARENT, THE COURT SHALL ALSO ADVISE, IN
WRITING, THE PARENT WHOSE RIGHTS HAVE BEEN TERMINATED OF HIS OR
HER CONTINUING RIGHT TO PLACE AND UPDATE PERSONAL AND MEDICAL
HISTORY INFORMATION, WHETHER OR NOT THE MEDICAL CONDITION IS IN
EXISTENCE OR DISCOVERABLE AT THE TIME OF ADOPTION, ON FILE WITH
THE COURT AND WITH THE DEPARTMENT OF PUBLIC WELFARE PURSUANT TO
SUBCHAPTER B OF CHAPTER 29 (RELATING TO RECORDS AND ACCESS TO
INFORMATION).

§ 2511. GROUNDS FOR INVOLUNTARY TERMINATION.

(A) GENERAL RULE.--THE RIGHTS OF A PARENT IN REGARD TO A

1 CHILD MAY BE TERMINATED AFTER A PETITION FILED ON ANY OF THE
2 FOLLOWING GROUNDS:

3 (1) THE PARENT BY CONDUCT CONTINUING FOR A PERIOD OF AT
4 LEAST SIX MONTHS IMMEDIATELY PRECEDING THE FILING OF THE
5 PETITION EITHER HAS EVIDENCED A SETTLED PURPOSE OF
6 RELINQUISHING PARENTAL CLAIM TO A CHILD OR HAS REFUSED OR
7 FAILED TO PERFORM PARENTAL DUTIES.

8 (2) THE REPEATED AND CONTINUED INCAPACITY, ABUSE,
9 NEGLECT OR REFUSAL OF THE PARENT HAS CAUSED THE CHILD TO BE
10 WITHOUT ESSENTIAL PARENTAL CARE, CONTROL OR SUBSISTENCE
11 NECESSARY FOR HIS PHYSICAL OR MENTAL WELL-BEING AND THE
12 CONDITIONS AND CAUSES OF THE INCAPACITY, ABUSE, NEGLECT OR
13 REFUSAL CANNOT OR WILL NOT BE REMEDIED BY THE PARENT WITHIN A
14 REASONABLE PERIOD OF TIME.

15 (3) THE PARENT IS THE PRESUMPTIVE BUT NOT THE [NATURAL]
16 BIRTH FATHER OF THE CHILD.

17 (4) THE CHILD WAS ABANDONED AND IS IN THE CUSTODY OF AN
18 AGENCY, [HAVING BEEN FOUND UNDER SUCH CIRCUMSTANCES THAT] THE
19 IDENTITY OR WHEREABOUTS OF THE PARENT IS UNKNOWN AND CANNOT
20 BE ASCERTAINED BY DILIGENT SEARCH AND THE PARENT DOES NOT
21 CLAIM THE CHILD WITHIN THREE MONTHS AFTER THE CHILD IS FOUND.

22 (5) THE CHILD HAS BEEN REMOVED FROM THE CARE OF THE
23 PARENT BY THE COURT OR UNDER A VOLUNTARY AGREEMENT WITH AN
24 AGENCY FOR A PERIOD OF AT LEAST SIX MONTHS, THE CONDITIONS
25 WHICH LED TO THE REMOVAL OR PLACEMENT OF THE CHILD CONTINUE
26 TO EXIST, THE PARENT CANNOT OR WILL NOT REMEDY THOSE
27 CONDITIONS WITHIN A REASONABLE PERIOD OF TIME, THE SERVICES
28 OR ASSISTANCE REASONABLY AVAILABLE TO THE PARENT ARE NOT
29 LIKELY TO REMEDY THE CONDITIONS WHICH LED TO THE REMOVAL OR
30 PLACEMENT OF THE CHILD WITHIN A REASONABLE PERIOD OF TIME AND

1 TERMINATION OF THE PARENTAL RIGHTS WOULD BEST SERVE THE NEEDS
2 AND WELFARE OF THE CHILD.

3 (6) IN THE CASE OF A NEWBORN CHILD, THE PARENT OR
4 PUTATIVE FATHER KNOWS OR HAS REASON TO KNOW OF THE CHILD'S
5 BIRTH, DOES NOT RESIDE WITH THE CHILD, [HAS NOT MARRIED THE
6 CHILD'S OTHER PARENT,] HAS FAILED FOR A PERIOD OF [FOUR]
7 THREE MONTHS IMMEDIATELY PRECEDING THE FILING OF THE PETITION
8 TO MAKE REASONABLE EFFORTS TO MAINTAIN SUBSTANTIAL AND
9 CONTINUING CONTACT WITH THE CHILD AND HAS FAILED DURING THE
10 SAME [FOUR-MONTH] THREE-MONTH PERIOD TO PROVIDE SUBSTANTIAL
11 FINANCIAL SUPPORT FOR THE CHILD.

12 (7) THE PARENT IS THE [FATHER OF A CHILD CONCEIVED AS A
13 RESULT] PERPETRATOR OF A RAPE OR SEXUAL ASSAULT OR OF INCEST,
14 WHICH RESULTED IN THE CONCEPTION OF THE CHILD.

15 (8) THE CHILD HAS BEEN REMOVED FROM THE CARE OF THE
16 PARENT BY THE COURT OR UNDER A VOLUNTARY AGREEMENT WITH AN
17 AGENCY, 12 MONTHS OR MORE HAVE ELAPSED FROM THE DATE OF
18 REMOVAL OR PLACEMENT, THE CONDITIONS WHICH LED TO THE REMOVAL
19 OR PLACEMENT OF THE CHILD CONTINUE TO EXIST AND TERMINATION
20 OF PARENTAL RIGHTS WOULD BEST SERVE THE NEEDS AND WELFARE OF
21 THE CHILD.

22 (9) THE PARENT HAS BEEN CONVICTED OF ONE OF THE
23 FOLLOWING IN WHICH THE VICTIM WAS A CHILD OF THE PARENT OR
24 ANOTHER CHILD RESIDING IN THE HOUSEHOLD OF THE PARENT:

25 (I) AN OFFENSE UNDER 18 PA.C.S. CH. 25 (RELATING TO
26 CRIMINAL HOMICIDE);

27 (II) A FELONY UNDER 18 PA.C.S. § 2702 (RELATING TO
28 AGGRAVATED ASSAULT);

29 (III) AN OFFENSE UNDER 18 PA.C.S. § 3121(A)
30 (RELATING TO RAPE);

1 (IV) AN OFFENSE UNDER 18 PA.C.S. § 3122.1 (RELATING
2 TO STATUTORY SEXUAL ASSAULT);

3 (V) AN OFFENSE UNDER 18 PA.C.S. § 3123 (RELATING TO
4 INVOLUNTARY DEVIATE SEXUAL INTERCOURSE);

5 (VI) AN OFFENSE UNDER 18 PA.C.S. § 3124.1 (RELATING
6 TO SEXUAL ASSAULT);

7 (VII) AN OFFENSE UNDER 18 PA.C.S. § 3125 (RELATING
8 TO AGGRAVATED INDECENT ASSAULT);

9 (VIII) AN OFFENSE UNDER 18 PA.C.S. § 3126 (RELATING
10 TO INDECENT ASSAULT);

11 (IX) AN OFFENSE UNDER 18 PA.C.S. § 4302 (RELATING TO
12 INCEST);

13 [(III)] (X) AN OFFENSE IN ANOTHER JURISDICTION
14 EQUIVALENT TO AN OFFENSE IN SUBPARAGRAPH (I) [OR] (II),
15 (III), (IV), (V), (VI), (VII), (VIII) OR (IX); OR

16 [(IV)] (XI) AN ATTEMPT, SOLICITATION OR CONSPIRACY
17 TO COMMIT AN OFFENSE IN SUBPARAGRAPH (I), (II) [OR],
18 (III), (IV), (V), (VI), (VII), (VIII), (IX) OR (X).

19 (10) THE IDENTITY OR WHEREABOUTS OF THE PARENT OR
20 PUTATIVE FATHER OF THE CHILD IS UNKNOWN, NOTICE HAS BEEN
21 PROVIDED UNDER SECTION 2514 (RELATING TO NOTICE IF IDENTITY
22 OR WHEREABOUTS OF PARENT OR PUTATIVE FATHER ARE UNKNOWN), AND
23 THE PARENT OR PUTATIVE FATHER FAILS TO EITHER:

24 (I) FILE A WRITTEN OBJECTION TO THE TERMINATION WITH
25 THE COURT PRIOR TO THE HEARING; OR

26 (II) APPEAR AT THAT HEARING FOR THE PURPOSE OF
27 OBJECTING TO THE TERMINATION.

28 (11) THE CHILD, ANOTHER CHILD OF THE PARENT OR ANOTHER
29 CHILD RESIDING IN THE PARENT'S HOUSEHOLD HAS BEEN THE VICTIM
30 OF PHYSICAL ABUSE RESULTING IN SERIOUS BODILY INJURY, SEXUAL

1 VIOLENCE OR AGGRAVATED PHYSICAL NEGLECT BY THE PARENT.

2 * * *

3 § 2512. PETITION FOR INVOLUNTARY TERMINATION.

4 * * *

5 [(C) FATHER NOT IDENTIFIED.--IF THE PETITION DOES NOT
6 IDENTIFY THE FATHER OF THE CHILD, IT SHALL STATE WHETHER A CLAIM
7 OF PATERNITY HAS BEEN FILED UNDER SECTION 8303 (RELATING TO
8 CLAIM OF PATERNITY).]

9 SECTION 3. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:

10 § 2514. NOTICE IF IDENTITY OR WHEREABOUTS OF PARENT OR PUTATIVE
11 FATHER ARE UNKNOWN.

12 (A) REASONABLE EFFORTS.--

13 (1) A PETITIONER UNDER SECTIONS 2501 (RELATING TO
14 RELINQUISHMENT TO AGENCY), 2502 (RELATING TO RELINQUISHMENT
15 TO ADULT INTENDING TO ADOPT CHILD), 2504 (RELATING TO
16 ALTERNATIVE PROCEDURE FOR RELINQUISHMENT) AND 2512 (RELATING
17 TO PETITION FOR INVOLUNTARY TERMINATION) MUST ESTABLISH THAT
18 REASONABLE EFFORTS WERE MADE TO IDENTIFY OR LOCATE A PARENT
19 OR PUTATIVE FATHER FOR THE PURPOSE OF PROVIDING NOTICE IN A
20 PROCEEDING UNDER THIS PART.

21 (2) IN DETERMINING WHETHER THE PETITIONER'S EFFORTS TO
22 IDENTIFY OR LOCATE A PARENT OR PUTATIVE FATHER FOR THE
23 PURPOSE OF PROVIDING NOTICE UNDER THIS PART WERE SUFFICIENT,
24 THE COURT SHALL CONSIDER ALL OF THE FOLLOWING:

25 (I) DOCUMENTATION THAT NOTICE HAS BEEN SENT TO THE
26 PARENT OR PUTATIVE FATHER AT HIS OR HER LAST KNOWN
27 ADDRESS.

28 (II) DOCUMENTATION THAT INQUIRY REGARDING THE LAST
29 KNOWN ADDRESS OR RESIDENCE OF THE PARENT OR PUTATIVE
30 FATHER WAS MADE TO THE FOLLOWING ENTITIES:

1 (A) THE LOCAL POST OFFICE.

2 (B) THE STATE AGENCY WITH JURISDICTION OVER
3 DRIVER'S LICENSES.

4 (C) THE STATE AGENCY WITH JURISDICTION OVER
5 PUBLIC ASSISTANCE.

6 (D) THE STATE OR LOCAL VOTER REGISTRATION
7 AGENCY.

8 (E) FEDERAL, STATE AND LOCAL PRISONS AND JAILS.

9 (F) STATE AND LOCAL PROBATION AND PAROLE
10 OFFICES.

11 (III) ANY EVIDENCE WHICH CLEARLY INDICATES THE
12 PARENT OR PUTATIVE FATHER IS CURRENTLY SERVING IN THE
13 ARMED FORCES OF THE UNITED STATES.

14 (IV) THE EXTENT TO WHICH INQUIRIES WERE MADE AS TO
15 WHETHER THE PARENT OR PUTATIVE FATHER IS A PATIENT AT A
16 HOSPITAL OR OTHER INPATIENT FACILITY IN THE JURISDICTION
17 IN WHICH THE PARENT OR PUTATIVE FATHER WAS LAST KNOWN TO
18 RESIDE.

19 (V) DOCUMENTATION THAT WEB-BASED SEARCH SERVICES
20 APPROVED BY THE COURT HAVE BEEN UTILIZED IN ATTEMPTS TO
21 LOCATE OR IDENTIFY THE PARENT OR PUTATIVE FATHER.

22 (VI) THE EXTENT TO WHICH INQUIRIES WERE MADE AS TO
23 WHETHER:

24 (A) THE CHILD'S OTHER PARENT WAS MARRIED OR
25 COHABITING WITH A MEMBER OF THE OPPOSITE SEX AT THE
26 PROBABLE TIME OF CONCEPTION OF THE CHILD.

27 (B) THE CHILD'S OTHER PARENT HAS RECEIVED
28 PAYMENTS OR PROMISES OF SUPPORT, OTHER THAN FROM A
29 GOVERNMENTAL AGENCY, WITH RESPECT TO THE CHILD.

30 (C) THE CHILD'S OTHER PARENT HAS NAMED ANY

1 INDIVIDUAL AS A PARENT OF THE CHILD IN CONNECTION
2 WITH APPLYING FOR OR RECEIVING PUBLIC ASSISTANCE OR
3 FOR ANY OTHER GOVERNMENTAL PURPOSE.

4 (D) AN INDIVIDUAL HAS FORMALLY OR INFORMALLY
5 ACKNOWLEDGED OR CLAIMED TO BE A PARENT OF THE CHILD
6 IN A JURISDICTION IN WHICH THE CHILD'S OTHER PARENT
7 OR THE CHILD RESIDES OR RESIDED DURING ANY PERIOD
8 BEGINNING 270 DAYS PRIOR TO THE BIRTH OF THE CHILD.

9 (3) IF EVIDENCE THAT THE PARENT OR PUTATIVE FATHER IS
10 CURRENTLY SERVING IN THE ARMED FORCES OF THE UNITED STATES IS
11 PROVIDED TO THE COURT UNDER PARAGRAPH (2) (III), THE COURT
12 SHALL CONTACT THE APPROPRIATE ARMED FORCES BRANCH OF SERVICE
13 AND REQUEST THAT:

14 (I) A VALID MAILING ADDRESS FOR THE PARENT OR
15 PUTATIVE FATHER BE PROVIDED FOR THE PURPOSES OF GIVING
16 NOTICE UNDER SECTION 2503 (RELATING TO HEARING), 2504 OR
17 2512;

18 (II) THE ARMED FORCES BRANCH OF SERVICE PROVIDE
19 CONFIRMATION THAT THE PARENT OR PUTATIVE FATHER IS NOT
20 CURRENTLY SERVING IN THAT ARMED FORCES BRANCH OF SERVICE;
21 OR

22 (III) THE ARMED FORCES BRANCH OF SERVICE SPECIFY
23 ADDITIONAL IDENTIFYING INFORMATION ABOUT THE PARENT OR
24 PUTATIVE FATHER THAT WILL BE NECESSARY TO PROVIDE A VALID
25 MAILING ADDRESS FOR THAT INDIVIDUAL OR CONFIRM THAT THE
26 INDIVIDUAL IS NOT CURRENTLY SERVING.

27 (B) NOTICE BY PUBLICATION.--IF THE PETITIONER CAN ESTABLISH
28 THAT REASONABLE BUT UNSUCCESSFUL EFFORTS WERE MADE TO IDENTIFY
29 OR LOCATE A PARENT OR PUTATIVE FATHER, NOTICE OF THE PROCEEDING
30 MAY BE GIVEN TO THE PUTATIVE FATHER BY PUBLICATION ONE TIME IN

1 BOTH A NEWSPAPER OF GENERAL CIRCULATION AND IN THE COUNTY LEGAL
2 JOURNAL AT LEAST TEN DAYS BEFORE THE DATE OF THE HEARING. PROOF
3 OF PUBLICATION OF THE NOTICE PROVIDED UNDER THIS SUBSECTION MUST
4 BE SUBMITTED TO THE COURT.

5 (C) AFFIDAVIT OF SERVICE.--AT THE HEARING ON A PETITION TO
6 TERMINATE THE PARENTAL RIGHTS OF A PARENT OR PUTATIVE FATHER
7 WHOSE IDENTITY OR WHEREABOUTS IS UNKNOWN, THE PETITIONER MUST
8 SUBMIT TO THE COURT AN AFFIDAVIT OF THE REASONABLE EFFORTS MADE
9 TO IDENTIFY OR LOCATE A PARENT OR PUTATIVE FATHER FOR THE
10 PURPOSE OF PROVIDING NOTICE OF THE PROCEEDINGS.

11 (D) DETERMINATION BY THE COURT.--A SPECIFIC FINDING MUST BE
12 MADE BY THE COURT THAT REASONABLE EFFORTS WERE MADE BY THE
13 PETITIONER UNDER SUBSECTION (A) (1), INCLUDING PUBLICATION OF
14 NOTICE REQUIRED UNDER SUBSECTION (B), AND THAT THE PARENT OR
15 PUTATIVE FATHER IS UNKNOWN OR CANNOT BE LOCATED FOR THE PURPOSE
16 OF PROVIDING NOTICE.

17 SECTION 4. SECTIONS 2531(B) (6) AND 2711(C) AND (D) OF TITLE
18 23 ARE AMENDED TO READ:

19 § 2531. Report of intention to adopt.

20 * * *

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

22 * * *

23 (6) The name, address and signature of the person or
24 persons making the report. Immediately above the signature of
25 the person or persons intending to adopt the child shall
26 appear the following statement:

27 I acknowledge that I have been advised or know and
28 understand that the birth father or putative father may
29 revoke the consent to the adoption of this child within
30 [30 days] ~~96 hours~~ 20 DAYS after the later of the birth



1 of the child or the date he has executed the consent to
2 an adoption and that the birth mother may revoke the
3 consent to an adoption of this child within [30 days] ~~96~~
4 ~~hours~~ 20 DAYS after the date she has executed the
5 consent.

6 * * *

7 § 2711. Consents necessary to adoption.

8 * * *

9 (c) Validity of consent.--

10 (1) No consent shall be valid if it was executed prior
11 to or within 72 hours after the birth of the child. A
12 putative father may execute a consent at any time after
13 receiving notice of the expected or actual birth of the
14 child.

15 (2) If consent is executed by the putative father prior
16 to the birth of the child, the child shall be named "Baby
17 (Mother's Last Name)" for the purpose of the consent. Further
18 notice as required by section 2721 (relating to notice of
19 hearing) to the putative father is not necessary if consent
20 is executed prior to the birth of the child. Further notice
21 as required by section 2721 is not required to the natural
22 mother or her husband if consent was timely executed.

23 (3) Any consent given outside this Commonwealth shall be
24 valid for purposes of this section if it was given in
25 accordance with the laws of the jurisdiction where it was
26 executed.

27 (4) A consent to an adoption may only be revoked as set
28 forth in this subsection. The revocation of a consent shall
29 be in writing and shall be served upon the agency or adult to
30 whom the child was relinquished. [The following apply:]

1 (c.1) Nature of consent.--

2 (1) Except as otherwise provided in paragraph (3):

3 (i) For a consent to an adoption executed by a birth
4 father or a putative father, the consent is irrevocable
5 more than [30 days] ~~96 hours~~ 20 DAYS after the birth of ←
6 the child or the execution of the consent, whichever
7 occurs later.

8 (ii) For a consent to an adoption executed by a
9 birth mother, the consent is irrevocable more than [30
10 days] ~~96 hours~~ 20 DAYS after the execution of the ←
11 consent.

12 (2) An individual may not waive the revocation period
13 under paragraph (1).

14 (3) Notwithstanding paragraph (1), the following apply:

15 (i) An individual who executed a consent to an
16 adoption may challenge the validity of the consent only
17 by filing a petition alleging fraud or duress [within the
18 earlier of the following time frames:

19 (A) Sixty days after the birth of the child or
20 the execution of the consent, whichever occurs later.

21 (B) Thirty days after the entry of the adoption
22 decree.] prior to the termination of parental rights.

23 (ii) A consent to an adoption may be invalidated
24 only if the alleged fraud or duress under subparagraph
25 (i) is proven by:

26 (A) a preponderance of the evidence in the case
27 of consent by a person 21 years of age or younger; or

28 (B) clear and convincing evidence in all other
29 cases.

30 (4) Once the individual's parental rights are terminated

1 and the individual has executed a consent to an adoption, the
2 individual has no further standing to contest the adoption or
3 to revoke his or her consent.

4 (d) Contents of consent.--

5 (1) The consent of a parent of an adoptee under 18 years
6 of age shall set forth the name, age and marital status of
7 the parent, the relationship of the consenter to the child,
8 the name of the other parent or parents of the child and the
9 following:

10 I hereby voluntarily and unconditionally consent to
11 the adoption of the above named child.

12 I understand that by signing this consent I indicate
13 my intent to permanently give up all rights to this
14 child.

15 I understand such child will be placed for adoption.

16 I understand I may revoke this consent to permanently
17 give up all rights to this child by placing the
18 revocation in writing and serving it upon the agency or
19 adult to whom the child was relinquished.

20 If I am the birth father or putative father of the
21 child, I understand that this consent to an adoption is

22 irrevocable unless I revoke it within [30 days] ~~96 hours~~ ←

23 20 DAYS after either the birth of the child or my ←

24 execution of the consent, whichever occurs later, by
25 delivering a written revocation to (insert the name and
26 address of the agency coordinating the adoption) or
27 (insert the name and address of an attorney who
28 represents the individual relinquishing parental rights
29 or prospective adoptive parent of the child) or (insert
30 the court of the county in which the voluntary

1 relinquishment form was or will be filed).

2 If I am the birth mother of the child, I understand
3 that this consent to an adoption is irrevocable unless I
4 revoke it within [30 days] ~~96 hours~~ 20 DAYS after ←
5 executing it by delivering a written revocation to
6 (insert the name and address of the agency coordinating
7 the adoption) or (insert the name and address of an
8 attorney who represents the individual relinquishing
9 parental rights or prospective adoptive parent of the
10 child) or (insert the court of the county in which the
11 voluntary relinquishment form was or will be filed).

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

14 (2) The consent shall include the date and place of its
15 execution and names and addresses and signatures of at least
16 two persons who witnessed its execution and their
17 relationship to the consenter.

18 Section ~~2~~ 5. Section 2712 of Title 23 is repealed: ←

19 [§ 2712. Consents not naming adopting parents.

20 A consent to a proposed adoption meeting all the requirements
21 of this part but which does not name or otherwise identify the
22 adopting parent or parents shall be valid if it contains a
23 statement that it is voluntarily executed without disclosure of
24 the name or other identification of the adopting parent or
25 parents.]

26 ~~Section 3 6. Section 2721 of Title 23 is amended to read:~~ ←
27 ~~§ 2721. Notice of hearing.~~

28 ~~The court shall fix a time and place for hearing. Notice of~~
29 ~~the hearing shall be given to all persons whose consents are~~
30 ~~required and to such other persons as the court shall direct.~~

1 ~~Notice to the parent or parents of the adoptee[, if required,~~
2 ~~may be given by the intermediary or someone acting on his~~
3 ~~behalf.] is not required if the parents have consented to the~~
4 ~~adoption and parental rights have been terminated. Notice shall~~
5 ~~be by personal service or by registered mail to the last known~~
6 ~~address of the person to be notified or in such other manner as~~
7 ~~the court shall direct.~~

8 Section ~~4-3~~ 6. This act shall take effect in 60 days.

