

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 921

Session of
1987

INTRODUCED BY HAGARTY, ITKIN, REBER, E. Z. TAYLOR, NOYE,
REINARD, DURHAM, NAHILL, RAYMOND, FARMER, PUNT, SIRIANNI,
ROBBINS, JOHNSON, MOWERY, WOGAN, SEMMEL, McVERRY, HERSHEY,
CORNELL, FREIND, GODSHALL, BATTISTO, BUNT, SALOOM, CIVERA,
HECKLER, BOOK AND VEON, MARCH 18, 1987

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 1987

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, adding a definition; and further
3 providing for adoption procedure.

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

6 Section 1. Section 2102 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended by adding a definition to read:
8 § 2102. Definitions.

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

12 * * *

13 "Newborn child." A child who is under two months of age at
14 the time the parent of the child has executed a consent to an
15 adoption under section 2711 (relating to consents necessary to
16 adoption).

17 * * *

1 Section 2. Section 2504(a) of Title 23 is amended to read:

2 § 2504. Alternative procedure for relinquishment.

3 (a) Petition to confirm consent to adoption.--If the parent
4 or parents of the child have executed consents to an adoption as
5 required by section 2711 (relating to consents necessary to
6 adoption) but have failed for a period of [40] 60 days after
7 executing the consent to file or proceed with the petition for
8 voluntary relinquishment of parental rights provided for in this
9 subchapter, the intermediary may petition the court to hold a
10 hearing for the purpose of confirming the intention of the
11 parent or parents to voluntarily relinquish their rights and
12 duties as evidenced by the consent or consents to the adoption,
13 the original of which shall be attached to the petition. In the
14 case where there is no intermediary, the adoptive parent or
15 parents may file the petition.

16 * * *

17 Section 3. Section 2511(a) of Title 23 is amended by adding
18 a paragraph to read:

19 § 2511. Grounds for involuntary termination.

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

23 * * *

24 (6) The parent of a newborn child has not revoked
25 consent to the child's adoption within 60 days after
26 executing the consent.

27 * * *

28 Section 4. Sections 2531(b) and 2711(c) and (d) of Title 23
29 are amended to read:

30 § 2531. Report of intention to adopt.

1 * * *

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

3 (1) The circumstances surrounding the persons receiving
4 or retaining custody or physical care of the child.

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

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

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

10 (5) The name, address and signature of the person or
11 persons making the report. [Immediately] Except for a newborn
12 child, immediately above the signature of the person or
13 persons intending to adopt the child shall appear the
14 following statement:

15 I acknowledge that I have been advised or know and
16 understand that the natural parent may revoke the consent
17 to the adoption of this child until a court has entered a
18 decree terminating the parental rights and, unless a
19 decree terminating parental rights has been entered, the
20 natural parent may revoke the consent until a court
21 enters the final adoption decree.

22 For a newborn child, immediately above the signature of the
23 person or persons intending to adopt the child shall appear
24 the following statement:

25 I acknowledge that I have been advised or know and
26 understand that the natural parent may revoke the consent
27 to the adoption of this newborn child within 60 days of
28 executing the consent unless a court has previously
29 entered a decree terminating the parental rights.

30 When a person receives or retains custody or physical care of a

1 child from an agency the report shall set forth only the name
2 and address of the agency and the circumstances surrounding such
3 person receiving or retaining custody or physical care of the
4 child.

5 * * *

6 § 2711. Consents necessary to adoption.

7 * * *

8 (c) Validity of consent.--No consent shall be valid if it
9 was executed prior to or within 72 hours after the birth of the
10 child. Any consent given outside this Commonwealth shall be
11 valid for purposes of this section if it was given in accordance
12 with the laws of the jurisdiction where it was executed. [A]
13 Except in the case of an adoption of a newborn child, a consent
14 to an adoption may only be revoked prior to the earlier of
15 either the entry of a decree of termination of parental rights
16 or the entry of a decree of adoption. In the case of an adoption
17 of a newborn child, a consent to an adoption may only be revoked
18 within 60 days after the execution of the consent. The
19 revocation of a consent shall be in writing and shall be served
20 upon the agency or adult to whom the child was relinquished.

21 (d) Contents of consent.--

22 (1) The consent of a parent of an adoptee under 18 years
23 of age shall set forth the name, age and marital status of
24 the parent, the relationship of the consenter to the child,
25 the name of the other parent or parents of the child and the
26 following:

27 I hereby voluntarily and unconditionally consent to
28 the adoption of the above named child.

29 I understand that by signing this consent I indicate
30 my intent to permanently give up all rights to this

1 child.

2 I understand such child will be placed for adoption.

3 I understand I may not revoke this consent after a
4 court has entered a decree confirming this consent or
5 otherwise terminating my parental rights to this child.
6 Even if a decree has not been entered terminating my
7 parental rights I may not revoke this consent after a
8 decree of adoption of this child is entered.

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

11 (1.1) The consent of a parent of an adoptee who is a
12 newborn child shall set forth the name, age and marital
13 status of the parent, the relationship of the consenter to
14 the child, the name of the other parent or parents of the
15 child and the following:

16 I hereby voluntarily and unconditionally consent to
17 the adoption of the above named child.

18 I understand that by signing this consent I indicate
19 my intent to permanently give up all rights to this
20 child.

21 I understand such child will be placed for adoption.

22 I understand I may not revoke this consent after 60
23 days from the date I sign it. I understand I may not
24 revoke this consent after a court has entered a decree
25 terminating my parental rights to this child. Even if a
26 decree has not been entered terminating my parental
27 rights, I may not revoke this consent after a decree of
28 adoption of this child is entered.

29 (2) The consent shall include the date and place of its
30 execution and names and addresses and signatures of at least

1 two persons who witnessed its execution and their
2 relationship to the consenter.
3 Section 5. This act shall take effect in 60 days.