

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1093 Session of  
2003

INTRODUCED BY BLAUM, DALLY, BUXTON, McCALL, COY, McILHATTAN,  
DERMODY, CAPPELLI, MANN, CREIGHTON, WASHINGTON, R. MILLER,  
CRAHALLA, CLYMER, HARHAI, FRANKEL, WALKO, MUNDY,  
E. Z. TAYLOR, TIGUE, YUDICHAK, YOUNGBLOOD, GRUCELA,  
TANGRETTI, HORSEY, ROSS, WANSACZ AND HASAY, APRIL 8, 2003

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 8, 2003

AN ACT

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

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

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.

"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 adopting parent to adopt a child. The term includes the agency's written preplacement and postplacement reports and recommendations, conducted in accordance with the provisions of this part.

1 "Intermediary." Any person [or persons] or agency acting  
2 between the [parent or] parents and the proposed adoptive  
3 [parent or] parents in arranging an adoption placement.

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

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

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

15 \* \* \*

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

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

22 "Putative father." The alleged birth father of a child  
23 conceived or born out of wedlock.

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

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

28 § 2302. Venue.

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

1 county:

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

6 \* \* \*

7 § 2313. Representation.

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

18 \* \* \*

19 (b) Payment of costs.--[The]

20 (1) In a contested involuntary termination proceeding,  
21 the court, in its discretion, may order [all or part] that  
22 the adopting parent pay up to 50% of the costs [attendant to  
23 a proceeding under this part to be paid by the county wherein  
24 the case is heard, the adopting parents or apportioned to  
25 both, provided that if the adopting parents shall be ordered  
26 to bear all or a portion of the costs of this part that:

27 (1) the] of the appointment of a guardian ad litem,  
28 commensurate with the ability to pay without causing  
29 financial hardship. The court may direct that the payment of  
30 the fees [or a portion thereof] may be paid [by] according to

1 a court ordered schedule of payments extending beyond the  
2 date of the involuntary termination hearing[; and].

3 (2) [the fee shall not exceed \$150.] The remaining fees  
4 and cost for a proceeding under this part shall be paid by  
5 the county where the action is heard.

6 § 2501. Relinquishment to agency.

7 (a) Petition.--When any child under the age of 18 years has  
8 been in the care of an agency for a minimum period of three days  
9 or, whether or not the agency has the physical care of the  
10 child, the agency has received a written notice of the present  
11 intent to transfer to it custody of the child, executed by the  
12 birth parent, the birth parent [or parents] of the child may  
13 petition the court for permission to relinquish forever all  
14 parental rights and duties with respect to their child. The  
15 petition must include an acknowledgment in writing by the birth  
16 parent of all of the following:

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

19 (2) If the birth parent requested adoption-related  
20 counseling services, whether the adoption-related counseling  
21 services have been provided.

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

25 \* \* \*

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

28 § 2502. Relinquishment to adult intending to adopt child.

29 (a) Petition.--When any child under the age of 18 years has  
30 been for a minimum period of [30] three days in the exclusive

1 care of an adult or adults who have filed a report of intention  
2 to adopt required by section 2531 (relating to report of  
3 intention to adopt), the parent [or parents] of the child may  
4 petition the court for permission to relinquish forever all  
5 parental rights to [their] the child. The petition must include  
6 an acknowledgment in writing by the birth parent of all of the  
7 following:

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

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

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

16 \* \* \*

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

24 Section 4. Title 23 is amended by adding a section to read:  
25 § 2502.1. Placement of abandoned child.

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

1     (b) Diligent search.--The agency shall commence a search for  
2 the birth parents of the abandoned child under section  
3 2511(a)(4) (relating to grounds for involuntary termination).  
4 The search shall be completed within 75 days after the agency  
5 obtains custody of the child.

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

10    (d) Hearing.--A hearing on a petition under this section  
11 shall be conducted by the court on an expedited basis.

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

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

18    § 2503.   [Hearing] Voluntary relinquishment hearing.

19       \* \* \*

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

24    (b) Notice.--

25       \* \* \*

26       (3) The [copy of the notice which is given to the]  
27 putative father shall [state that his rights may also be  
28 subject to termination pursuant to subsection (d) if he fails  
29 to file either an acknowledgment of paternity or claim of  
30 paternity pursuant to section 5103 (relating to

1 acknowledgment and claim of paternity) and fails to either  
2 appear at the hearing for the purpose of objecting to the  
3 termination of his rights or file a written objection to such  
4 termination with the court prior to the hearing.] receive  
5 notice in the form provided in section 2513(b) (relating to  
6 hearing). Notice under this paragraph shall state that his  
7 rights may also be terminated under subsection (d) if he  
8 fails to file with the court prior to the hearing a written  
9 objection to the termination or fails to appear at the  
10 hearing for the purpose of objecting to the termination of  
11 his rights. If the identity or whereabouts of the putative  
12 father is unknown, notice shall be given pursuant to section  
13 2514(b) (relating to notice if putative father or his  
14 whereabouts unknown).

15 (c) Decree.--

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

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

26 (3) A decree of termination of parental rights does not  
27 extinguish the duty of a parent to pay arrearages for child  
28 support.

29 (d) [Putative father.--] Termination of putative father's  
30 parental rights.--If a putative father [will not file a petition



1 to voluntarily relinquish his parental rights pursuant to  
2 section 2501 (relating to relinquishment to agency) or 2502  
3 (relating to relinquishment to adult intending to adopt child),  
4 has been given notice of the hearing being held pursuant to this  
5 section [and], the court may enter a decree terminating his  
6 parental rights, whether or not the putative father has filed an  
7 acknowledgment of paternity or claim of paternity under section  
8 5103, if any of the following paragraphs apply:

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

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

12           (ii) appear at that hearing for the purpose of  
13 objecting to termination of his parental rights [or file  
14 a written objection to such termination with the court  
15 prior to the hearing and has not filed an acknowledgment  
16 of paternity or claim of paternity pursuant to section  
17 5103, the court may enter a decree terminating the  
18 parental rights of the putative father pursuant to  
19 subsection (c)].

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

22           (i) provide substantial financial support for the  
23 child; or

24           (ii) make substantial and ongoing provision for the  
25 child's care.

26       (e) Right to file personal and medical history  
27 information.--At the time the decree of termination is  
28 transmitted to the parent whose rights are terminated, the court  
29 shall advise that parent, in writing, of his or her continuing  
30 right to place and update personal and medical history

1 information, whether or not the medical condition is in  
2 existence or discoverable at the time of adoption, on file with  
3 the court, with the Department of Health and with the  
4 [Department of Public Welfare] department pursuant to section  
5 2905(d) (relating to impounding of proceedings and access to  
6 records).

7 Section 6. Sections 2504, 2504.1 and 2505 of Title 23 are  
8 amended to read:

9 [§ 2504. Alternative procedure for relinquishment.

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

23 (b) Hearing.--Upon presentation of a petition filed pursuant  
24 to this section, the court shall fix a time for a hearing which  
25 shall not be less than ten days after filing of the petition.  
26 Notice of the hearing shall be by personal service or by  
27 registered mail or by such other means as the court may require  
28 upon the consenter and shall be in the form provided in section  
29 2513(b) (relating to hearing). Notice of the hearing shall be  
30 given to the other parent or parents, to the putative father

1 whose parental rights could be terminated pursuant to subsection  
2 (c) and to the parents or guardian of a consenting parent who  
3 has not reached 18 years of age. The notice shall state that the  
4 consenting parent's or putative father's rights may be  
5 terminated as a result of the hearing. After hearing, which  
6 shall be private, the court may enter a decree of termination of  
7 parental rights in the case of a relinquishment to an adult or a  
8 decree of termination of parental rights and duties, including  
9 the obligation of support, in the case of a relinquishment to an  
10 agency.

11 (c) Putative father.--If a putative father will not execute  
12 a consent to an adoption as required by section 2711, has been  
13 given notice of the hearing being held pursuant to this section  
14 and fails to either appear at that hearing for the purpose of  
15 objecting to termination of his parental rights or file a  
16 written objection to such termination with the court prior to  
17 the hearing and has not filed an acknowledgment of paternity or  
18 claim of paternity pursuant to section 5103 (relating to  
19 acknowledgment and claim of paternity), the court may enter a  
20 decree terminating the parental rights of the putative father  
21 pursuant to subsection (b).

22 (d) Right to file personal and medical history  
23 information.--At the time the decree of termination is  
24 transmitted to the parent, the court shall also advise, in  
25 writing, the parent whose rights have been terminated of his or  
26 her continuing right to place and update personal and medical  
27 history information, whether or not the medical condition is in  
28 existence or discoverable at the time of adoption, on file with  
29 the court and with the Department of Public Welfare pursuant to  
30 section 2905(d) (relating to impounding of proceedings and

1 access to records).]

2 § 2504.1. Confidentiality.

3 The court shall take such steps as are reasonably necessary  
4 to assure that the identity of the adoptive parent [or parents]  
5 is not disclosed without [their] that parent's consent in any  
6 proceeding under this subchapter or Subchapter B (relating to  
7 involuntary termination). The Supreme Court may prescribe  
8 uniform rules under this section relating to such  
9 confidentiality.

10 § 2505. [Counseling] Adoption-related counseling services.

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

22 (b) Compilation of list.--The [court] department shall  
23 compile a list, on a county-by-county basis, of [qualified  
24 counselors and] agencies approved by the department to provide  
25 adoption-related counseling services [(including all adoption  
26 agencies)] which are available to [counsel natural] birth  
27 parents [within the county] who are contemplating relinquishment  
28 or termination of parental rights or consent to adoption, who  
29 have filed a petition to relinquish parental rights or who have  
30 executed a consent to an adoption, pursuant to this part. Such

1 list shall be distributed to every court of common pleas,  
2 agency, hospital or [other] facility providing maternity care  
3 within the county [and]. The department shall [be made] make the  
4 list available upon request to any [intermediary or licensed  
5 health care professional] person.

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

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

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

3           (i) relinquishment of parental rights; or

4           (ii) execution of a consent to adoption.

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

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

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

19       (d.1) County agency.--

20           (1) Within three business days of receiving the  
21 application under subsection (d), the county agency must  
22 notify the applicant of approval or disapproval of the  
23 application. Disapproval must be in writing and include the  
24 reason. Failure to comply with this paragraph shall be deemed  
25 approval of the application.

26           (2) The county agency shall advise an approved applicant  
27 of procedures to obtain adoption-related counseling services.

28           (3) The frequency of adoption-related counseling  
29 services shall be determined by the county in accordance with  
30 regulations, which take into account the needs of the parent,

1 promulgated by the department.

2 (e) [Counseling fund] Funds.--

3 (1) Except as [hereinafter] provided in paragraph (2),  
4 each report of intention to adopt filed pursuant to section  
5 2531 (relating to report of intention to adopt) shall be  
6 accompanied by a filing fee in the amount of \$75 which shall  
7 be [paid into a segregated fund established by] transferred  
8 to the county[. The county may also make supplemental  
9 appropriations to the fund] agency to pay for adoption-  
10 related counseling services. All costs of adoption-related  
11 counseling services provided pursuant to subsection (c) or  
12 (d) to individuals who are unable to pay for such counseling  
13 shall be paid from the fund. Costs related to adoption-  
14 related counseling services for a birth parent whose child is  
15 adjudicated dependent shall be considered a reimbursable  
16 expenditure of the county agency as an adoption service, with  
17 reimbursement to the county agency by the department of the  
18 reasonable costs, under section 704.1(a)(6) of the act of  
19 June 13, 1967 (P.L.31, No.21), known as the Public Welfare  
20 Code.

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

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

29 (i) The amount of money made available to the county  
30 agency through filing fees established in paragraph (1)

1       and other sources of funding for adoption-related  
2       counseling services.

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

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

7       (iv) The estimated per-parent cost of adoption-  
8       related counseling services.

9       Section 7. Section 2511(a)(3) and (6), (b) and (c) of Title  
10     23 are amended and subsection (a) is amended by adding  
11     paragraphs to read:

12     § 2511. Grounds for involuntary termination.

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

16             \* \* \*

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

19             \* \* \*

20       (6) In the case of a newborn child, the parent knows or  
21     has reason to know of the child's birth, does not reside with  
22     the child, [has not married the child's other parent,] has  
23     failed for a period of four months immediately preceding the  
24     filing of the petition to make reasonable efforts to maintain  
25     substantial and continuing contact with the child and has  
26     failed during the same four-month period to provide  
27     substantial financial support for the child.

28             \* \* \*

29       (9) The identity or whereabouts of the putative father  
30     of the child is unknown and notice has been provided under



1 section 2514 (relating to notice if putative father or his  
2 whereabouts unknown).

3 (10) The parent has engaged in repeated and continued  
4 abuse or neglect of the child, the child's sibling or another  
5 child residing in the child's household.

6 (11) It is established by clear and convincing evidence  
7 that the child, the child's sibling or another child residing  
8 in the child's household has been the victim of any of the  
9 following by the parent whose rights are to be involuntarily  
10 terminated:

11 (i) Serious bodily injury, as defined in section  
12 6303(a) (relating to definitions).

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

15 (iii) Indecent contact, as defined in 18 Pa.C.S. §  
16 3101 (relating to definitions).

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

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

21 Section 3122.1 (relating to statutory sexual  
22 assault).

23 Section 3123 (relating to involuntary deviate  
24 sexual intercourse).

25 Section 3124.1 (relating to sexual assault).

26 Section 3125 (relating to aggravated indecent  
27 assault).

28 Section 3126 (relating to indecent assault).

29 Section 4302 (relating to incest).

30 Section 6312 (relating to sexual abuse of

1           children).

2           Section 6320 (relating to sexual exploitation of  
3           children).

4           (v) An offense in another jurisdiction similar to an  
5           offense listed in this paragraph.

6       (b) Other considerations.--The court in terminating the  
7 rights of a parent shall give primary consideration to the  
8 developmental, physical and emotional needs and welfare of the  
9 child. The rights of a parent shall not be terminated solely on  
10 the basis of environmental factors such as inadequate housing,  
11 furnishings, income, clothing and medical care if found to be  
12 beyond the control of the parent. With respect to any petition  
13 filed pursuant to subsection (a)(1), (2), (5), (6) or (8), the  
14 court shall not consider any efforts by the parent to remedy the  
15 conditions described therein which are first initiated  
16 subsequent to the giving of notice of the filing of the  
17 petition.

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

28       Section 8. Section 2512(a)(1) and (c) of Title 23 are  
29 amended to read:

30   § 2512. Petition for involuntary termination.

1 (a) Who may file.--A petition to terminate parental rights  
2 with respect to a child under the age of 18 years may be filed  
3 by any of the following:

4 (1) [Either] If an adoption by a stepparent is  
5 contemplated, either parent when termination is sought with  
6 respect to the other parent.

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 9. 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 end  
3 to all rights you have to your child (insert name of child).  
4 The court has set a hearing to consider ending your rights to  
5 your child. That hearing will be held in (insert place,  
6 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 finding may enter a decree of  
29 termination of parental rights.

30 (2) Subject to paragraph (3), a decree of termination of

1 parental rights terminates forever all the subject parent's  
2 parental rights and duties with respect to the child,  
3 including the obligation of support.

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

7 Section 10. Title 23 is amended by adding a section to read:

8 § 2514. Notice if putative father or his whereabouts unknown.

9 (a) Reasonable efforts.--

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

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

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

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

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

30 (C) The birth mother has named any individual as

1 the father on the birth certificate of the child or  
2 in connection with applying for or receiving public  
3 assistance.

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

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

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

15 (A) Local post office.

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

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

20 (D) State or local voter registration agency.

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

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

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

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

13     Section 11. Sections 2530 and 2531(b) of Title 23 are  
14 amended to read:

15     § 2530. [Home study and preplacement report] Family profile.

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

30     (b) [Preplacement report.--A preplacement report shall be

1 prepared by the agency or person conducting the home study.]

2 Contents.--

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

6 (2) The [preplacement report] family profile shall be  
7 based upon a study which shall include an investigation of  
8 the home environment, family life, parenting skills, age,  
9 physical and mental health, social, cultural and religious  
10 background, facilities and resources of the adoptive  
11 [parents] parent and [their] that parent's ability to manage  
12 [their] resources. The [preplacement report] family profile  
13 shall also include the information required by section  
14 6344(b) (relating to information relating to prospective  
15 child-care personnel), as well as a report of Federal  
16 criminal history record information.

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

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

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

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

29 (1) The [intermediary] agency preparing the family  
30 profile has no reason to believe that the prospective



1 adoptive parent [or parents] would not receive a favorable  
2 recommendation for placement as a result of the [home study]  
3 family profile.

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

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

17 § 2531. Report of intention to adopt.

18 \* \* \*

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

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

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

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

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

29 (5) Whether the parent [or parents] whose parental  
30 rights are to be terminated [have received] has received

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

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

10           I acknowledge that I have been advised or know and  
11           understand that the [natural] birth parent may revoke the  
12           consent to the adoption of this child [until a court has  
13           entered a decree terminating the parental rights and,  
14           unless a decree terminating parental rights has been  
15           entered, the natural parent may revoke] within 30 days of  
16           signing the consent [until a court enters the final  
17           adoption decree].

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

22           (8) Either:

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

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

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

1 child and a copy of the [preplacement report] family profile  
2 prepared pursuant to section 2530 (relating to family profile).

3 \* \* \*

4 Section 12. Title 23 is amended by adding a section to read:

5 § 2531.1. Criminal and child abuse background checks for  
6 stepparent or relative adoptions.

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

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

16 § 2533. Report of intermediary.

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

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

25 \* \* \*

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

28 \* \* \*

29 (12) A statement:

30 (i) that personal and medical history information

1 was obtained [and if not obtained, a statement]; or

2 (ii) of the reason [therefor.] that the information  
3 under subparagraph (i) was not obtained.

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

6 \* \* \*

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

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

18 \* \* \*

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

23 \* \* \*

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

28 (6) Living expenses of a birth mother, which are limited  
29 to food, clothing and shelter, for a reasonable time before  
30 the birth of her child and for no more than six weeks after

1     the birth.

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

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

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

9     Section 14. Section 2534 of Title 23 is amended by adding  
10  paragraphs to read:

11  § 2534. Exhibits.

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

14             \* \* \*

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

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

19     Section 15. Section 2535(a) of Title 23 is amended to read:  
20  § 2535. Investigation.

21     (a) General rule.--When a report required by section 2531  
22  (relating to report of intention to adopt) has been filed, the  
23  court shall cause an investigation to be made and a report to be  
24  filed by a [local public child care] county agency[, a voluntary  
25  child care] or an adoption agency with its consent [or an  
26  appropriate person designated by the court]. In lieu of the  
27  investigation, the court may accept an investigation made by the  
28  agency which placed the child and the report of investigation in  
29  such cases may be incorporated into the report of the  
30  intermediary required by section 2533 (relating to report of

1 intermediary).

2 \* \* \*

3 Section 16. Title 23 is amended by adding a section to read:

4 § 2536. Postplacement supervision.

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

8 Section 17. Sections 2551, 2552, 2553, 2554, 2555, 2556 and  
9 2558(2) of Title 23 are amended to read:

10 § 2551. Definitions.

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

14 ["Department." The Department of Public Welfare of the  
15 Commonwealth.]

16 "[PACE] PAR." The Pennsylvania Adoption [Cooperative  
17 Exchange] Registry established in section 2552 (relating to  
18 Pennsylvania Adoption Registry).

19 § 2552. Pennsylvania Adoption [Cooperative Exchange] Registry.

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

23 § 2553. Registration of children.

24 (a) Mandatory registration.--[PACE] PAR shall register and  
25 be responsible for the review and referral of children for whom  
26 parental rights have been terminated for [90] 30 days and for  
27 whom no report of intention to adopt has been filed in the court  
28 of common pleas.

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

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

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

3           (ii) a petition to terminate parental rights has  
4 been filed; and

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

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

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

11           (ii) a petition to terminate parental rights has not  
12 been filed.

13           (3) Information about these children shall not be  
14 publicized without prior approval by the department, which  
15 shall ensure the anonymity of these children until such time  
16 as parental rights are terminated.

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

24 § 2554. Responsibilities of [PACE] PAR.

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

26           (1) Registration of adoptive parent applicants who have  
27 been approved by agencies.

28           (2) Accumulation and dissemination of statistical  
29 information regarding all children registered with [PACE]  
30 PAR.

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

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

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

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

24 § 2555. Responsibilities of [public and private] agencies.

25 [All public and licensed private child service agencies] An  
26 agency shall register with PAR all children [with PACE] for whom  
27 parental rights have been terminated for [90] 30 days and for  
28 whom no report of intention to adopt has been filed in the court  
29 of common pleas. [A public or licensed private] An agency may  
30 register other children as set forth in section 2553(b)



1 (relating to registration of children). An agency shall advise  
2 prospective adopting parents of the existence of PAR.

3 § 2556. Related activities of agencies unaffected.

4 This subchapter shall not be construed to limit or delay  
5 actions by agencies [or institutions] to arrange for adoptions  
6 or other related matters on their own initiative and shall not  
7 alter or restrict the duties, authority and confidentiality of  
8 the agencies [and institutions] in those matters.

9 § 2558. Retroactive application of subchapter.

10 This subchapter shall apply retroactively to all children for  
11 whom:

12 \* \* \*

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

17 Section 18. Section 2701(1), (2) and (4) of Title 23 are  
18 amended and the section is amended by adding paragraphs to read:

19 § 2701. Contents of petition for adoption.

20 A petition for adoption shall set forth:

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

25 (2) That the reports under sections 2530 (relating to  
26 [home study and preplacement report] family profile), 2531  
27 (relating to report of intention to adopt) and 2533 (relating  
28 to report of intermediary) have been filed, if required.

29 (2.1) That the criminal and child abuse history record  
30 information required by sections 2530(b)(2) and 2531.1

1 (relating to criminal and child abuse background checks for  
2 stepparent or relative adoptions), has been filed with the  
3 court.

4 \* \* \*

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

8 \* \* \*

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

11 (11) Either:

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

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

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

18 Section 19. Section 2702 of Title 23 is amended by adding  
19 paragraphs to read:

20 § 2702. Exhibits.

21 The petition shall have attached to it the following  
22 exhibits:

23 \* \* \*

24 (3) Any report of investigation required under section  
25 2535 (relating to investigation).

26 (4) If obtained, the personal and medical history of the  
27 birth parents.

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

29 Section 20. Section 2711(b), (c) and (d) of Title 23 are  
30 amended and the section is amended by adding subsections to

1 read:

2 § 2711. Consents necessary to adoption.

3 \* \* \*

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

14 (c) Validity of consent.--[No] The consent of the birth  
15 mother shall not be valid if it was executed prior to [or  
16 within] 72 hours after the birth of the child. A presumptive or  
17 putative father may execute a consent at any time after  
18 receiving notice of the expected or actual birth of the child.  
19 [Any consent given outside this Commonwealth shall be valid for  
20 purpose of this section if it was given in accordance with the  
21 laws of the jurisdiction where it was executed.] A consent to an  
22 adoption [may only be revoked prior to the earlier of either the  
23 entry of a decree of termination of parental rights or the entry  
24 of a decree of adoption] is irrevocable 30 days after signing.

25 (c.1) Revocation of consent.--The revocation of a consent  
26 shall be in writing and shall be [served upon] delivered, within  
27 30 days after the consent is signed, to the agency or adult to  
28 whom the child was relinquished.

29 (c.2) Consent from another jurisdiction.--The validity and  
30 revocability of a consent to adoption or a similar document

executed outside this Commonwealth shall be determined by the  
law of the jurisdiction in which the document was executed.

(d) Contents of consent.--

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

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

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

I understand such child will be placed for adoption.

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

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

I have been offered adoption-related counseling services.

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

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

I understand I may revoke this consent to permanently

1 give up all rights to this child by placing the  
2 revocation in writing and [serving] delivering it [upon]  
3 to the agency or adult to whom the child was  
4 relinquished, within 30 days after signing.

5 I understand I may not revoke this consent after [a  
6 court has entered a decree confirming this consent or  
7 otherwise terminating my parental rights to this child.  
8 Even if a decree has not been entered terminating my  
9 parental rights I may not revoke this consent after a  
10 decree of adoption of this child is entered] 30 days.

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

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

17 (3) A consent to a proposed adoption may identify the  
18 adopting parent.

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

21 (i) represented by an attorney who is not  
22 representing an adoptive parent; and

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

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

27 (6) The consent shall not be valid unless the parent  
28 provides a written acknowledgment that adoption-related  
29 counseling services have been offered. If counseling services  
30 have been provided, the name and address of the agency which

1 provided the counseling must be set forth in the consent.

2 (e) Information.--Before executing a consent, a parent must  
3 be informed of the meaning and consequences of adoption, the  
4 consequences of misidentifying the other birth parent, and the  
5 right to place personal and medical history information on file  
6 with the court, the Department of Health and the department  
7 under section 2905(d).

8 Section 21. Title 23 is amended by adding a section to read:

9 § 2711.1. Termination of parental rights pursuant to consent.

10 (a) Petition.--

11 (1) If the parent of the child executes a consent to  
12 adoption under section 2711 (relating to consents necessary  
13 to adoption) and 30 days have passed since the execution of  
14 the consent, the intermediary may petition the court to hold  
15 a hearing for the purpose of determining whether the  
16 irrevocable consent is valid under section 2711, and to  
17 terminate parental rights pursuant to the consent. In the  
18 case where there is no intermediary, the adopting parent may  
19 file the petition.

20 (2) The original consent, and any other documentation  
21 which demonstrates the validity of the consent, must be  
22 attached to the petition.

23 (b) Hearing.--

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

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

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

14                           (Name).....

15                           (Address).....

16                           .....

17                           (Telephone number).....

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

21          (4) The notice which is given to the putative father  
22          must state that his rights may also be subject to termination  
23          under subsection (d) if he fails to file a written objection  
24          to the termination with the court prior to the hearing or  
25          fails to appear at the hearing for the purpose of objecting  
26          to the termination of his rights. If the identity or  
27          whereabouts of the putative father are unknown, notice must  
28          be given under section 2514 (relating to notice if putative  
29          father or his whereabouts unknown).

30          (c) Custody of child.--During the pendency of a proceeding

under this section, unless the court directs otherwise, custody of the child shall remain with the individual or agency that had custody at the time the petition was filed.

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

(1) The putative father fails to:

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

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

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

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

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

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



1 Section 22. Section 2712 of Title 23 is amended to read:

2 [§ 2712. Consents not naming adopting parents.

3 A consent to a proposed adoption meeting all the requirements  
4 of this part but which does not name or otherwise identify the  
5 adopting parent or parents shall be valid if it contains a  
6 statement that it is voluntarily executed without disclosure of  
7 the name or other identification of the adopting parent or  
8 parents.]

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

10 § 2715. Judicial set-aside.

11 A consent which is otherwise irrevocable under section 2711  
12 (relating to consents necessary to adoption) or a decree  
13 terminating parental rights under section 2711.1 (relating to  
14 termination of parental rights pursuant to consent) shall be set  
15 aside by the court, before a decree of adoption is entered,  
16 under any of the following circumstances:

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

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

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

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

25 Section 24. Sections 2721, 2722, 2723, 2724(b), 2725, 2901,  
26 2902, 2904 and 2905 of Title 23 are amended to read:

27 § 2721. Notice of adoption hearing.

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

1 court shall direct. Notice to the parent [or parents] of the  
2 adoptee, if required, may be given by the intermediary or  
3 someone acting on his behalf. Notice shall be by personal  
4 service or by registered mail to the last known address of the  
5 person to be notified or in such other manner as the court shall  
6 direct.

7 § 2722. Place of adoption hearing.

8 The adoption hearing shall be private or in open court as the  
9 court deems appropriate.

10 § 2723. Attendance at adoption hearing.

11 The adopting parent [or parents] and the adoptee must appear  
12 at and, if required, testify at the adoption hearing under oath  
13 unless the court determines their presence is unnecessary. In  
14 addition, the court may require the appearance and testimony of  
15 all persons whose consents are required by this part and  
16 representatives of agencies or individuals who have acted as an  
17 intermediary if their appearance or testimony would be necessary  
18 or helpful to the court.

19 § 2724. Testimony and investigation.

20 \* \* \*

21 (b) Investigation.--The court may request that an  
22 investigation be made by a [person or public] county agency or,  
23 with its consent, [a voluntary] an adoption agency,  
24 [specifically] designated by the court to verify the statements  
25 of the petition and such other facts that will give the court  
26 full knowledge of the desirability of the proposed adoption, [or  
27 the court may rely in whole or in part upon a report] unless an  
28 earlier investigation has been made under section 2535 (relating  
29 to investigation). In any case, the age, sex, health, social and  
30 economic status or racial, ethnic or religious background of the

1 child or adopting [parents] parent shall not preclude an  
2 adoption but the court shall decide its desirability on the  
3 basis of the physical, mental and emotional needs and welfare of  
4 the child.

5 \* \* \*

6 § 2725. Religious belief.

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

12 § 2901. Time of entry of decree of adoption.

13 Unless the court for cause shown determines otherwise, no  
14 decree of adoption shall be entered unless the [natural parent  
15 or] parents' rights have been terminated, the investigation  
16 required by section 2535 (relating to investigation) or 2724(b)  
17 (relating to testimony and investigation) has been completed,  
18 the report of the intermediary has been filed pursuant to  
19 section 2533 (relating to report of intermediary) and all other  
20 legal requirements have been met. If all legal requirements have  
21 been met, the court may enter a decree of adoption at any time.

22 § 2902. Requirements and form of decree of adoption.

23 (a) General rule.--If satisfied that the statements made in  
24 the adoption petition are true, that the needs and welfare of  
25 the person proposed to be adopted will be promoted by the  
26 adoption and that all requirements of this part have been met,  
27 the court shall enter a decree so finding and directing that the  
28 person proposed to be adopted shall have all the rights of a  
29 child and heir of the adopting parent [or parents] and shall be  
30 subject to the duties of a child to [him or them] the adopting

1 parent.

2 (b) Withdrawal or dismissal of petition.--In any case in  
3 which the adoption petition is withdrawn or dismissed, the court  
4 shall enter an appropriate order in regard to the custody of the  
5 child.

6 (c) Finality.--

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

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

15 § 2904. Name of adoptee.

16 If requested by the petitioners, the decree may provide that  
17 the adoptee shall assume the name of the adopting parent [or  
18 parents] and any given first or middle names that may be chosen.

19 § 2905. Impounding of proceedings and access to records.

20 (a) General rule.--All petitions, exhibits, reports, notes  
21 of testimony, decrees, and other papers pertaining to any  
22 proceeding under this part or former statutes relating to  
23 adoption shall be kept in the files of the court as a permanent  
24 record thereof and withheld from inspection [except on an order  
25 of court granted upon cause shown or] except as [otherwise]  
26 provided in this section. Only the court in the county in which  
27 an adoption was finalized, the agency which handled the adoption  
28 or a successor agency authorized by the court may access records  
29 relating to the adoption for purposes of releasing  
30 nonidentifying or identifying information pursuant to this

1 section. Any report required to be filed under sections 2530  
2 (relating to [home study and preplacement report] family  
3 profile), 2531 (relating to report of intention to adopt) [and],  
4 2535 (relating to investigation) and 2724(b) (relating to  
5 testimony and investigation) shall be made available to parties  
6 to an adoption proceeding only after all identifying names and  
7 addresses in the report have been extirpated by the court.

8 (b) Petition to court or request to agency for [limited]  
9 nonidentifying information.--[Upon petition by any adoptee at  
10 least 18 years of age or, if less than 18, his adoptive parent  
11 or legal guardian to the court in the judicial district in which  
12 the permanent records relating to the adoption have been  
13 impounded, the court shall furnish to the adoptee as much  
14 information concerning the adoptee's natural parents as will not  
15 endanger the anonymity of the natural parents. The information  
16 shall first be reviewed, in camera, by the court to insure that  
17 no information is revealed which would endanger the anonymity of  
18 the natural parents. The court shall, upon motion of the  
19 adoptee, examine the entire record to determine if any  
20 additional information can safely be revealed without  
21 endangering the anonymity of the natural parents.] If the court  
22 or agency receives a petition or request for nonidentifying  
23 information from an adoptee who is at least 18 years of age or  
24 from an adoptive parent or legal guardian of an adoptee who is  
25 under 18 years of age, it shall notify the petitioner or  
26 requester within 30 days whether it has in its possession any  
27 records relating to the adoptee. If records are located, the  
28 court or agency shall, within 90 days, review the records and  
29 furnish to the petitioner or requester information concerning  
30 the adoption which will not compromise the confidentiality of

1 the biological relationship between the adoptee and the  
2 adoptee's birth parent. Unless the court or agency determines,  
3 due to unusual circumstances, that disclosure of one or more of  
4 these items may facilitate the identification of the birth  
5 parents or their extended family, nonidentifying information  
6 about the birth parents shall include, to the extent available,  
7 the following:

8       (1) Race/ethnic background.

9       (2) Religion.

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

11       (4) Marital status.

12       (5) Occupation.

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

15       (7) Education.

16       (8) Hobbies.

17       (9) Medical information of birth parents and adoptee.

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

20       (11) Circumstances leading to adoption.

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

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

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

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

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

1           (4) The Department of Public Welfare may, by regulation,  
2       prescribe procedures related to contact of natural parents by  
3       designated agents of the court.]

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

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

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

9                (iii) The birth parent of an adoptee 21 years of age  
10      or older.

11              (iv) The parents of a birth parent of an adoptee 21  
12      years of age or older if the birth parent is deceased or  
13      has been legally adjudicated incapacitated.

14              (v) A birth sibling of an adoptee, if:

15                    (A) the birth sibling and the adoptee are 21  
16      years of age or older;

17                    (B) the birth sibling remained in the custody of  
18      the birth parent; and

19                    (C) the birth parent:

20                            (I) consents;

21                            (II) is deceased; or

22                            (III) has been legally adjudicated  
23      incapacitated.

24              (vi) A birth sibling of an adoptee if both the birth  
25      sibling and adoptee are at least 21 years of age and:

26                    (A) both the birth sibling and the adoptee were  
27      adopted out of the same birth family; or

28                    (B) the birth sibling remained in foster care.

29           (2) The following individuals may be the subject of a  
30      search:



1           (i) An adoptee 21 years of age or older.

2           (ii) A birth parent.

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

6           (iv) A birth sibling of an adoptee if both the  
7           adoptee and the birth sibling are at least 21 years of  
8           age and:

9                   (A) both the birth sibling and the adoptee were  
10           adopted out of the same birth family; or

11                   (B) the birth sibling remained in foster care.

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

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

17                   (ii) Notify any other court or agency listed in its  
18           records of the existence of a petition or request.

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

21           (4) If records are located, a good faith search for  
22           identifying information shall be commenced within 90 days.  
23           The search shall only be conducted by the court in which the  
24           adoption was finalized; by the agency which handled the  
25           adoption; by a successor, by merger or acquisition, of the  
26           agency which handled the adoption; or, if neither the agency  
27           nor a successor exists, by an agency authorized by the court.  
28           The court or agency shall appoint an authorized  
29           representative to conduct a search. The following apply:

30                   (i) The representative shall review the court and

1 agency records for identifying information regarding the  
2 birth or adoptive family.

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

5 (iii) If the subject of a search is located, the  
6 representative shall obtain written authorization from  
7 the subject before identifying information can be  
8 released or contact between the parties is made.

9 (iv) If the petitioner is an adoptee seeking the  
10 identity of a birth parent, the identity of a deceased  
11 parent may be disclosed. If the petitioner is an adoptee  
12 seeking the identity of both birth parents and only one  
13 birth parent agrees to the disclosure, only the  
14 information relating to the agreeing birth parent shall  
15 be disclosed.

16 (5) The department shall make available to authorized  
17 representatives a standardized training program on conducting  
18 searches under this part.

19 (c.1) Limitations of search.--No representative of the court  
20 or agency conducting the search shall be required to make  
21 inquiries which the representative believes may compromise the  
22 confidentiality of the biological relationship between the  
23 adoptee and the adoptee's birth parent.

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

26 (1) An agency receiving a request for identifying  
27 information or contact may decline to perform a search if it  
28 is satisfied that the request could cause physical or  
29 emotional harm to the petitioner or others. The declining  
30 agency shall refer the request to the court which handled the

1 adoption and inform the court of its reasons for declining  
2 the petitioner's request. The agency shall notify the  
3 petitioner of the referral and identify the court to which  
4 the referral was made.

5 (2) A court receiving a petition 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.

9 (d) Disclosure of information.--

10 (1) No disclosure of information shall be made by the  
11 court, an agency, the Department of Health or any other  
12 Commonwealth agency regarding the adopted person's original  
13 certificate of birth or regarding the documents of proof on  
14 which the amended certificate of birth is based or relating  
15 in any way to the [natural] birth parents unless the  
16 disclosure is made pursuant to the provisions of this  
17 section.

18 (2) Notwithstanding any other provision in this section  
19 to the contrary, the [natural] birth parents may, at the time  
20 of the termination of their parental rights pursuant to  
21 Chapter 25 (relating to proceedings prior to petition to  
22 adopt) or at any time thereafter, place on file, with the  
23 court and with the Department of Health, a consent form  
24 granting permission for the court or the department to  
25 disclose the information contained in the adoptee's original  
26 certificate of birth, or any other identifying or  
27 nonidentifying information pertaining to the [natural] birth  
28 parents, at any time after the adoptee attains the age of 18  
29 or, if less than 18, to his adoptive parent or legal  
30 guardian. If both parents give their consent, the information

1 on the birth certificate may be disclosed. If only one parent  
2 gives consent, only the identity of the consenting parent  
3 shall be disclosed. The [natural parents] birth parent shall  
4 be entitled to update those records, as necessary, to reflect  
5 the [natural] birth parent's current address or any other  
6 information pertaining to the [natural parents] birth parent.  
7 The [information may only be disclosed upon the request of  
8 the adoptee or his adoptive parent or legal guardian, and  
9 the] consent of the [natural] birth parents may be withdrawn  
10 at any time by filing a withdrawal of consent form with the  
11 court and the department. The department shall prescribe by  
12 regulation the procedure and forms to be utilized for the  
13 giving, updating and withdrawal of the consent.

14 (3) An adoptee at least 18 years of age or, if less than  
15 18 years of age, the parent or legal guardian of the adoptee  
16 shall have access to any original or updated medical history  
17 information on file with the court which entered the decree  
18 of termination or the [Department of Public Welfare]  
19 department. No medical history information shall be released  
20 which would [endanger the anonymity of the natural parents.]  
21 compromise the confidentiality of the biological relationship  
22 between the adoptee and the adoptee's birth parents.

23 (e) Immunity from liability.--Any person or agency,  
24 including the Commonwealth or its political subdivision, that in  
25 good faith acted or failed to act concerning any requirement of  
26 this section shall be immune from civil or criminal liability  
27 due to providing or refusing to provide services under this  
28 section. In any proceeding, the good faith of a person or agency  
29 acting under this section shall be presumed.

30 (f) Costs and fees.--A court or agency providing services

1 under subsection (b) or (c) may establish a schedule of fees for  
2 services. The fees shall be reasonably related to the direct and  
3 indirect costs associated with providing services.

4 Section 25. Title 23 is amended by adding a section to read:

5 § 2905.1. Mutual consent registry.

6 The department shall do all of the following:

7 (1) Establish a Statewide confidential registry for  
8 receiving, filing and retaining documents requesting,  
9 authorizing or prohibiting the release of identifying  
10 information or contact.

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

14 (3) Devise a procedure for releasing identifying  
15 information in the possession of the court or agency which  
16 handled the adoption, upon receipt of an appropriate written  
17 request and authorization.

18 (4) Cooperate with registries in other states to  
19 facilitate the matching of documents under this chapter by  
20 individuals in different states.

21 (5) Announce and publicize to the general public the  
22 existence of the registry and the procedure for the  
23 consensual release of identifying information or contact.

24 Section 26. Sections 2906, 2907, 2908, 2909 and 2910 of  
25 Title 23 are amended to read:

26 § 2906. Docket entries.

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

1 § 2907. Certificate of adoption.

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

9 § 2908. Foreign decree of adoption.

10 When a decree of adoption of a minor is made or entered in  
11 conformity with the laws of another state or a foreign country  
12 whereby a child is adopted by a resident of this Commonwealth, a  
13 copy of the final decree, properly authenticated, may be filed  
14 with the clerk in the county of residence of the adopting  
15 [parents] parent. The decree and such other documents as may be  
16 filed therewith shall be kept in the files of the court as a  
17 permanent record thereof and shall be withheld from inspection  
18 except on order of court granted upon cause shown. Upon the  
19 filing of a foreign decree of adoption, the clerk shall enter  
20 upon the docket an entry showing the foreign court,  
21 identification of the proceedings therein and the date of the  
22 decree. Information identifying the [natural] birth parents  
23 shall not be required.

24 § 2909. Medical history information.

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

1 history information shall be delivered directly to the adopting  
2 [parents] parent or [their] parent's physician.

3 (b) Editing of information.--Except as provided in section  
4 2905 (relating to impounding of proceedings and access to  
5 records), medical history information shall be edited before  
6 delivery or release by the [Department of Public Welfare]  
7 department so as to remove any contents which would identify the  
8 adoptee's [natural] birth family.

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

17 (c.1) Filing medical history information.--A birth parent  
18 may update medical history information at any time with the  
19 court that entered the decree of termination or with the  
20 department by utilizing the forms made available under  
21 subsection (c).

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

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

§ 2910. Penalty for unauthorized disclosure.

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

Section 27. The amendment or addition of the following provisions of Title 23 shall apply to actions initiated on or after the effective date of this act:

- (1) Section 2102.
- (2) Section 2313.
- (3) Section 2501(a).
- (4) Section 2502(a) and (c).
- (5) Section 2503(b)(3), (c) and (d).
- (6) Section 2504.
- (7) Section 2505(c) and (d.1).
- (8) Section 2511(a)(3) and (9) through (11).
- (9) Section 2512(a)(1) and (c).
- (10) Section 2513(c) and (d).
- (11) Section 2514.
- (12) Section 2531(b).
- (13) Section 2535(a).
- (14) Section 2701(2), (2.1) and (10).
- (15) Section 2702(3).
- (16) Section 2711(b), (c), (c.2), (d) and (e).



1           (17) Section 2711.1.  
2           (18) Section 2712.  
3           (19) Section 2715.  
4           (20) Section 2724(b).  
5           (21) Section 2901.  
6           (22) Section 2902(c).  
7           (23) Section 2905(b), (c) and (c.2).  
8       Section 28. This act shall take effect in 60 days.