
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1423 Session of
2003

INTRODUCED BY TRUE, ROSS, THOMAS, BOYD, VANCE, YOUNGBLOOD,
TANGRETTI, ROHRER, STERN, HENNESSEY, R. MILLER, SCAVELLO,
E. Z. TAYLOR, HICKERNELL, SATHER, BARRAR, HERSHEY, NICKOL,
B. SMITH, McILHATTAN, GILLESPIE, McNAUGHTON, CREIGHTON,
CRAHALLA, ARMSTRONG, BALDWIN, BENNINGHOFF, CAPPELLI, CLYMER,
COLEMAN, EGOLF, FRANKEL, GEIST, GOODMAN, HARHART, HARRIS,
KIRKLAND, MANN, S. MILLER, NAILOR, RUBLEY, TIGUE, WALKO,
BAKER, WATSON AND BLAUM, MAY 12, 2003

SENATOR THOMPSON, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, FEBRUARY 2, 2004

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing, in adoption, for
3 voluntary relinquishment to adults, for an alternative
4 procedure, for reports of intention and for consent.

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

7 Section 1. Sections 2502(a), 2504(a), 2531(b)(6) and 2711(c)
8 and (d)(1) of Title 23 of the Pennsylvania Consolidated Statutes
9 are amended to read:

10 § 2502. Relinquishment to adult intending to adopt child.

11 (a) Petition.--When any child under the age of 18 years has
12 been for a minimum period of [30] three days in the exclusive
13 care of an adult or adults who have filed a report of intention
14 to adopt required by section 2531 (relating to report of

1 intention to adopt), the parent or parents of the child may
2 petition the court for permission to relinquish forever all
3 parental rights to their child.

4 * * *

5 § 2504. Alternative procedure for relinquishment.

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

24 * * *

25 § 2531. Report of intention to adopt.

26 * * *

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

28 * * *

29 (6) The name, address and signature of the person or
30 persons making the report. Immediately above the signature of

1 the person or persons intending to adopt the child shall
2 appear the following statement:

3 I acknowledge that I have been advised or know and

4 understand that the ~~natural [parent]~~ [NATURAL PARENT] <—

5 BIRTH father or putative father may revoke the consent to

6 the adoption of this child until [a court has entered a

7 decree terminating the parental rights and, unless a

8 decree terminating parental rights has been entered, the

9 natural parent may revoke the consent until a court

10 enters the final adoption decree.] 20 30 days after the <—

11 later of the birth of the child or the date he has

12 executed the consent to an adoption and that the ~~natural~~ <—

13 BIRTH mother may revoke the consent to an adoption of <—

14 this child until 20 30 days after the date she has <—

15 executed the consent.

16 * * *

17 § 2711. Consents necessary to adoption.

18 * * *

19 (c) Validity of consent.--No consent shall be valid if it

20 was executed prior to or within 72 hours after the birth of the

21 child. A putative father may execute a consent at any time after

22 receiving notice of the expected or actual birth of the child.

23 Any consent given outside this Commonwealth shall be valid for

24 purposes of this section if it was given in accordance with the

25 laws of the jurisdiction where it was executed. A consent to an

26 adoption may only be revoked [prior to the earlier of either the

27 entry of a decree of termination of parental rights or the entry

28 of a decree of adoption.] as set forth in this subsection. The

29 revocation of a consent shall be in writing and shall be served

30 upon the agency or adult to whom the child was relinquished. The

1 following apply:

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

3 (i) For a consent to an adoption executed by a
4 ~~natural~~ BIRTH father or a putative father, the consent is <—
5 irrevocable ~~20~~ 30 days after the birth of the child or <—
6 the execution of the consent, whichever occurs later.

7 (ii) For a consent to an adoption executed by a
8 ~~natural~~ BIRTH mother, the consent is irrevocable ~~20~~ 30 <—
9 days after the execution of the consent.

10 (2) An individual may not waive the revocation period
11 under paragraph (1).

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

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

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

19 (B) Thirty days after the entry of the adoption
20 decree.

21 (ii) A consent to an adoption may be invalidated
22 only if the alleged fraud or duress under subparagraph
23 ~~(i) is proven by clear and convincing evidence. (I) IS~~ <—
24 PROVEN BY:

25 (A) ~~SUBSTANTIAL~~ A PREPONDERANCE OF THE EVIDENCE <—
26 IN THE CASE OF CONSENT BY A PERSON 21 YEARS OF AGE OR
27 YOUNGER; OR

28 (B) CLEAR AND CONVINCING EVIDENCE IN ALL OTHER
29 CASES.

30 (d) Contents of consent.--

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

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

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

11 I understand such child will be placed for adoption.

12 I understand I may revoke this consent to permanently
13 give up all rights to this child by placing the
14 revocation in writing and serving it upon the agency or
15 adult to whom the child was relinquished.

16 [I understand I may not revoke this consent after a
17 court has entered a decree confirming this consent or
18 otherwise terminating my parental rights to this child.
19 Even if a decree has not been entered terminating my
20 parental rights I may not revoke this consent after a
21 decree of adoption of this child is entered.]

22 If I am the ~~natural~~ BIRTH father or putative father <—
23 of the child, I understand that this consent to an
24 adoption is irrevocable unless I revoke it within 20 30 <—
25 days after either the birth of the child or my execution
26 of the consent, whichever occurs later, by delivering a
27 written revocation to (insert the name and address of the
28 agency coordinating the adoption) or (insert the name and
29 address of an attorney who represents the individual
30 relinquishing parental rights or prospective adoptive

1 parent of the child) or (insert the court of the county
2 in which the voluntary relinquishment form was or will be
3 filed).

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

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

16 * * *

17 Section 2. The amendment of 23 Pa.C.S. §§ 2502(a), 2504(a),
18 2531(b)(6) and 2711(c) and (d)(1) shall apply to adoptions which
19 are initiated on or after the effective date of this section.

20 Section 3. This act shall take effect in 60 days.