

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 451 Session of 2011

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

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 4, 2011

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 report of intention to adopt and for consents necessary to
4 adoption; repealing provisions relating to consents not
5 naming adopting parents; and further providing for notice of
6 hearing.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 2531(b)(6) and 2711(c) and (d) of Title
10 23 of the Pennsylvania Consolidated Statutes are amended to
11 read:

12 § 2531. Report of intention to adopt.

13 * * *

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

15 * * *

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

1 I acknowledge that I have been advised or know and
2 understand that the birth father or putative father may
3 revoke the consent to the adoption of this child within
4 [30 days] 96 hours after the later of the birth of the
5 child or the date he has executed the consent to an
6 adoption and that the birth mother may revoke the consent
7 to an adoption of this child within [30 days] 96 hours
8 after the date she has executed the consent.

9 * * *

10 § 2711. Consents necessary to adoption.

11 * * *

12 (c) Validity of consent.--

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

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

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

30 (4) A consent to an adoption may only be revoked as set

1 forth in this subsection. The revocation of a consent shall
2 be in writing and shall be served upon the agency or adult to
3 whom the child was relinquished. [The following apply:]

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

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

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

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

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

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

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

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

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

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

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

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

1 (4) Once the individual's parental rights are terminated
2 and the individual has executed a consent to an adoption, the
3 individual has no further standing to contest the adoption or
4 to revoke his or her consent.

5 (d) Contents of consent.--

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

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

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

16 I understand such child will be placed for adoption.

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

21 If I am the birth father or putative father of the
22 child, I understand that this consent to an adoption is
23 irrevocable unless I revoke it within [30 days] 96 hours
24 after either the birth of the child or my execution of
25 the consent, whichever occurs later, by delivering a
26 written revocation to (insert the name and address of the
27 agency coordinating the adoption) or (insert the name and
28 address of an attorney who represents the individual
29 relinquishing parental rights or prospective adoptive
30 parent of the child) or (insert the court of the county

1 in which the voluntary relinquishment form was or will be
2 filed).

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

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

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

19 Section 2. Section 2712 of Title 23 is repealed:

20 [§ 2712. Consents not naming adopting parents.

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

27 Section 3. Section 2721 of Title 23 is amended to read:

28 § 2721. Notice of hearing.

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

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

9 Section 4. This act shall take effect in 60 days.