

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1526 Session of 2015

INTRODUCED BY PETRI, WATSON, BAKER, COHEN, MILLARD, D. PARKER, PICKETT, ZIMMERMAN, SCHEMEL AND MOUL, OCTOBER 14, 2015

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 14, 2016

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, for consents necessary to
4 adoption and for notice of hearing.

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

7 Section 1. Sections 2531(b)(6), 2711(c) and (d) and 2721 of
8 Title 23 of the Pennsylvania Consolidated Statutes are amended
9 to read:

10 § 2531. Report of intention to adopt.

11 * * *

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

13 * * *

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

18 I acknowledge that I have been advised or know and

1 understand that the birth father or putative father may
2 revoke the consent to the adoption of this child within
3 [30 days] ~~120 hours~~ 14 DAYS after the later of the birth <--
4 of the child or the date he has executed the consent to
5 an adoption and that the birth mother may revoke the
6 consent to an adoption of this child within [30 days] ~~120~~<--
7 ~~hours~~ 14 DAYS after the date she has executed the <--
8 consent.

9 * * *

10 § 2711. Consents necessary to adoption.

11 * * *

12 (c) Validity of consent.--No consent shall be valid if it
13 was executed prior to or within 72 hours after the birth of the
14 child. A putative father may execute a consent at any time after
15 receiving notice of the expected or actual birth of the child.
16 Any consent given outside this Commonwealth shall be valid for
17 purposes of this section if it was given in accordance with the
18 laws of the jurisdiction where it was executed. A consent to an
19 adoption may only be revoked as set forth in this subsection.
20 The revocation of a consent shall be in writing and shall be
21 served upon the agency or adult to whom the child was
22 relinquished. The following apply:

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

24 (i) For a consent to an adoption executed by a birth
25 father or a putative father, the consent is irrevocable
26 more than [30 days] ~~120 hours~~ 14 DAYS after the birth of <--
27 the child or the execution of the consent, whichever
28 occurs later.

29 (ii) For a consent to an adoption executed by a
30 birth mother, the consent is irrevocable more than [30

1 days] ~~120 hours~~ 14 DAYS after the execution of the
2 consent.

3 (2) An individual may not waive the revocation period
4 under paragraph (1).

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

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

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

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

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

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

19 (B) clear and convincing evidence in all other
20 cases.

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

25 (d) Contents of consent.--

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

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

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

6 I understand such child will be placed for adoption.

7 I understand I may revoke this consent to permanently
8 give up all rights to this child by placing the
9 revocation in writing and serving it upon the agency or
10 adult to whom the child was relinquished.

11 If I am the birth father or putative father of the
12 child, I understand that this consent to an adoption is
13 irrevocable unless I revoke it within [30 days] ~~120 hours~~ <--
14 14 DAYS after either the birth of the child or my <--
15 execution of the consent, whichever occurs later, by
16 delivering a written revocation to (insert the name and
17 address of the agency coordinating the adoption) or
18 (insert the name and address of an attorney who
19 represents the individual relinquishing parental rights
20 or prospective adoptive parent of the child) or (insert
21 the court of the county in which the voluntary
22 relinquishment form was or will be filed).

23 If I am the birth mother of the child, I understand
24 that this consent to an adoption is irrevocable unless I
25 revoke it within [30 days] ~~120 hours~~ 14 DAYS after <--
26 executing it by delivering a written revocation to
27 (insert the name and address of the agency coordinating
28 the adoption) or (insert the name and address of an
29 attorney who represents the individual relinquishing
30 parental rights or prospective adoptive parent of the

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

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

5 (2) The consent shall include the date and place of its
6 execution and names and addresses and signatures of at least
7 two persons who witnessed its execution and their
8 relationship to the consenter.

9 § 2721. Notice of hearing.

10 The court shall fix a time and place for hearing. Notice of
11 the hearing shall be given to all persons whose consents are
12 required and to such other persons as the court shall direct.
13 Notice to the parent or parents of the adoptee[, if required,
14 may be given by the intermediary or someone acting on his
15 behalf.] is not required if the parents have consented to the
16 adoption and parental rights have been terminated. Notice shall
17 be by personal service or by registered mail to the last known
18 address of the person to be notified or in such other manner as
19 the court shall direct.

20 Section 2. This act shall take effect in ~~60 days~~ ONE YEAR. <--