

AMENDMENTS TO HOUSE BILL NO. 61

Sponsor: SENATOR CORMAN

Printer's No. 56

1 Amend Bill, page 1, lines 2 and 3, by striking out "in
2 petition for adoption, further" in line 2 and all of line 3 and
3 inserting

4 in adoption, further providing for report of intention to
5 adopt, for consents necessary to adoption and for notice of
6 hearing.

7 Amend Bill, page 1, lines 6 through 11, by striking out all
8 of said lines and inserting

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

20 I acknowledge that I have been advised or know and
21 understand that the birth father or putative father may
22 revoke the consent to the adoption of this child within
23 [30 days] 14 days after the later of the birth of the
24 child or the date he has executed the consent to an
25 adoption and that the birth mother may revoke the consent
26 to an adoption of this child within [30 days] 14 days
27 after the date she has executed the consent.

28 * * *

29 § 2711. Consents necessary to adoption.

30 * * *

31 (c) Validity of consent.--No consent shall be valid if it
32 was executed prior to or within 72 hours after the birth of the
33 child[. A], except that the birth father or a putative father
34 may execute a consent or denial of paternity at any time after
35 receiving notice of the expected or actual birth of the child.

1 Any consent given outside this Commonwealth shall be valid for
2 purposes of this section if it was given in accordance with the
3 laws of the jurisdiction where it was executed. A consent to an
4 adoption may only be revoked as set forth in this subsection.
5 The revocation of a consent shall be in writing and shall be
6 served upon the agency or adult to whom the child was
7 relinquished. The following apply:

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

9 (i) For a consent to an adoption executed by a birth
10 father or a putative father, the consent is irrevocable
11 more than [30 days] 14 days after the birth of the child
12 or the execution of the consent, whichever occurs later.

13 (ii) For a consent to an adoption executed by a
14 birth mother, the consent is irrevocable more than [30
15 days] 14 days after the execution of the consent.

16 (2) An individual may not waive the revocation period
17 under paragraph (1).

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

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

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

25 (B) Thirty days after the entry of the adoption
26 decree.] within 30 days after the birth of the child
27 or the execution of the consent, whichever occurs
28 later, and prior to the termination of parental
29 rights.

30 (ii) A consent to an adoption may be invalidated
31 only if the alleged fraud or duress under subparagraph

32 (i) is proven by:

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

35 (B) clear and convincing evidence in all other
36 cases.

37 (4) Once the individual's parental rights are terminated
38 and the individual has executed a consent to an adoption, the
39 individual has no further standing to contest the adoption or
40 to revoke the individual's consent.

41 (d) Contents of consent.--

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

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

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

1 I understand such child will be placed for adoption.
2 I understand I may revoke this consent to permanently
3 give up all rights to this child by placing the
4 revocation in writing and serving it upon the agency or
5 adult to whom the child was relinquished.

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

18 If I am the birth mother of the child, I understand
19 that this consent to an adoption is irrevocable unless I
20 revoke it within [30 days] 14 days after executing it by
21 delivering a written revocation to (insert the name and
22 address of the agency coordinating the adoption) or
23 (insert the name and address of an attorney who
24 represents the individual relinquishing parental rights
25 or prospective adoptive parent of the child) or (insert
26 the court of the county in which the voluntary
27 relinquishment form was or will be filed).

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

30 Amend Bill, page 1, by inserting after line 17

31 § 2721. Notice of hearing.

32 The court shall fix a time and place for hearing. Notice of
33 the hearing shall be given to all persons whose consents are
34 required and to such other persons as the court shall direct.
35 Notice to the parent or parents of the adoptee[, if required,
36 may be given by the intermediary or someone acting on his
37 behalf.] is not required if the parents have consented to the
38 adoption and parental rights have been terminated. Notice shall
39 be by personal service or by registered mail to the last known
40 address of the person to be notified or in such other manner as
41 the court shall direct.

42 Amend Bill, page 2, line 1, by striking out "in 60 days." and
43 inserting

44 as follows:

45 (1) The amendment of 23 Pa.C.S. § 2711(d)(2) shall take
46 effect in 60 days.

47 (2) The amendment of 23 Pa.C.S. §§ 2531(b)(6), 2711(c)

1 and (d) (1) and 2721 shall take effect in one year.
2 (3) This section shall take effect immediately.