

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 581 Session of
2013

INTRODUCED BY BISHOP, O'BRIEN, CALTAGIRONE, THOMAS, SWANGER, V.
BROWN AND COHEN, FEBRUARY 8, 2013

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 8, 2013

AN ACT

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

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
18 understanding the adoption process, the birth parents' rights

1 and obligations, the consequences of a decision to relinquish
2 parental rights or to consent to an adoption and the
3 alternatives to a relinquishment, consent or adoption.

4 "Adoptive parent." An individual who has adopted a child.

5 "Agency." [Any incorporated or unincorporated] An agency
6 operated by a public or private organization, corporation,
7 society, institution or [other] entity, [public or voluntary,]
8 which [may receive or provide for the care of children,
9 supervised by the Department of Public Welfare and providing]
10 provides adoption services in accordance with standards
11 established by the [department.] Department of Public Welfare.
12 The term includes a county agency.

13 "Birth sibling." A biological sibling or the half sibling of
14 the adoptee.

15 "Child." An individual under 18 years of age.

16 * * *

17 "County agency." The county children and youth social
18 service agency established under section 405 of the act of June
19 24, 1937 (P.L.2017, No.396), known as the County Institution
20 District Law, or its successor, and supervised by the Department
21 of Public Welfare under Article IX of the act of June 13, 1967
22 (P.L.31, No.21), known as the Public Welfare Code.

23 * * *

24 "Department." The Department of Public Welfare of the
25 Commonwealth.

26 "Family profile." An agency's formal assessment of the
27 capacity and readiness of a prospective adoptive parent to adopt
28 a child, conducted in accordance with the provisions of this
29 part.

30 "Intermediary." Any person [or persons] or agency acting

1 between the [parent or] parents and the proposed adoptive
2 [parent or] parents in arranging an adoption placement.

3 "Medical history information." Medical records and other
4 information concerning an adoptee or an adoptee's [natural]
5 birth family [which] that is relevant to the [adoptee's] present
6 or future health care or medical treatment of the adoptee or the
7 adoptee's birth family. The term includes, but is not limited
8 to:

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

13 (2) information], if identifying information has been
14 removed under section 2925 (relating to providing information
15 from registry).

16 (2) Information about the [natural] birth parents [which
17 may be relevant to] of a child that may concern a potential
18 hereditary or congenital medical problem.

19 * * *

20 "Parent." [Includes adoptive parent.] The birth parent or
21 adoptive parent of the adoptee.

22 "Presumptive father." The husband of the birth mother, or an
23 individual who was her husband at any time within one year of
24 the birth of the child, who is not necessarily the birth father
25 of the child.

26 "Putative father." An alleged birth father of a child
27 conceived or born out of wedlock.

28 "Stepparent." The husband or wife of a parent who is not the
29 birth or adoptive parent of the child.

30 Section 2. Sections 2302(1), 2313 and 2501(a) of Title 23

1 are amended to read:

2 § 2302. Venue.

3 Proceedings for voluntary relinquishment, involuntary
4 termination and adoption may be brought in the court of the
5 county:

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

10 * * *

11 § 2313. Representation.

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

22 (a.1) Parent.--

23 (1) The court shall appoint counsel for a parent whose
24 rights are subject to termination in an involuntary
25 termination proceeding if, upon petition of the parent, the
26 court determines that the parent is unable to pay for counsel
27 or if payment would result in substantial financial hardship.

28 (2) The court shall appoint counsel for a parent who is
29 under 18 years of age and whose consent is required under
30 section 2711 (relating to consents necessary to adoption) if

1 the court determines that the parent is unable to pay for
2 counsel or if payment would result in substantial financial
3 hardship.

4 (b) Payment of costs.--[The] For counsel appointed under
5 subsection (a.1), the county of residence of the parent for whom
6 counsel is appointed shall be responsible for the payment of
7 attorney costs. Except as set forth in subsection (c) (2), the
8 court[, in its discretion,] may order [all or part] that the
9 adopting parent pay up to 50% of the costs [attendant to a
10 proceeding under this part to be paid by the county wherein the
11 case is heard, the adopting parents or apportioned to both,
12 provided that if the adopting parents shall be ordered to bear
13 all or a portion of the costs of this part that:

14 (1) the court may direct] of the appointment of a
15 guardian ad litem, commensurate with the ability to pay
16 without causing financial hardship and that the payment [of
17 the fees or a portion thereof may be paid by] be made
18 according to a court ordered schedule [of payments extending
19 beyond the date of the involuntary termination hearing; and

20 (2) the fee shall not exceed \$150]. The remaining costs
21 for a guardian ad litem shall be paid by the county where the
22 action is heard.

23 (c) Exceptions.--

24 (1) An adopting parent shall not be responsible for
25 costs related to court-appointed counsel under subsection
26 (a.1).

27 (2) An adopting parent who is adopting a special needs
28 child eligible for adoption assistance under regulations of
29 the department shall not be responsible for payment of costs
30 under subsection (b).

1 § 2501. Relinquishment to agency.

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

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

14 (2) If the birth parent requested adoption-related
15 counseling services, whether the adoption-related counseling
16 services have been provided.

17 (3) If adoption-related counseling services were
18 provided, the name and address of the agency which provided
19 them.

20 * * *

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

23 § 2502. Relinquishment to adult intending to adopt child.

24 (a) Petition.--When any child under the age of 18 years has
25 been for a minimum period of three days in the exclusive care of
26 an adult or adults who have filed a report of intention to adopt
27 required by section 2531 (relating to report of intention to
28 adopt), the parent [or parents] of the child may petition the
29 court for permission to relinquish forever all parental rights
30 to [their] the child. The petition must include an

acknowledgment in writing by the birth parent of all of the following:

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

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

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

* * *

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

Section 4. Title 23 is amended by adding a section to read:
§ 2502.1. Agency requirements for abandoned child.

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

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

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

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

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

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

13 § 2503. [Hearing] Voluntary relinquishment hearing.

14 * * *

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

19 (b) Notice.--

20 * * *

21 (3) The [copy of the notice which is given to the]
22 putative father shall [state that his rights may also be
23 subject to termination pursuant to subsection (d) if he fails
24 to file either an acknowledgment of paternity or claim of
25 paternity pursuant to section 5103 (relating to
26 acknowledgment and claim of paternity) and fails to either
27 appear at the hearing for the purpose of objecting to the
28 termination of his rights or file a written objection to such
29 termination with the court prior to the hearing.] receive
30 notice in the form provided in section 2513(b) (relating to

1 hearing). If the identity or whereabouts of the putative
2 father is unknown, notice shall be given under section
3 2514(b) (relating to notice if putative father or his
4 whereabouts unknown). Notice under this paragraph shall state
5 that the putative father's rights may also be terminated
6 under subsection (d) if any of the following apply:

7 (i) He fails to file with the court prior to the
8 hearing a written objection to the termination.

9 (ii) He fails to appear at the hearing for the
10 purpose of objecting to the termination of his rights.

11 (iii) The court determines, after a hearing, that he
12 has failed to:

13 (A) provide substantial financial support for
14 the child; or

15 (B) make substantial and ongoing provision for
16 the child's care.

17 (c) Decree.--

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

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

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

(d) [Putative father.--] Termination of putative father's parental rights.--If a putative father [will not file a petition to voluntarily relinquish his parental rights pursuant to section 2501 (relating to relinquishment to agency) or 2502 (relating to relinquishment to adult intending to adopt child),] has been given notice of the hearing being held pursuant to this section [and], the court may enter a decree terminating his parental rights, whether or not the putative father 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 [either]:

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

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

(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

1 transmitted to the parent whose rights are terminated, the court
2 shall advise that parent, in writing, of his or her continuing
3 right to place and update personal and medical history
4 information, whether or not the medical condition is in
5 existence or discoverable at the time of adoption, on file with
6 the court, with the Department of Health and with the
7 [Department of Public Welfare] department pursuant to Subchapter
8 B of Chapter 29 (relating to records and access to information).

9 Section 6. Section 2504 of Title 23 is repealed:

10 [§ 2504. Alternative procedure for relinquishment.

11 (a) Petition to confirm consent to adoption.--If the parent
12 or parents of the child have executed consents to an adoption,
13 upon petition by the intermediary or, where is no intermediary,
14 by the adoptive parent, the court shall hold a hearing for the
15 purpose of confirming a consent to an adoption upon expiration
16 of the time periods under section 2711 (relating to consents
17 necessary to adoption). The original consent or consents to the
18 adoption shall be attached to the petition.

19 (b) Hearing.--Upon presentation of a petition filed pursuant
20 to this section, the court shall fix a time for a hearing which
21 shall not be less than ten days after filing of the petition.
22 Notice of the hearing shall be by personal service or by
23 registered mail or by such other means as the court may require
24 upon the consenter and shall be in the form provided in section
25 2513(b) (relating to hearing). Notice of the hearing shall be
26 given to the other parent or parents, to the putative father
27 whose parental rights could be terminated pursuant to subsection
28 (c) and to the parents or guardian of a consenting parent who
29 has not reached 18 years of age. The notice shall state that the
30 consenting parent's or putative father's rights may be

1 terminated as a result of the hearing. After hearing, which
2 shall be private, the court may enter a decree of termination of
3 parental rights in the case of a relinquishment to an adult or a
4 decree of termination of parental rights and duties, including
5 the obligation of support, in the case of a relinquishment to an
6 agency.

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

18 (d) Right to file personal and medical history
19 information.--At the time the decree of termination is
20 transmitted to the parent, the court shall also advise, in
21 writing, the parent whose rights have been terminated of his or
22 her 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 and with the Department of Public Welfare pursuant to
26 Subchapter B of Chapter 29 (relating to records and access to
27 information).]

28 Section 7. Sections 2504.1 and 2505 of Title 23 are amended
29 to read:

30 § 2504.1. Confidentiality.

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

8 § 2505. [Counseling] Adoption-related counseling services.

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

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

1 within the county [and]. The department shall [be made] make the
2 list available upon request to any [intermediary or licensed
3 health care professional] person.

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

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

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

1 (i) relinquishment of parental rights; or
2 (ii) execution of a consent to adoption.
3 (2) A birth parent, or an intermediary acting on behalf
4 of the birth parent, who has not been offered adoption-
5 related counseling services and has:

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

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

17 (d.1) County agency.--

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

24 (2) Upon notification that the applicant is approved,
25 the county agency shall advise the applicant of procedures to
26 obtain adoption-related counseling services.

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

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

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

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

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

27 (i) The amount of money made available to the county
28 agency through filing fees established in paragraph (1)
29 and other sources of funding for adoption-related
30 counseling services.

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

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

5 (iv) The estimated per-parent cost of adoption-
6 related counseling services.

7 Section 8. Section 2511(a)(2), (3), (4), (6) and (7), (b)
8 and (c) of Title 23 are amended and subsection (a) is amended by
9 adding paragraphs to read:

10 § 2511. Grounds for involuntary termination.

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

14 * * *

15 (2) The repeated and continued incapacity, abuse,
16 neglect or refusal of the parent has caused the child to be
17 without essential parental care, control or subsistence
18 necessary for his physical or mental well-being and the
19 conditions and causes of the incapacity, abuse, neglect or
20 refusal cannot or will not be remedied by the parent within a
21 reasonable period of time.

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

24 (4) The child was abandoned and is in the custody of an
25 agency, [having been found under such circumstances that] the
26 identity or whereabouts of the parent is unknown and cannot
27 be ascertained by diligent search and the parent does not
28 claim the child within three months after the child is found.

29 * * *

30 (6) In the case of a newborn child, the parent knows or

1 has reason to know of the child's birth, does not reside with
2 the child, [has not married the child's other parent,] has
3 failed for a period of four months immediately preceding the
4 filing of the petition to make reasonable efforts to maintain
5 substantial and continuing contact with the child and has
6 failed during the same four-month period to provide
7 substantial financial support for the child.

8 (7) The parent is the [father of a child conceived as a
9 result] perpetrator of a rape or sexual assault or of incest,
10 which resulted in the conception of the child.

11 * * *

12 (10) The identity or whereabouts of the putative father
13 of the child is unknown and notice has been provided under
14 section 2514 (relating to notice if putative father or his
15 whereabouts unknown).

16 (11) The parent has engaged in repeated and continued
17 abuse or neglect of the child, the child's sibling or another
18 child residing in the child's household.

19 (12) The child, the child's sibling or another child
20 residing in the child's household has been the victim of any
21 of the following by the parent whose rights are to be
22 involuntarily terminated:

23 (i) Serious bodily injury, as defined in section
24 6303(a) (relating to definitions).

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

27 (iii) Indecent contact, as defined in 18 Pa.C.S. §
28 3101 (relating to definitions).

29 (iv) An offense under any of the following
30 provisions of 18 Pa.C.S. (relating to crimes and

offenses):

Section 3121(a) (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 4302 (relating to incest).

Section 6312 (relating to sexual abuse of children).

Section 6320 (relating to sexual exploitation of children).

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

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

(c) Right to file personal and medical history

1 information.--At the time the decree of termination is
2 transmitted to the parent whose rights have been terminated, the
3 court shall advise the parent, in writing, of his or her
4 continuing right to place and update personal and medical
5 history information, whether or not the medical condition is in
6 existence or discoverable at the time of adoption, on file with
7 the court, the Department of Health and [with] the [Department
8 of Public Welfare] department pursuant to Subchapter B of
9 Chapter 29 (relating to records and access to information).

10 Section 9. Section 2512(c) of Title 23 is amended to read:

11 § 2512. Petition for involuntary termination.

12 * * *

13 [(c) Father not identified.--If the petition does not
14 identify the father of the child, it shall state whether a claim
15 of paternity has been filed under section 8303 (relating to
16 claim of paternity).]

17 Section 10. Section 2513(b), (c) and (d) of Title 23 are
18 amended and the section is amended by adding a subsection to
19 read:

20 § 2513. Hearing.

21 * * *

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

26 (b) Notice.--At least ten days' notice shall be given to the
27 parent [or parents], putative father, or parent of a minor
28 parent whose rights are to be terminated, by personal service or
29 by registered mail to his or their last known address or by such
30 other means as the court may require. A copy of the notice shall

1 be given in the same manner to the other parent, putative father
2 or parent or guardian of a minor parent whose rights are to be
3 terminated. A putative father shall include one who has filed a
4 claim of paternity as provided in section 5103 (relating to
5 acknowledgment and claim of paternity) prior to the institution
6 of proceedings. The notice shall state the following:

7 ["]A petition has been filed asking the court to put an
8 end to all rights you have to your child (insert name of
9 child). The court has set a hearing to consider ending your
10 rights to your child. That hearing will be held in (insert
11 place, giving reference to exact room and building number or
12 designation) on (insert date) at (insert time). You are
13 warned that even if you fail to appear at the scheduled
14 hearing, the hearing will go on without you and your rights
15 to your child may be ended by the court without [your] you
16 being present. You have a right to be represented at the
17 hearing by a lawyer. You should take this paper to your
18 lawyer at once. If you do not have a lawyer or cannot afford
19 one, go to or telephone the office set forth below to find
20 out where you can get legal help.

21 (Name).....
22 (Address).....
23
24 (Telephone number).....["]

25 (c) Mother competent witness on paternity issue.--The
26 [natural] birth mother shall be a competent witness as to
27 whether the presumptive or putative father is the [natural]
28 birth father of the child.

29 (d) Decree.--

30 (1) After hearing, which may be private, the court shall

1 make a finding relative to the pertinent provisions of
2 section 2511 (relating to grounds for involuntary
3 termination) [and upon such]. Upon a finding by clear and
4 convincing evidence of a ground under section 2511, the court
5 may enter a decree of termination of parental rights.

6 (2) Subject to paragraph (3), a decree of termination of
7 parental rights terminates forever all the subject parent's
8 parental rights and duties with respect to the child,
9 including the obligation of support.

10 (3) A decree of termination of parental rights does not
11 extinguish the duty of a parent to pay arrearages for child
12 support.

13 Section 11. Title 23 is amended by adding a section to read:

14 § 2514. Notice if putative father or his whereabouts unknown.

15 (a) Reasonable efforts.--

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

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

27 (i) The extent to which inquiries were made as to
28 whether:

29 (A) The birth mother was married or cohabitating
30 with a man at the probable time of conception of the

1 child.

2 (B) The birth mother has received payments or
3 promises of support, other than from a governmental
4 agency, with respect to the child or because of her
5 pregnancy.

6 (C) The birth mother has named any individual as
7 the father on the birth certificate of the child or
8 in connection with applying for or receiving public
9 assistance.

10 (D) An individual has formally or informally
11 acknowledged or claimed paternity of the child in a
12 jurisdiction in which the birth mother resided during
13 or since her pregnancy or in which the child has
14 resided or resides at the time of the inquiry.

15 (ii) Documentation that notice has been sent
16 unsuccessfully to the identified putative father at his
17 last known address.

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

21 (A) Local post office.

22 (B) State agency with jurisdiction over drivers'
23 licenses.

24 (C) State agency with jurisdiction over public
25 assistance.

26 (D) State or local voter registration agency.

27 (E) State and local probation and parole
28 offices.

29 (b) Notice by publication.--If the petitioner can establish
30 that reasonable but unsuccessful efforts were made to identify

1 or locate a putative father, notice of the proceeding may be
2 given to the putative father by publication one time in both a
3 newspaper of general circulation and in the county legal journal
4 at least ten days before the date of the hearing. Proof of
5 publication of the notice provided under this subsection must be
6 submitted to the court.

7 (c) Affidavit of service.--At the hearing on a petition to
8 terminate the parental rights of a putative father whose
9 identity or whereabouts are unknown, the petitioner must submit
10 to the court an affidavit of the reasonable efforts made to
11 identify or locate a putative father for the purpose of
12 providing notice of the proceedings.

13 (d) Determination by the court.--A specific finding must be
14 made by the court that reasonable efforts were made by the
15 petitioner under subsection (a)(1), including publication of
16 notice required under subsection (b), and that the putative
17 father is unknown or cannot be located for the purpose of
18 providing notice.

19 Section 12. Sections 2530 and 2531(b) of Title 23 are
20 amended to read:

21 § 2530. [Home study and preplacement report] Family profile.

22 (a) General rule.--No [intermediary shall place a] child may
23 be placed in the physical care or custody of a prospective
24 adoptive parent [or parents] unless a [home study] family
25 profile containing a favorable recommendation for placement of a
26 child with the prospective parent [or parents] has been
27 completed within three years prior thereto and which has been
28 supplemented within one year prior thereto. The [home study]
29 family profile shall be conducted by a [local public child-care
30 agency,] county agency or an adoption agency [or a licensed

1 social worker designated by the court to perform such study].
2 The family profile is not required if a parent or guardian
3 places a child directly with a relative of the child, as
4 identified in section 2531(c) (relating to report of intention
5 to adopt) for purposes of adoption.

6 (b) [Preplacement report.--A preplacement report shall be
7 prepared by the agency or person conducting the home study.]
8 Contents.--

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

12 (2) The [preplacement report] family profile shall be
13 based upon a study which shall include an investigation of
14 the home environment, family life, parenting skills, age,
15 physical and mental health, social, cultural and religious
16 background, facilities and resources of the adoptive
17 [parents] parent and [their] that parent's ability to manage
18 [their] resources. The [preplacement report] family profile
19 shall also include the information required by section
20 6344(b) (relating to information relating to prospective
21 child-care personnel), as well as a report of Federal
22 criminal history record information.

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

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

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

30 (c) Interim placement.--Where a [home study] family profile

1 required under this section is in process, but not yet
2 completed, [an intermediary may place] a child may be placed in
3 the physical care or custody of a prospective adoptive parent
4 [or parents] if all of the following conditions are met:

5 (1) The [intermediary] agency preparing the family
6 profile has no reason to believe that the prospective
7 adoptive parent [or parents] would not receive a favorable
8 recommendation for placement as a result of the [home study]
9 family profile.

10 (2) The [individual or] agency [conducting] preparing
11 the [home study] family profile assents to the interim
12 placement.

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

23 § 2531. Report of intention to adopt.

24 * * *

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

26 (1) The circumstances surrounding the persons receiving
27 or retaining custody or physical care of the child, including
28 the date upon which a [preplacement investigation] family
29 profile was concluded.

30 (2) The name, sex, racial background, age, date and

1 place of birth and religious affiliation of the child.

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

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

5 (5) Whether the parent [or parents] whose parental
6 rights are to be terminated [have received] has received
7 adoption-related counseling with respect to the termination
8 and the alternatives thereto. If so, the report shall state
9 the dates on which the counseling was provided and the name
10 and address of the [counselor or] agency which provided the
11 counseling.

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

16 I acknowledge that I have been advised or know and
17 understand that the birth father or putative father may
18 revoke the consent to the adoption of this child within
19 30 days after the later of the birth of the child or the
20 date he has executed the consent to an adoption and that
21 the birth mother may revoke the consent to an adoption of
22 this child within 30 days after the date she has executed
23 the consent.

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

28 (8) Either:

29 (i) a copy of the medical and personal history of
30 the birth parents; or

1 (ii) the reason that the copy under subparagraph (i)
2 has not been obtained.

3 When a person receives or retains custody or physical care of a
4 child from an agency, the report shall set forth only the name
5 and address of the agency, the circumstances surrounding such
6 person receiving or retaining custody or physical care of the
7 child and a copy of the [preplacement report] family profile
8 prepared pursuant to section 2530 (relating to family profile).

9 * * *

10 Section 13. Title 23 is amended by adding a section to read:
11 § 2531.1. Criminal and child abuse background checks for
12 stepparent or relative adoptions.

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

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

22 § 2533. Report of intermediary.

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

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

1 * * *

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

4 * * *

5 (12) A statement:

6 (i) that personal and medical history information
7 was obtained [and if not obtained, a statement]; or

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

10 (13) A list of the dates of supervision of the adoptive
11 placement by the supervising agency.

12 * * *

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

19 (1) Medical [and], hospital, nursing, pharmaceutical,
20 travel or other similar expenses incurred by the [natural
21 mother for prenatal care and those medical and hospital
22 expenses incurred by the natural] birth mother [and] or her
23 child incident to birth or any illness of the child.

24 * * *

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

29 * * *

30 (5) Expenses for adoption-related counseling services

1 for a birth parent and for counseling services for the child
2 for a reasonable time before and after the child's placement
3 for adoption.

4 (6) Living expenses of a birth mother, which are limited
5 to food, clothing and shelter, for a reasonable time before
6 the birth of her child and for not more than six weeks after
7 the birth.

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

10 (8) Expenses for legal services performed for a birth
11 parent who consents to the adoption of a child or
12 relinquishes the child to an agency.

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

15 Section 15. Section 2534 of Title 23 is amended by adding
16 paragraphs to read:

17 § 2534. Exhibits.

18 The report of the intermediary shall have attached to it the
19 following exhibits:

20 * * *

21 (4) A copy of the supervisory reports prepared by the
22 supervising agency.

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

25 Section 16. Section 2535(a) of Title 23 is amended to read:
26 § 2535. Investigation.

27 (a) General rule.--When a report required by section 2531
28 (relating to report of intention to adopt) has been filed, the
29 court shall cause an investigation to be made and a report to be
30 filed by a [local public child care] county agency[, a voluntary

1 child care] or an adoption agency with its consent [or an
2 appropriate person designated by the court]. In lieu of the
3 investigation, the court may accept an investigation made by the
4 agency which placed the child and the report of investigation in
5 such cases may be incorporated into the report of the
6 intermediary required by section 2533 (relating to report of
7 intermediary).

8 * * *

9 Section 17. Title 23 is amended by adding a section to read:

10 § 2536. Postplacement supervision.

11 An agency supervising an adoption shall conduct postplacement
12 supervision, consisting of a minimum of three visits to the
13 adoptive home.

14 Section 18. Subchapter E heading of Chapter 25 and sections
15 2551, 2552, 2553, 2554, 2555, 2556 and 2558(2) of Title 23 are
16 amended to read:

17 SUBCHAPTER E

18 PENNSYLVANIA ADOPTION [COOPERATIVE EXCHANGE] REGISTRY

19 § 2551. Definitions.

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

23 ["Department." The Department of Public Welfare of the
24 Commonwealth.]

25 "[PACE] PAR." The Pennsylvania Adoption [Cooperative
26 Exchange] Registry established in section 2552 (relating to
27 Pennsylvania Adoption Registry).

28 § 2552. Pennsylvania Adoption [Cooperative Exchange] Registry.

29 There shall be a Pennsylvania Adoption [Cooperative Exchange]
30 Registry in the Office of Children, Youth and Families of the

1 [Department of Public Welfare] department.

2 § 2553. Registration of children.

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

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

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

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

12 (ii) a petition to terminate parental rights has
13 been filed; and

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

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

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

20 (ii) a petition to terminate parental rights has not
21 been filed.

22 (3) Information about these children shall not be
23 publicized without prior approval by the department, which
24 shall ensure the anonymity of these children until such time
25 as parental rights are terminated.

26 (c) Children excluded from registration.--A child for whom
27 termination of parental rights is being appealed in a court
28 shall not be registered with [PACE] PAR as available for
29 adoption. Identifying information of such children shall be
30 forwarded to [PACE] PAR by the agency, with reference to the

specific reason for which the child is not to be placed on the listing service.

§ 2554. Responsibilities of [PACE] PAR.

[PACE] PAR shall be responsible for the following:

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

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

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

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

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

1 Code.

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

4 § 2555. Responsibilities of [public and private] agencies.

5 [All public and licensed private child service agencies] An
6 agency shall register with PAR all children [with PACE] for whom
7 parental rights have been terminated for [90] 30 days and for
8 whom no report of intention to adopt has been filed in the court
9 of common pleas. [A public or licensed private] An agency may
10 register other children as set forth in section 2553(b)
11 (relating to registration of children). An agency shall advise
12 prospective adopting parents of the existence of PAR.

13 § 2556. Related activities of agencies unaffected.

14 This subchapter shall not be construed to limit or delay
15 actions by agencies [or institutions] to arrange for adoptions
16 or other related matters on their own initiative and shall not
17 alter or restrict the duties, authority and confidentiality of
18 the agencies [and institutions] in those matters.

19 § 2558. Retroactive application of subchapter.

20 This subchapter shall apply retroactively to all children for
21 whom:

22 * * *

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

27 Section 19. Section 2701(1), (2) and (4) of Title 23 are
28 amended and the section is amended by adding paragraphs to read:

29 § 2701. Contents of petition for adoption.

30 A petition for adoption shall set forth:

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

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

9 (2.1) That the criminal and child abuse history record
10 information required by sections 2530(b)(2) and 2531.1
11 (relating to criminal and child abuse background checks for
12 stepparent or relative adoptions), has been filed with the
13 court.

14 * * *

15 (4) The full name of the adoptee and the fact and length
16 of time of the residence of the adoptee with the adopting
17 parent [or parents].

18 * * *

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

21 (11) Either:

22 (i) that the medical history and personal history of
23 the birth parents have been obtained; or

24 (ii) the reason that the information under
25 subparagraph (i) has not been obtained.

26 (12) The dates of the supervision of the adoptive
27 placement.

28 Section 20. Section 2702 of Title 23 is amended by adding
29 paragraphs to read:

30 § 2702. Exhibits.

1 The petition shall have attached to it the following
2 exhibits:

3 * * *

4 (3) Any report of investigation required under section
5 2535 (relating to investigation).

6 (4) If obtained, the personal history and medical
7 history of the birth parents.

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

9 Section 21. Section 2711(b) and (d) of Title 23 are amended
10 and the section is amended by adding subsections to read:

11 § 2711. Consents necessary to adoption.

12 * * *

13 (b) Husband of [natural] birth mother.--The consent of the
14 [husband of the mother] presumptive father shall not be
15 necessary if, after notice to [the husband, it is proved to the
16 satisfaction of] him, the court finds, by clear and convincing
17 evidence, including testimony of the [natural] birth mother,
18 that the [husband of the natural mother] presumptive father is
19 not the [natural] birth father of the child. [Absent such proof,
20 the consent of a former husband of the natural mother shall be
21 required if he was the husband of the natural mother at any time
22 within one year prior to the birth of the adoptee.]

23 * * *

24 (c.1) Consent from another jurisdiction.--The validity and
25 revocability of a consent to adoption or a similar document
26 executed outside this Commonwealth shall be determined by the
27 law of the jurisdiction in which the document was executed.

28 (d) Contents of consent.--

29 (1) [The] Unless a parent consents to an adoption by the
30 parent's spouse, the consent of a parent of an adoptee under

1 18 years of age shall set forth the name, age and marital
2 status of the parent, the relationship of the consenter to
3 the child, the name of the other parent [or parents] of the
4 child and the following:

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

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

10 I understand such child will be placed for adoption.

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

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

17 I have been offered adoption-related counseling
18 services.

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

21 I understand that I have the right to place personal
22 and medical history information on file with the court,
23 the Department of Health and the Department of Public
24 Welfare under 23 Pa.C.S. Ch. 29 Subch. B (relating to
25 records and access to information).

26 I understand I may revoke this consent to permanently
27 give up all rights to this child by placing the
28 revocation in writing and [serving] delivering it [upon]
29 to the agency or adult to whom the child was
30 relinquished.

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

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

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

25 (2) The consent shall include the date and place of its
26 execution and names and addresses and signatures of at least
27 two persons who witnessed its execution and their
28 relationship to the consenter.

29 (3) A consent to a proposed adoption may identify the
30 adopting parent.

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

3 (i) represented by an attorney who is not
4 representing an adoptive parent; and

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

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

9 (6) The consent shall not be valid unless the parent
10 provides a written acknowledgment that adoption-related
11 counseling services have been offered. If counseling services
12 have been provided, the name and address of the agency which
13 provided the counseling must be set forth in the consent.

14 (e) Information.--Before executing a consent, a parent must
15 be informed of the meaning and consequences of adoption, the
16 consequences of misidentifying the other birth parent and the
17 right to place personal and medical history information on file
18 with the court, the Department of Health and the department
19 under Subchapter B of Chapter 29.

20 Section 22. Title 23 is amended by adding a section to read:
21 § 2711.1. Termination of parental rights pursuant to consent.

22 (a) Petition.--

23 (1) If the parent of the child executes a consent to
24 adoption under section 2711 (relating to consents necessary
25 to adoption) and the time periods under section 2711(c) have
26 expired, the intermediary may petition the court to hold a
27 hearing for the purpose of determining whether the consent is
28 valid under section 2711, and to terminate parental rights
29 pursuant to the consent. In the case where there is no
30 intermediary, the adopting parent may file the petition.

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

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

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

(Address)

(Telephone number).....

(3) Notice of the hearing must be given to the other
parent, to the putative father and to the parent or guardian

1 of a consenting parent who has not reached 18 years of age.

2 (4) The notice which is given to the putative father
3 must state that his rights may also be subject to termination
4 under subsection (d) if he fails to file a written objection
5 to the termination with the court prior to the hearing or
6 fails to appear at the hearing for the purpose of objecting
7 to the termination of his rights. If the identity or
8 whereabouts of the putative father are unknown, notice must
9 be given under section 2514 (relating to notice if putative
10 father or his whereabouts unknown).

11 (c) Custody of child.--During the pendency of a proceeding
12 under this section, unless the court directs otherwise, custody
13 of the child shall remain with the individual or agency that had
14 custody at the time the petition was filed.

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

22 (1) The putative father fails to:

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

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

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

30 (i) provide substantial financial support for the

1 child; or

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

4 (e) Right to file personal and medical history
5 information.--At the time the decree of termination is
6 transmitted to the parent, the court shall, in writing, advise
7 the parent whose rights have been terminated of the parent's
8 continuing right to place and update personal and medical
9 history information, on file with the court, the Department of
10 Health and the department under Subchapter B of Chapter 29
11 (relating to records and access to information).

12 Section 23. Section 2712 of Title 23 is repealed:

13 [§ 2712. Consents not naming adopting parents.

14 A consent to a proposed adoption meeting all the requirements
15 of this part but which does not name or otherwise identify the
16 adopting parent or parents shall be valid if it contains a
17 statement that it is voluntarily executed without disclosure of
18 the name or other identification of the adopting parent or
19 parents.]

20 Section 24. Title 23 is amended by adding a section to read:

21 § 2715. Judicial set-aside.

22 A consent which is otherwise irrevocable under section 2711
23 (relating to consents necessary to adoption) or a decree
24 terminating parental rights under section 2711.1 (relating to
25 termination of parental rights pursuant to consent) shall be set
26 aside by the court, before a decree of adoption is entered,
27 under any of the following circumstances:

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

30 (2) The parental rights of the other birth parent have

1 not been terminated, except for an adoption by a stepparent.

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

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

6 Section 25. Sections 2721, 2722, 2723, 2724(b), 2725, 2732,
7 2901, 2902, 2904, 2906, 2907 and 2910 of Title 23 are amended to
8 read:

9 § 2721. Notice of adoption hearing.

10 The court shall fix a time and place for the adoption
11 hearing. Notice of the hearing shall be given to all persons
12 whose consents are required and to such other persons as the
13 court shall direct. Notice to the parent [or parents] of the
14 adoptee, if required, may be given by the intermediary or
15 someone acting on his behalf. Notice shall be by personal
16 service or by registered mail to the last known address of the
17 person to be notified or in such other manner as the court shall
18 direct.

19 § 2722. Place of adoption hearing.

20 The adoption hearing shall be private [or in open court as
21 the court deems appropriate].

22 § 2723. Attendance at adoption hearing.

23 The adopting parent [or parents] and the adoptee must appear
24 at and, if required, testify at the adoption hearing under oath
25 unless the court determines their presence is unnecessary. In
26 addition, the court may require the appearance and testimony of
27 all persons whose consents are required by this part and
28 representatives of agencies or individuals who have acted as an
29 intermediary if their appearance or testimony would be necessary
30 or helpful to the court.

1 § 2724. Testimony and investigation.

2 * * *

3 (b) Investigation.--The court may request that an
4 investigation be made by a [person or public] county agency or,
5 with its consent, [a voluntary] an adoption agency,
6 [specifically] designated by the court to verify the statements
7 of the petition and such other facts that will give the court
8 full knowledge of the desirability of the proposed adoption, [or
9 the court may rely in whole or in part upon a report] unless an
10 earlier investigation has been made under section 2535 (relating
11 to investigation). In any case, the age, sex, health, social and
12 economic status or racial, ethnic or religious background of the
13 child or adopting [parents] parent shall not preclude an
14 adoption but the court shall decide its desirability on the
15 basis of the physical, mental and emotional needs and welfare of
16 the child.

17 * * *

18 § 2725. Religious belief.

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

24 § 2732. Definitions.

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

28 ["Agency." A public or private entity, including a county
29 agency, that:

30 (1) is licensed, supervised or regulated by the

Department of Public Welfare; and

(2) provides adoption services.]

"Agreement." A voluntary written agreement between an adoptive parent and a birth relative that is approved by a court and provides for continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative as provided under this subchapter.

"Birth relative." A parent, grandparent, stepparent, sibling, uncle or aunt of the child's birth family, whether the relationship is by blood, marriage or adoption.

["Child." An individual who is under 18 years of age.

"County agency." A county children and youth social service agency established under 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.]

§ 2901. Time of entry of decree of adoption.

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

§ 2902. Requirements and form of decree of adoption.

1 (a) General rule.--If satisfied that the statements made in
2 the adoption petition are true, that the needs and welfare of
3 the person proposed to be adopted will be promoted by the
4 adoption and that all requirements of this part have been met,
5 the court shall enter a decree so finding and directing that the
6 person proposed to be adopted shall have all the rights of a
7 child and heir of the adopting parent [or parents] and shall be
8 subject to the duties of a child to [him or them] the adopting
9 parent.

10 (b) Withdrawal or dismissal of petition.--In any case in
11 which the adoption petition is withdrawn or dismissed, the court
12 shall enter an appropriate order in regard to the custody of the
13 child.

14 (c) Finality.--

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

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

23 § 2904. Name of adoptee.

24 [If requested by the petitioners, the] The decree [may
25 provide that the adoptee] shall [assume] state the name [of the
26 adopting parent or parents and any given first or middle names
27 that may be chosen] by which the adoptee is to be known from the
28 date of the decree.

29 § 2906. Docket entries.

30 Upon the filing of any decree under this part, the clerk

1 shall enter on the docket an entry showing the date of the
2 decree. Information identifying the [natural] birth parents
3 shall not be entered on the docket.

4 § 2907. Certificate of adoption.

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

12 § 2910. Penalty for unauthorized disclosure.

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

19 Section 26. The definitions of "department" and "medical
20 history information" in section 2911 of Title 23 are amended to
21 read:

22 § 2911. Definitions.

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

26 * * *

27 ["Department." The Department of Public Welfare of the
28 Commonwealth.

29 "Medical history information." Medical records and other
30 information concerning an adoptee or an adoptee's birth family

1 that is relevant to the present or future health care or medical
2 treatment of the adoptee or the adoptee's birth family. The term
3 includes, but is not limited to, the following:

4 (1) Otherwise confidential or privileged information, if
5 identifying information has been removed under section 2925
6 (relating to providing information from registry).

7 (2) Information about the birth parents of a child that
8 may concern a potential hereditary or congenital medical
9 problem.]

10 * * *

11 Section 27. The amendment, addition or repeal of the
12 following provisions of Title 23 shall apply to actions
13 initiated on or after the effective date of this section:

14 (1) Section 2102.

15 (2) Section 2313.

16 (3) Section 2501(a).

17 (4) Section 2502(a) and (c).

18 (5) Section 2503(b)(3), (c) and (d).

19 (6) Section 2504.

20 (7) Section 2505(c) and (d.1).

21 (8) Section 2511(a)(2), (3), (4), (6), (7), (10), (11)

22 and (12).

23 (9) Section 2512(c).

24 (10) Section 2513(c) and (d).

25 (11) Section 2514.

26 (12) Section 2531(b).

27 (13) Section 2535(a).

28 (14) Section 2701(2), (2.1) and (10).

29 (15) Section 2702(3).

30 (16) Section 2711(b), (c.1), (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 Section 28. This act shall take effect as follows:

8 (1) The following provisions shall take effect
9 immediately:

10 (i) Section 27 of this act.

11 (ii) This section.

12 (2) The remainder of this act shall take effect in 60
13 days.