

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1901 Session of
1991

INTRODUCED BY D. R. WRIGHT, PISTELLA, VEON, COY, MELIO, DALEY,
HARPER, CARONE, KRUSZEWSKI, JAMES, BARLEY, CORRIGAN, OLASZ,
D. W. SNYDER AND GODSHALL, JULY 15, 1991

REFERRED TO COMMITTEE ON AGING AND YOUTH, JULY 15, 1991

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for counseling;
3 providing for home study and preplacement report; and further
4 providing for report of intention to adopt, for
5 responsibilities of PACE, for consents necessary to adoption,
6 and for release of information in confidential reports.

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

9 Section 1. Section 2505 of Title 23 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 2505. Counseling.

12 (a) List of counselors.--Any hospital or other facility
13 providing maternity care shall provide a list of available
14 counselors and counseling services compiled pursuant to
15 subsection (b) to its maternity patients who are known to be
16 considering relinquishment or termination of parental rights
17 pursuant to this part. The patient shall sign an acknowledgment
18 of receipt of such list prior to discharge, a copy of which
19 receipt shall be provided to the patient.

1 (b) Compilation of list.--The court shall compile a list of
2 qualified counselors and counseling services (including all
3 adoption agencies) which are available to counsel natural
4 parents within the county who are contemplating relinquishment
5 or termination of parental rights pursuant to this part. Such
6 list shall be [made available upon request to any agency,
7 intermediary] distributed to every agency, hospital or other
8 facility providing maternity care[.] within the county and shall
9 be made available upon request to any intermediary or licensed
10 health care professional.

11 (c) Court referral.--Prior to entering a decree of
12 termination of parental rights pursuant to section 2503
13 (relating to hearing) or 2504 (relating to alternative procedure
14 for relinquishment), if the parent whose rights are to be
15 terminated is present in court, the court shall inquire whether
16 he or she has received counseling concerning the termination and
17 the alternatives thereto from an agency or from a qualified
18 counselor listed by a court pursuant to subsection (b). If the
19 parent has not received such counseling, the court may, with the
20 parent's consent, refer the parent to an agency or qualified
21 counselor listed by a court pursuant to subsection (b) for the
22 purpose of receiving such counseling. In no event shall the
23 court delay the completion of any hearing pursuant to section
24 2503 or 2504 for more than 15 days in order to provide for such
25 counseling.

26 (d) Application for counseling.--Any parent who has filed a
27 petition to relinquish his or her parental rights, or has
28 executed a consent to adoption, and is in need of counseling
29 concerning the relinquishment or consent, and the alternatives
30 thereto, may apply to the court for referral to an agency or

1 qualified counselor listed by a court pursuant to subsection (b)
2 for the purpose of receiving such counseling. The court, in its
3 discretion, may make such a referral where it is satisfied that
4 this counseling would be of benefit to the parent.

5 (e) Counseling fund.--Except as hereinafter provided, each
6 report of intention to adopt filed pursuant to section 2531
7 (relating to report of intention to adopt) shall be accompanied
8 by a filing fee in the amount of \$75 which shall be paid into a
9 segregated fund established by the county. The county may also
10 make supplemental appropriations to the fund. All costs of
11 counseling provided pursuant to subsection (c) or (d) to
12 individuals who are unable to pay for such counseling shall be
13 paid from the fund. No filing fee may be exacted under this
14 subsection with respect to the adoption of a special needs child
15 who would be eligible for adoption assistance pursuant to
16 regulations promulgated by the Department of Public Welfare. In
17 addition, the court may reduce or waive the fee in cases of
18 demonstrated financial hardship.

19 Section 2. Title 23 is amended by adding a section to read:
20 § 2530. Home study and preplacement report.

21 (a) General rule.--No intermediary shall place a child in
22 the physical care or custody of a prospective adoptive parent or
23 parents unless a home study containing a favorable
24 recommendation for placement of a child with the prospective
25 parent or parents has been completed within three years prior to
26 placement, and, if completed more than one year prior to
27 placement, supplemented within one year prior to placement. The
28 home study shall be conducted by a local public child-care
29 agency, an adoption agency or a licensed social worker
30 designated by the court to perform such study.

1 (b) Preplacement report.--A preplacement report shall be
2 prepared by the agency or person conducting the home study.

3 (1) The preplacement report shall set forth all
4 pertinent information relating to the fitness of the adopting
5 parents as parents.

6 (2) The preplacement report shall be based upon a study
7 which shall include an investigation of the home environment,
8 family life, parenting skills, age, physical and mental
9 health, social, cultural and religious background, facilities
10 and resources of the adoptive parents and their ability to
11 manage their resources. The preplacement report shall also
12 include the information required by section 6344(b) (relating
13 to information relating to prospective child-care personnel).

14 (3) The preplacement report shall include a
15 determination regarding the fitness of the adopting parents
16 as parents.

17 (4) The preplacement report shall be dated and verified.

18 (c) Interim placement.--Where a home study required under
19 this section is in process, but not yet completed, an
20 intermediary may place a child in the physical care or custody
21 of a prospective adoptive parent or parents if all of the
22 following conditions are met:

23 (1) The intermediary has no reason to believe that the
24 prospective adoptive parent or parents would not receive a
25 favorable recommendation for placement as a result of the
26 home study.

27 (2) The individual or agency conducting the home study
28 assents to the interim placement.

29 (3) The intermediary immediately notifies the court of
30 the interim placement and the identity of the individual or

1 agency conducting the home study.

2 If, at any time prior to the completion of the home study, the
3 court is notified by the individual or agency conducting the
4 home study that it withdraws its assent to the interim
5 placement, the court may order the placement of the child in
6 temporary foster care with an agency until a favorable
7 recommendation for placement is received.

8 Section 3. Section 2531(b) and (c) of Title 23 are amended
9 and the section is amended by adding a subsection to read:

10 § 2531. Report of intention to adopt.

11 * * *

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

13 (1) The circumstances surrounding the persons receiving
14 or retaining custody or physical care of the child, including
15 the date upon which a preplacement investigation was
16 concluded.

17 (2) The name, sex, racial background, age, date and
18 place of birth and religious affiliation of the child.

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

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

22 (5) Whether the parent or parents whose parental rights
23 are to be terminated have received counseling with respect to
24 the termination and the alternatives thereto. If so, the
25 report shall state the dates on which the counseling was
26 provided and the name and address of the counselor or agency
27 which provided the counseling.

28 (6) The name, address and signature of the person or
29 persons making the report. Immediately above the signature of
30 the person or persons intending to adopt the child shall

1 appear the following statement:

2 I acknowledge that I have been advised or know and
3 understand that the natural parent may revoke the consent
4 to the adoption of this child until a court has entered a
5 decree terminating the parental rights and, unless a
6 decree terminating parental rights has been entered, the
7 natural parent may revoke the consent until a court
8 enters the final adoption decree.

9 (7) A copy of the preplacement report prepared pursuant
10 to section 2530 (relating to home study and preplacement
11 report).

12 (8) FBI fingerprint cards for the persons receiving or
13 retaining custody or physical care of the child.

14 (c) Exception.--When a person receives or retains custody or
15 physical care of a child from an agency, the report shall set
16 forth only the name and address of the agency [and], the
17 circumstances surrounding such person receiving or retaining
18 custody or physical care of the child and a copy of the
19 preplacement report prepared pursuant to section 2530.

20 (d) Criminal records check.--Every person receiving or
21 retaining custody or physical care of any child for the purpose
22 or with the intention of adopting a child under 18 years of age
23 shall make a request for a report of Federal and State criminal
24 history to the Pennsylvania State Police. The Pennsylvania State
25 Police shall forward the criminal history information to the
26 court.

27 [(c)] (e) When report not required.--No report, fingerprints
28 or criminal records check shall be required when the child is
29 the child, grandchild, stepchild, brother or sister of the whole
30 or half blood, or niece or nephew by blood, marriage or adoption

1 of the person receiving or retaining custody or physical care.

2 Section 4. Section 2554 of Title 23 is amended by adding a
3 paragraph to read:

4 § 2554. Responsibilities of PACE.

5 PACE shall be responsible for the following:

6 * * *

7 (7) Requiring all agencies and intermediaries who
8 facilitate adoptions to submit designated information
9 regarding each finalized adoption. The required information
10 should follow the guidelines outlined in Federal regulations
11 and should also include information on adoption costs. The
12 information shall be forwarded to the department on a
13 quarterly basis, and the department shall forward an annual
14 adoption statistics report to the General Assembly.

15 Section 5. Section 2711(d) of Title 23 is amended to read:

16 § 2711. Consents necessary to adoption.

17 * * *

18 (d) Contents of consent.--

19 (1) The consent of a parent of an adoptee under 18 years
20 of age shall set forth the name, age and marital status of
21 the parent, the relationship of the consenter to the child,
22 the name of the other parent or parents of the child and the
23 following:

24 I hereby voluntarily and unconditionally consent to
25 the adoption of the above named child.

26 I understand that by signing this consent I indicate
27 my intent to permanently give up all rights to this
28 child.

29 I understand such child will be placed for adoption.

30 I understand I may revoke this consent to permanently

1 give up all rights to this child by placing the
2 revocation in writing and serving it within 30 days upon
3 the agency or adult to whom the child was relinquished.

4 I understand I may not revoke this consent after a
5 court has entered a decree confirming this consent or
6 otherwise terminating my parental rights to this child.
7 Even if a decree has not been entered terminating my
8 parental rights I may not revoke this consent after a
9 decree of adoption of this child is entered.

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

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

16 Section 6. Section 6340(a) of Title 23 is amended by adding
17 a paragraph to read:

18 § 6340. Release of information in confidential reports.

19 (a) General rule.--Reports specified in section 6339
20 (relating to confidentiality of reports) shall only be made
21 available to:

22 * * *

23 (13) Authorized personnel of other states who request
24 the information.

25 * * *

26 Section 7. This act shall take effect in 60 days.