
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1919 Session of
1997

INTRODUCED BY B. SMITH, OCTOBER 14, 1997

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 14, 1997

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for counseling in
3 adoption proceedings.

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

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

8 § 2505. Counseling.

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

17 (b) Compilation of list.--The court shall compile a list of
18 qualified counselors and counseling services (including all

1 adoption agencies) which are available to counsel natural
2 parents within the county who are contemplating relinquishment
3 or termination of parental rights pursuant to this part. Such
4 list shall be distributed to every agency, hospital or other
5 facility providing maternity care within the county and shall be
6 made available upon request to any intermediary or licensed
7 health care professional.

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

23 (d) Application for counseling.--Any parent who has filed a
24 petition to relinquish his or her parental rights, or has
25 executed a consent to adoption, and is in need of counseling
26 concerning the relinquishment or consent, and the alternatives
27 thereto, may apply to the court for referral to an agency or
28 qualified counselor listed by a court pursuant to subsection (b)
29 for the purpose of receiving such counseling. The court, in its
30 discretion, may make such a referral where it is satisfied that

1 this counseling would be of benefit to the parent.]

2 (c) Mandatory counseling.--Counseling shall be mandatory for
3 the natural mother and, when available, the natural father. Upon
4 recommendation of a qualified counselor or counseling service,
5 the court may also order other responsible adults, including,
6 but not limited to, the adoptive parents to participate in the
7 counseling. The qualified counselor or counseling service shall
8 determine the number of counseling sessions that the parties
9 must attend under this subsection. The costs of counseling shall
10 be paid by:

11 (1) A third party payor through mental health insurance
12 category of adjustment disorder.

13 (2) The intermediary.

14 (3) The adoptive parents.

15 (4) The natural parents.

16 (d) Completion of counseling.--Upon successful completion of
17 counseling, the court shall, notwithstanding any other provision
18 of this part, enter a decree terminating all rights and duties
19 of the natural parents.

20 (e) Refusal of counseling.--

21 (1) If the counseling required under subsection (c) is
22 refused for the reason that the natural parents are adamant
23 and certain in the desire to place the child for adoption,
24 the court in a decree entered under section 2901 (relating to
25 time of entry of decree of adoption) shall, notwithstanding
26 any other provision of this part, order that the rights of
27 the natural parents be terminated.

28 (2) If the natural parents fail to attend the counseling
29 required under subsection (c), the qualified counselor or
30 counseling service shall notify the court. A copy of the

1 notice shall be sent by certified mail to the natural parents
2 who shall have 30 days from the date of the notice to
3 reconsider their failure to attend the required counseling.
4 If within the 30-day period the parents again fail to appear
5 for counseling, the court shall, notwithstanding any other
6 provision of this part, enter an order after expiration of
7 the 30 days if the parents intend to place the child for
8 adoption, terminating their natural rights regarding the
9 child.

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

24 Section 2. This act shall take effect in 60 days.