

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2028 Session of
1999

INTRODUCED BY ORIE, FRANKEL, ROSS, BAKER, HENNESSEY, PIPPY,
DAILEY, FAIRCHILD, BASTIAN, DeLUCA, FARGO, RUBLEY, THOMAS,
LAUGHLIN, WILT, WOJNAROSKI, VAN HORNE, TIGUE, YEWCIC, HORSEY,
TRELLO, LUCYK, EGOLF, J. TAYLOR, GEIST, RAMOS, YOUNGBLOOD,
MYERS, SEMMEL, ROHRER, E. Z. TAYLOR, HALUSKA, S. MILLER,
WILLIAMS, L. I. COHEN AND STEELMAN, NOVEMBER 8, 1999

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 8, 1999

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for hearings, for
3 petition for involuntary termination, for notice of hearing
4 and for attendance at hearing in adoption proceedings;
5 providing for standing of foster parents in adoption
6 proceedings; and further providing for award of custody,
7 partial custody or visitation.

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

10 Section 1. Sections 2503(b)(1), 2512(a), 2721 and 2723 of
11 Title 23 of the Pennsylvania Consolidated Statutes are amended
12 to read:

13 § 2503. Hearing.

14 * * *

15 (b) Notice.--

16 (1) At least ten days' notice of the hearing shall be
17 given to the petitioner, and a copy of the notice shall be
18 given to the other parent, to the putative father whose

parental rights could be terminated pursuant to subsection (d) [and], to the parents or guardian of a petitioner who has not reached 18 years of age and to any current foster parents of the child.

* * *

§ 2512. Petition for involuntary termination.

(a) Who may file.--A petition to terminate parental rights with respect to a child under the age of 18 years may be filed by any of the following:

(1) Either parent when termination is sought with respect to the other parent.

(2) An agency.

(3) The individual having custody or standing in loco parentis to the child and who has filed a report of intention to adopt required by section 2531 (relating to report of intention to adopt).

(3.1) A foster parent of the child and who has filed a report of intention to adopt required by section 2531.

(4) An attorney representing a child or a guardian ad litem representing a child who has been adjudicated dependent under 42 Pa.C.S. § 6341(c) (relating to adjudication).

* * *

§ 2721. Notice of hearing.

The court shall fix a time and place for hearing. Notice of the hearing shall be given to all persons whose consents are required, to any current and former foster parents of the adoptee and to such other persons as the court shall direct.

Notice to the parent or parents of the adoptee, if required, may be given by the intermediary or someone acting on his behalf.

Notice shall be by personal service or by registered mail to the

1 last known address of the person to be notified or in such other
2 manner as the court shall direct.

3 § 2723. Attendance at hearing.

4 The adopting parent or parents and the adoptee must appear at
5 and, if required, testify at the hearing under oath unless the
6 court determines their presence is unnecessary. In addition, the
7 court may require the appearance and testimony of all persons
8 whose consents are required by this part and representatives of
9 agencies or individuals who have acted as an intermediary or
10 foster parent if their appearance or testimony would be
11 necessary or helpful to the court.

12 Section 2. Title 23 is amended by adding a section to read:

13 § 2726. Standing of foster parents.

14 The current foster parents of a child subject to a petition
15 for adoption shall be provided with notice of any proceeding
16 relating to the petition for adoption and shall have standing to
17 object to any petition for adoption.

18 Section 3. Section 5303(a) of Title 23 is amended by adding
19 a paragraph to read:

20 § 5303. Award of custody, partial custody or visitation.

21 (a) General rule.--

22 * * *

23 (4) In making an order for custody or partial custody,
24 the court shall consider the testimony or filings of any
25 current and former foster parents of the child.

26 * * *

27 Section 4. This act shall take effect in 60 days.