

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 483 Session of
1999

INTRODUCED BY SCHWARTZ, COSTA, GREENLEAF, STOUT, BOSCOLA, EARLL
AND SLOCUM, FEBRUARY 25, 1999

REFERRED TO JUDICIARY, FEBRUARY 25, 1999

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for effect of decree
3 of termination, for contents of petition for adoption and for
4 requirements and form of a decree of adoption.

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

7 Section 1. Section 2521(a) of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 2521. Effect of decree of termination.

10 (a) Adoption proceeding rights extinguished.--

11 (1) A decree terminating all rights of a parent or a
12 decree terminating all rights and duties of a parent entered
13 by a court of competent jurisdiction shall extinguish the
14 power or the right of the parent to object to or receive
15 notice of adoption proceedings.

16 (2) In an adoption proceeding of a child who has been
17 adjudicated dependent or who is in any type of foster care,
18 any birth relative, including a birth parent, of the child

1 who is specified in a written agreement for contact which has
2 been submitted to the court in accordance with section
3 2902(c) (relating to requirements and form of decree of
4 adoption) shall be provided with adequate notice of any
5 hearing on and the final disposition of any issue relating to
6 the written agreement.

7 * * *

8 Section 2. Section 2701 of Title 23 is amended by adding a
9 paragraph to read:

10 § 2701. Contents of petition for adoption.

11 A petition for adoption shall set forth:

12 * * *

13 (10) If there is an existing written agreement
14 permitting contact between the child who is the subject of
15 the adoption and any birth relative of that child, as set
16 forth in section 2902(c) (relating to requirements and form
17 of decree of adoption), the original copy of the written
18 agreement submitted in accordance with section 2902(c)(2).

19 Section 3. Section 2902 of Title 23 is amended by adding a
20 subsection to read:

21 § 2902. Requirements and form of decree of adoption.

22 * * *

23 (c) Agreement regarding contact.--

24 (1) An order of adoption may be entered providing for
25 contact between the child and one or more birth relatives
26 with whom the child has an existing beneficial relationship
27 following the finalization of the adoption, if any of the
28 following exists:

29 (i) the child has been adjudicated dependent or is
30 in any type of foster care;

1 (ii) the court determines it is in the best
2 interests of the child sought to be adopted; or

3 (iii) the adoptive parents consent, and the child
4 sought to be adopted consents, if the child is 12 years
5 of age or older.

6 The contact shall include, but not be limited to, visitation,
7 exchange of communication or both visitation and exchange of
8 communication between the child and the child's birth
9 relative.

10 (2) (i) The adoptive parents and the birth relatives
11 who are to be afforded the contact described in paragraph
12 (1) shall submit a written agreement either to the court
13 which is considering the petition for termination of
14 parental rights if the written agreement is filed at the
15 same time the petition is filed or to the court which is
16 considering the petition for adoption if the agreement is
17 filed prior to the court's final decree.

18 (ii) The court shall receive recommendations from
19 the child's guardian ad litem, counsel and other child
20 welfare professionals, and if it deems necessary may
21 order an evaluation by a licensed child welfare agency or
22 by other psychological or psychiatric professionals.

23 (iii) The licensed child welfare agency shall issue
24 a report in writing to the court on the possible effect
25 the written agreement will have on the best interests of
26 the child.

27 (iv) The court, when considering the written
28 agreement, shall review the reports and recommendations
29 and hold a hearing or otherwise receive evidence for the
30 record and shall incorporate the written agreement into

1 the order of adoption if it deems the order to be in the
2 child's best interests.

3 (3) If the court hearing the petition for termination of
4 parental rights is different from the court hearing the
5 petition for adoption, the second court may modify any such
6 written agreement incorporated into the other court's order
7 only if additional evidence is presented which shows the
8 agreement is no longer in the best interests of the child.

9 (4) (i) The court entering the adoption decree shall
10 retain jurisdiction of the child after the adoption is
11 final for the sole purpose of hearing petitions brought
12 to modify an adoption agreement entered into under this
13 subsection.

14 (ii) The court shall not grant any petition to
15 modify the agreement unless subsequent evidence is
16 presented to show that the modification is in the best
17 interests of the child and is based on changed
18 circumstances.

19 (iii) The court hearing a petition to modify the
20 agreement shall hold a hearing or otherwise receive
21 evidence for the record.

22 (iv) The court shall not grant any petition to
23 increase the amount of contact under the agreement unless
24 the other party to the agreement consents to such a
25 change.

26 (v) Every agreement shall contain a clause stating
27 that the parties to the agreement understand and intend
28 that any disagreement or litigation as to the issue of
29 visitation or other contact between the child and the
30 child's birth relatives after the adoption is final shall

1 not affect either the validity of the adoption or the
2 custody of the child.
3 Section 4. This act shall take effect in 60 days.