

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 859 Session of
2001

INTRODUCED BY GREENLEAF, WAGNER, COSTA, LEMMOND, BOSCOLA,
KUKOVICH, SCHWARTZ, M. WHITE, BELL, CORMAN, HELFRICK, HOLL,
MOWERY, THOMPSON AND WAUGH, MAY 7, 2001

REFERRED TO JUDICIARY, MAY 7, 2001

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for adoption; making
3 a conforming amendment; and making repeals.

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

6 Section 1. Part III of Title 23 of the Pennsylvania
7 Consolidated Statutes is repealed.

8 Section 2. Title 23 is amended by adding a part to read:

9 PART III

10 ADOPTION

11 Chapter

12 21. General Provisions

13 22. Termination of Parental Rights

14 23. Placement of Children

15 24. Prohibited and Permissible Payments and Activities

16 25. Adoption Proceedings

17 26. Records and Access to Information

18 27. Adoption Services

1 "Adoption." The judicial act of creating the relationship of
2 parent and child if it did not exist previously.

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

4 "Agency." A public or private entity, including a county
5 agency, which:

6 (1) is licensed and regulated by the Department of
7 Public Welfare;

8 (2) provides adoption services; and

9 (3) receives or provides for the care of children.

10 "County agency." The county children and youth social
11 service agency established under section 405 of the act of June
12 24, 1937 (P.L.2017, No.396), known as the County Institution
13 District Law, or its successor, and supervised by the Department
14 of Public Welfare under Article IX of the act of June 13, 1967
15 (P.L.31, No.21), known as the Public Welfare Code.

16 "Court." The division of the court of common pleas which has
17 jurisdiction over proceedings for termination of parental rights
18 and adoption.

19 "Department." The Department of Public Welfare of the
20 Commonwealth.

21 "Guardian ad litem." An attorney appointed by the court to
22 serve and promote the needs, welfare and best interests of a
23 child in a proceeding under this part.

24 "Identifying information." Information which when released
25 discloses the identity of an individual directly or indirectly
26 through circumstantial inference.

27 "Medical history information." Medical records and other
28 information concerning an adoptee or an adoptee's birth family
29 which is relevant to the present or future health care or
30 medical treatment of the adoptee or the adoptee's birth family.

1 The term includes, but is not limited to, the following:

2 (1) Otherwise confidential or privileged information, if
3 identifying information has been removed under section
4 2627(b) (relating to providing information from registry).

5 (2) Information about the birth parents of a child which
6 may concern a potential hereditary or congenital medical
7 problem.

8 "Nonidentifying information." Information which when
9 released does not disclose the identity of an individual
10 directly or indirectly through circumstantial inference. The
11 term includes, but is not limited to, the following:

12 (1) The date, time and location of the adoptee's birth.

13 (2) The adoptee's weight and other physical
14 characteristics at birth.

15 (3) Where the birth parents of the adoptee were born.

16 (4) The age of the birth parents when the adoptee was
17 born.

18 (5) The marital status of the birth parents when the
19 adoptee was born.

20 (6) The facts and circumstances relating to the nature
21 and cause of the adoption.

22 (7) The nationality, ethnic background, race, tribal
23 affiliation and religious preference of the birth parents of
24 the adoptee.

25 (8) The educational level, course of study, general
26 occupation, talents and hobbies of the birth parents of the
27 adoptee.

28 (9) A general physical description of the birth parents
29 and other birth relatives of the adoptee, including height,
30 weight, color of hair, color of eyes, complexion and other

1 similar information.

2 (10) Whether a birth parent of the adoptee had other
3 children and, if so, available nonidentifying information
4 about the children.

5 (11) Information regarding the birth grandparents of the
6 adoptee, including the reason for immigrating to the United
7 States and country of origin.

8 (12) The name of the agency involved in the adoption.

9 (13) The length of time the adoptee was in the custody
10 of an adoptive parent.

11 (14) Whether the adoptee was ever placed in foster care
12 and, if so, the number of foster care placements, dates of
13 each foster care placement and anything significant which
14 occurred during each foster care placement.

15 (15) Available health history of the adoptee and birth
16 relatives of the adoptee, including psychological and
17 psychiatric information, which would be expected to have a
18 substantial effect on the mental or physical health of the
19 adoptee.

20 "Parent." The term includes a birth parent and an adoptive
21 parent of a child.

22 "Presumptive father." A man, including one under 18 years of
23 age, who:

24 (1) is married to the birth mother when the child is
25 born;

26 (2) was married to the birth mother within 300 days
27 prior to the date of birth of the child; or

28 (3) has filed an acknowledgment of paternity under
29 section 5103(a) (relating to acknowledgment and claim of
30 paternity).

1 "Prospective adoptive parent." An individual proposing to
2 adopt a child.

3 "Putative father." A man, including one under 18 years of
4 age, who:

5 (1) has filed a claim of paternity under section 5103(b)
6 (relating to acknowledgment and claim of paternity);

7 (2) has registered in another state with a registry for
8 men who claim to be the father of a child;

9 (3) has filed an action to determine paternity under
10 section 5104 (relating to blood tests to determine paternity)
11 and who claims to be the father of the child;

12 (4) has filed an action for custody of the child under
13 Chapter 53 (relating to custody) and who claims to be the
14 father of the child;

15 (5) has paid or promised to pay support to the birth
16 mother as a result of her pregnancy and the birth of the
17 child and who claims to be the father of the child; or

18 (6) is identified as the birth father by the birth
19 mother.

20 "Social history information." The term includes, but is not
21 limited to, the following:

22 (1) Information about the adoptee and birth relatives of
23 the adoptee, including economic, cultural and ethnic
24 information.

25 (2) A developmental history of the adoptee, including
26 the circumstances at birth, early development and subsequent
27 age-appropriate task development.

28 (3) The social experiences of the adoptee, including
29 abuse and neglect, out-of-home care and patterns of
30 interpersonal relationships.

1 (4) The educational experiences of the adoptee,
2 including the name of schools attended and dates of
3 enrollment, academic performance, extra-curricular activities
4 and special interests.

5 (5) The current functioning of the adoptee, including
6 behavioral patterns and relationships.

7 (6) The circumstances surrounding the adoption.

8 § 2104. Jurisdiction.

9 The court of common pleas of each county shall exercise
10 through the appropriate division original jurisdiction over
11 termination of parental rights and adoption proceedings.

12 § 2105. Venue.

13 Proceedings for termination of parental rights and adoption
14 must be brought in the court of the county where:

15 (1) the parent, child or prospective adoptive parent
16 resides;

17 (2) the agency having custody of the child is located;

18 (3) the agency which placed the child is located; or

19 (4) the child formerly resided, but only with leave of
20 court.

21 § 2106. Who may be adopted.

22 Any individual may be adopted, regardless of age or
23 residence.

24 § 2107. Who may adopt.

25 Any individual may become an adoptive parent.

26 § 2108. Counseling.

27 (a) Purpose of counseling.--The purpose of counseling under
28 this section is to address the risks, benefits and consequences
29 of relinquishing parental rights with respect to a child,
30 placing a child for adoption and alternatives to relinquishment

1 and adoption.

2 (b) Right to counseling.--A parent, presumptive father and
3 putative father have a right to receive at least one counseling
4 session under this section if the individual:

5 (1) is considering relinquishing parental rights with
6 respect to a child or placing a child for adoption; or

7 (2) has relinquished parental rights with respect to a
8 child or placed a child for adoption.

9 (c) Compilation of list.--Each county shall compile a list
10 of qualified counselors and counseling service providers,
11 including agencies, which are available within the county and
12 surrounding area to provide counseling under this section.

13 (d) Distribution of list.--

14 (1) Each county shall provide the list compiled under
15 subsection (c) to the following:

16 (i) Each agency within the county.

17 (ii) Each health care provider of obstetrical or
18 maternity care within the county.

19 (iii) Any person upon request.

20 (2) Any agency or health care provider of obstetrical or
21 maternity care that received the list compiled under
22 subsection (c) shall provide the list to any individual it
23 knows is considering relinquishing parental rights with
24 respect to a child or placing a child for adoption.

25 (e) Notice of availability of list.--The department shall
26 provide notice of the availability of the list compiled under
27 subsection (c) to any man filing either an acknowledgment of
28 paternity or a claim of paternity under section 5103 (relating
29 to acknowledgment and claim of paternity).

30 (f) Referral for counseling.--If an individual who has the

1 right to counseling under this section decides to receive
2 counseling, the individual shall contact the county for a
3 referral authorizing counseling.

4 (g) Counseling fund.--Each county shall establish a separate
5 fund to pay for counseling under this section. The source of the
6 counseling fund shall be the fee collected under section 2504
7 (relating to fee for counseling fund). The county may make
8 supplemental appropriations to the counseling fund.

9 (h) Additional counseling.--The county shall pay for more
10 than one counseling session under this section if all the
11 following apply:

12 (1) The person providing counseling under this section
13 determines that additional counseling will benefit the
14 individual receiving the counseling.

15 (2) The number of counseling sessions does not exceed
16 ten.

17 (3) The individual receiving the counseling is unable to
18 pay for the counseling or payment will result in substantial
19 financial hardship for the individual.

20 (i) Designation by county.--Each county shall designate an
21 agency within the county to implement the provisions of this
22 section.

23 § 2109. Representation.

24 (a) Child.--

25 (1) Subject to paragraph (2), the court may appoint a
26 guardian ad litem or an attorney, or both, for the child in a
27 proceeding under this part if the appointment serves the
28 needs, welfare and best interests of the child.

29 (2) In an involuntary termination proceeding under
30 Subchapter C of Chapter 22 (relating to involuntary

1 termination of parental rights) if there is either a contest
2 regarding the termination of parental rights or an appeal of
3 a final decree of termination of parental rights:

4 (i) the child shall be made a party to the
5 proceeding;

6 (ii) the court shall appoint a guardian ad litem for
7 the child; and

8 (iii) the court may appoint an attorney to represent
9 the child.

10 (b) Parent.--In a proceeding under Chapter 22 (relating to
11 termination of parental rights), the court shall appoint an
12 attorney for a parent whose parental rights with respect to the
13 child are subject to termination if:

14 (1) the parent requests an attorney; and

15 (2) the court determines that either the parent is
16 unable to pay for an attorney or payment will result in
17 substantial financial hardship for the parent.

18 (c) Payment of costs.--The court shall order the county in
19 which the case is heard under this part to pay the costs of the
20 appointment of a guardian ad litem and an attorney under this
21 section.

22 (d) Conflict of interest.--An attorney or a law firm may not
23 represent both a party and the child in a proceeding under this
24 part.

25 § 2110. Religious belief.

26 An agency may honor the preference of a parent regarding the
27 religious faith in which a prospective adoptive parent intends
28 to raise the child. A person may not be denied the benefits of
29 this part because of a religious belief.

30 § 2111. Governing law.

1 (a) Interstate placement.--Except as otherwise provided in
2 this part, if a child is brought into this Commonwealth from
3 another state for the purpose of adoption or placement for
4 adoption, the law of this Commonwealth governs.

5 (b) Intercountry placement.--Except as otherwise provided in
6 this part and subject to any relevant Federal law and convention
7 or treaty on intercountry adoption which the United States has
8 ratified, if a child is brought into this Commonwealth from
9 another country for the purpose of adoption or placement for
10 adoption, the law of this Commonwealth governs.

11 § 2112. Agreement for continuing contact.

12 (a) Who may enter agreement.--A prospective adoptive parent,
13 an adoptive parent or a legal guardian of the child may at any
14 time enter into a written agreement with a birth parent or other
15 birth relative of the child to permit continuing contact between
16 the child and that birth parent or other birth relative.

17 (b) Filing of agreement.--An agreement under this section
18 shall be filed with the court which finalized or will finalize
19 the adoption of the child.

20 (c) Modification of agreement.--Only a prospective adoptive
21 parent, an adoptive parent or a legal guardian of the child may
22 seek to modify an agreement under this section.

23 (d) Enforcement of agreement.--

24 (1) If the child was 12 years of age or older when an
25 agreement under this section was executed, the agreement is
26 enforceable only if the child consented to the agreement at
27 the time of its execution.

28 (2) A party to the agreement may seek to enforce the
29 agreement by filing an action in the court in which the
30 adoption was or will be finalized.

1 (3) A birth parent or another birth relative of the
2 child who is a party to the agreement may request only
3 specific performance in seeking to enforce the agreement. In
4 such an enforcement action, a presumption shall favor the
5 prospective adoptive parent, adoptive parent or legal
6 guardian of the child. The presumption may be overcome only
7 by clear and convincing evidence that enforcement of the
8 agreement serves the needs, welfare and best interests of the
9 child.

10 (4) Before the court may enter an order enforcing the
11 agreement, it must find all the following:

12 (i) The party seeking enforcement participated or
13 attempted to participate in mediating the dispute in good
14 faith before filing the enforcement action.

15 (ii) The party seeking enforcement is in compliance
16 with the agreement.

17 (iii) Enforcement serves the needs, welfare and best
18 interests of the child.

19 (e) Failure to comply.--Failure to comply with the terms of
20 the agreement is not a ground for setting aside an adoption
21 decree.

22 § 2113. Data collection and reporting.

23 (a) Establishment of system.--The department shall establish
24 a Statewide data collection and reporting system for
25 nonidentifying statistical information regarding adoptions.

26 (b) Purpose of system.--The purpose of the system
27 established under this section is to develop more reliable data
28 on adoption practices and improve the analysis of trends and
29 issues in adoption.

30 (c) Annual report.--

1 (1) Beginning one year after the effective date of this
2 section and annually thereafter, the department shall submit
3 to the General Assembly, the Governor and the Supreme Court
4 Administrators Office a report which includes the information
5 received under this section and the following:

6 (i) The total number of children receiving adoption
7 assistance under Chapter 28 (relating to adoption
8 assistance).

9 (ii) The number of children receiving each type of
10 adoption assistance.

11 (2) The department shall include in the report under
12 paragraph (1) any analysis of the data or recommendation
13 which it deems appropriate.

14 (d) Information from court.--Each court shall provide to the
15 department the total number of adoptions finalized during the
16 specified reporting period and the following information
17 relating to each adoption:

18 (1) The child's date of birth, race and place of birth.

19 (2) The date of birth and race of the birth parents of
20 the child, if known.

21 (3) The date of birth and race of the adoptive parents
22 of the child.

23 (4) Whether the adoptive parent is a stepparent, foster
24 parent or relative of the child and the relationship to the
25 child, if any.

26 (5) Whether the birth parents of the child executed a
27 voluntary relinquishment form or parental rights were
28 terminated involuntarily and the date that parental rights
29 with respect to the child were terminated.

30 (6) Whether the child was in the custody of an agency or

1 in a private placement when the petition for adoption was
2 filed.

3 (7) The length of time the child was in the custody of
4 an agency or in a private placement before the petition for
5 adoption was filed.

6 (8) The date the court entered the adoption decree.

7 (9) Whether the child was eligible for and received
8 adoption assistance under Chapter 28 and what type of
9 adoption assistance, if any.

10 (10) Any other information that the department requires.

11 (e) Cooperation by agency.--An agency shall cooperate to the
12 fullest extent possible in providing the court information
13 concerning adoptions that the court is required to provide to
14 the department.

15 (f) Information from county agency.--Each county agency
16 shall provide to the department information for the specified
17 reporting period, including, but not limited to, the following:

18 (1) The number of children with the goal of adoption.

19 (2) The following information regarding each child with
20 the goal of adoption:

21 (i) The length of time that the child has been
22 waiting to be placed for adoption.

23 (ii) The length of time that the child has been in
24 foster or other care.

25 (iii) Demographic information regarding the child,
26 including age, race, gender and any characteristic of the
27 child which is set forth in section 2821(a)(3) (relating
28 to eligibility for adoption assistance).

29 (3) The number of children placed for adoption.

30 (4) Demographic information regarding each child placed

for adoption, including age, race, gender and any characteristic of the child which is set forth in section 2821(a)(3).

(g) Rules and regulations.--The department shall promulgate rules and regulations necessary to implement this section, including, but not limited to, the establishment of specified reporting periods and the development of forms.

§ 2114. Adoption of individuals 18 years of age or older.

(a) Requirements for adoption.--If an individual petitions the court to adopt another individual who is 18 years of age or older, the court shall require only the following before it determines whether to grant the adoption:

(1) The consent of the individual proposed to be adopted.

(2) Any information under section 2502(a) (relating to contents of petition for adoption) required by the court.

(b) Procedures necessary for adoption.--The court shall determine which, if any, procedures under Chapter 25 (relating to adoption proceedings) must be followed for an adoption under this section.

CHAPTER 22

TERMINATION OF PARENTAL RIGHTS

Subchapter

A. General Provisions

B. Voluntary Relinquishment of Parental Rights

C. Involuntary Termination of Parental Rights

D. Effect of Decree of Termination of Parental Rights

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

- 1 2201. How to terminate parental rights.
- 2 2202. Search of registry for fathers.
- 3 2203. Hearing for putative father.
- 4 2204. Notice of rights and duties of birth parent and
- 5 adoptive parent.
- 6 2205. When no right to notice of adoption proceeding.
- 7 2206. Authority of agency or individual receiving custody.
- 8 2207. Identity of prospective adoptive parent.

9 § 2201. How to terminate parental rights.

10 Termination of parental rights may occur under Subchapter B
11 (relating to voluntary relinquishment of parental rights) or
12 Subchapter C (relating to involuntary termination of parental
13 rights).

14 § 2202. Search of registry for fathers.

15 (a) Determination and certification by Commonwealth.--Before
16 the court may grant a final decree of termination of parental
17 rights under this chapter, it shall be determined whether anyone
18 has registered with respect to the child under section 5103
19 (relating to acknowledgment and claim of paternity). The
20 department shall certify whether any such registration has
21 occurred. The certification must occur as close to the hearing
22 on the termination of parental rights as practicable.

23 (b) Determination and certification by another state.--

24 (1) A reasonable effort shall be made to determine
25 whether anyone has registered with respect to the child with
26 a registry in another state for men who claim to be the
27 father of a child. A certification regarding whether any such
28 registration has occurred shall be requested of the
29 applicable department in each state contacted. If that
30 department provides a certification, the certification shall

1 be provided to the court. The certification must occur as
2 close to the hearing on the termination of parental rights as
3 practicable.

4 (2) Before the court may grant a final decree of
5 termination of parental rights under this chapter, it must
6 find that the requirements under paragraph (1) have been met.

7 (c) Notice.--If a registrant is found under subsection (a)
8 or (b), he shall be given notice of the hearing under:

9 (1) section 2203 (relating to hearing for putative
10 father);

11 (2) section 2223 (relating to hearing on voluntary
12 relinquishment); or

13 (3) section 2235 (relating to hearing on involuntary
14 termination).

15 § 2203. Hearing for putative father.

16 (a) When hearing required.--A hearing for a putative father
17 of the child shall be held if:

18 (1) an individual has named a putative father of the
19 child in a voluntary relinquishment form under Subchapter B
20 (relating to voluntary relinquishment of parental rights) but
21 has not requested a hearing under section 2223 (relating to
22 hearing on voluntary relinquishment); or

23 (2) a registrant is found under section 2202 (relating
24 to search of registry for fathers) but has not been named in
25 a voluntary relinquishment form under Subchapter B or a
26 petition under Subchapter C (relating to involuntary
27 termination of parental rights).

28 (b) Notice of hearing.--

29 (1) At least ten days' notice of the hearing under this
30 section shall be given to a putative father of the child by

1 personal service or registered mail to his last known address
2 or by such other means as the court requires.

3 (2) The notice to the putative father must state
4 substantially the following:

5 To: (insert name of putative father)

6 You are receiving this notice because you registered
7 as a putative father with respect to (insert name of
8 child) or have been named as a putative father in a
9 petition for the purpose of terminating parental
10 rights with respect to (insert name of child). The
11 court has scheduled a hearing to determine whether to
12 terminate your parental rights with respect to the
13 child, to be held in (insert place, giving reference
14 to the exact room and building number or designation)
15 on (insert date) at (insert time). Your parental
16 rights with respect to the child are subject to
17 termination if you fail to appear at this hearing to
18 object to the termination of your parental rights.
19 You have the right to be represented at this hearing
20 by an attorney. You should take this document to your
21 attorney at once. If you do not have an attorney or
22 cannot afford one, go to or telephone the office set
23 forth below to find out where you can get legal help.

24 (Insert name)

25 (Insert address)

26 (Insert telephone number)

27 (3) The notice to the putative father must include the
28 following:

29 (i) The list of rights and duties set forth in

30 section 2204(a) (relating to notice of rights and duties

of birth parent and adoptive parent).

(ii) Notice of the right to receive at least one counseling session, paid by the county, regarding the risks, benefits and consequences of relinquishing parental rights with respect to the child, placing the child for adoption and alternatives to relinquishment and adoption.

(c) Procedure for hearing.--

(1) The hearing under this section shall be private.

(2) If a putative father of the child attends the hearing and objects to the termination of his parental rights with respect to the child, the court shall:

(i) grant him standing to establish his paternity with respect to the child if that determination has not already occurred; and

(ii) hear his testimony and allow him to assert his claim to the child.

(3) If a putative father of the child does not attend the hearing to object to the termination of his parental rights with respect to the child, the court may terminate his parental rights with respect to the child.

(d) Court determination.--After the hearing under this section, the court shall make an appropriate order regarding the termination of parental rights and custody with respect to the child.

§ 2204. Notice of rights and duties of birth parent and adoptive parent.

(a) Contents of notice.--Notice of the rights and duties of a birth parent and an adoptive parent of a child must contain a list of statements in substantially the following language:

1 (1) A birth parent of an adoptee may at any time add
2 medical history information or social history information to
3 the court records for the benefit of the adoptee.

4 (2) A birth parent of an adoptee may at any time file
5 and update medical history information and social history
6 information with the registry established by the Department
7 of Public Welfare by using a form developed by the
8 department.

9 (3) A birth parent of an adoptee may ask the court to
10 request medical history information or social history
11 information relating to the adoptee.

12 (4) An adoptive parent of an adoptee may at any time add
13 medical history information or social history information to
14 the court records for the benefit of a birth parent of the
15 adoptee.

16 (5) An adoptive parent of an adoptee may access medical
17 history information and social history information filed by a
18 birth parent of the adoptee with the registry established by
19 the Department of Public Welfare.

20 (6) An adoptive parent of an adoptee may ask the court
21 to request medical history information or social history
22 information relating to a birth parent of the adoptee.

23 (7) A birth parent and an adoptive parent of an adoptee
24 should provide a current address to the court to ensure
25 receipt of medical history information or social history
26 information from the court.

27 (8) The information on an adoptee's original certificate
28 of birth, including information about a birth parent, will be
29 given upon request to the adoptee or an adoptive parent of
30 the adoptee.

1 (9) A birth parent's identifying information found in
2 the court records or agency records will be given upon
3 request to the adoptee or an adoptive parent of the adoptee
4 unless that birth parent has filed a disclosure veto with the
5 court or agency.

6 (b) Providing notice.--The notice of the rights and duties
7 in subsection (a) must be attached to the following:

8 (1) The notice under section 2203(b) (relating to
9 hearing for putative father).

10 (2) The voluntary relinquishment form under section 2216
11 (relating to contents of voluntary relinquishment form).

12 (3) The notice under section 2223(b) (relating to
13 hearing on voluntary relinquishment).

14 (4) The final decree of termination of parental rights
15 under sections 2225 (relating to final decree of termination
16 of parental rights) and 2237 (relating to final decree of
17 termination of parental rights).

18 (5) The notice under section 2234(b) (relating to notice
19 of hearing on involuntary termination).

20 (6) The petition for adoption under section 2502
21 (relating to contents of petition for adoption).

22 (c) Providing medical and social history information form.--
23 The form developed by the department under section 2623
24 (relating to development of form) shall accompany the notice
25 under subsection (b)(1) through (5).

26 § 2205. When no right to notice of adoption proceeding.

27 Except as provided in section 2213 (relating to designation
28 of individual to adopt child), termination of parental rights of
29 an individual with respect to a child, by decree or other means,
30 extinguishes the right of the individual to object to or receive

1 notice of an adoption proceeding with respect to the child.

2 § 2206. Authority of agency or individual receiving custody.

3 An agency or individual receiving custody of a child under
4 this chapter has the same authority concerning the child as a
5 birth parent of the child.

6 § 2207. Identity of prospective adoptive parent.

7 The court shall ensure through reasonably necessary means
8 that the identity of a prospective adoptive parent of a child is
9 not disclosed in connection with a proceeding under this chapter
10 unless the prospective adoptive parent consents to the
11 disclosure. The Supreme Court may prescribe uniform rules
12 relating to confidentiality under this section.

13 SUBCHAPTER B

14 VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS

15 Sec.

16 2211. Petition for voluntary relinquishment.

17 2212. Ability to voluntarily relinquish parental rights.

18 2213. Designation of individual to adopt child.

19 2214. Execution of voluntary relinquishment form.

20 2215. Requirements when voluntary relinquishment form executed.

21 2216. Contents of voluntary relinquishment form.

22 2217. Validity of voluntary relinquishment.

23 2218. Revocation of voluntary relinquishment.

24 2219. Voluntary relinquishment form executed outside
25 Commonwealth.

26 2220. Consents by others regarding relinquishment.

27 2221. Notice to parent or legal guardian of individual under
28 18 years of age.

29 2222. Hearing for individual under 18 years of age.

30 2223. Hearing on voluntary relinquishment.

1 2224. Hearing to confirm identity.

2 2225. Final decree of termination of parental rights.

3 § 2211. Petition for voluntary relinquishment.

4 (a) Petition required.--For any voluntary relinquishment
5 under this subchapter, a petition must be filed requesting that
6 the parental rights of the individual who executed a voluntary
7 relinquishment form be terminated with respect to a child.

8 (b) Attachments to petition.--The following must be attached
9 to the petition for voluntary relinquishment:

10 (1) The executed voluntary relinquishment form under
11 section 2216 (relating to contents of voluntary
12 relinquishment form).

13 (2) The applicable consent under section 2220(b) or (c)
14 (relating to consents by others regarding relinquishment).

15 (3) The request for a hearing under section 2222
16 (relating to hearing for individual under 18 years of age),
17 if required.

18 (4) The request for a hearing under section 2223
19 (relating to hearing on voluntary relinquishment), if any.

20 (5) The request for a hearing under section 2224
21 (relating to hearing to confirm identity), if required.

22 (c) Birth father not identified in voluntary relinquishment
23 form.--If the executed voluntary relinquishment form does not
24 identify the birth father of the child, the petition under this
25 section must state the reason that the birth father is not
26 identified.

27 § 2212. Ability to voluntarily relinquish parental rights.

28 A parent, presumptive father and putative father of a child
29 may execute a voluntary relinquishment form under this
30 subchapter to relinquish forever all parental rights and duties

1 with respect to the child.

2 § 2213. Designation of individual to adopt child.

3 (a) Designation on voluntary relinquishment form.--A parent
4 executing a voluntary relinquishment form under section 2216
5 (relating to contents of voluntary relinquishment form) may
6 designate an individual to adopt the child.

7 (b) Adoption not finalized.--If the child is not adopted by
8 the individual designated in the voluntary relinquishment form:

9 (1) the agency or attorney coordinating the adoption
10 shall give notice as set forth in subsection (c) to the
11 parent who executed the voluntary relinquishment form; and

12 (2) the parent who executed the voluntary relinquishment
13 form may file a petition to vacate both the voluntary
14 relinquishment and the decree of termination of parental
15 rights within ten days of service of the notice under
16 subsection (c) with the court in which the petition for
17 voluntary relinquishment of parental rights under section
18 2211 (relating to petition for voluntary relinquishment) was
19 filed.

20 (c) Notice.--

21 (1) Notice under this section must state substantially
22 the following:

23 To: (insert name of parent who executed the voluntary
24 relinquishment form)

25 You executed a voluntary relinquishment form and
26 designated (insert name of individual designated in
27 the voluntary relinquishment form) to adopt (insert
28 name of child). However, this adoption has not
29 occurred. Therefore, you have the right to petition
30 to vacate both your voluntary relinquishment and the

1 decree of termination of parental rights within ten
2 days of receiving this notice. The petition to vacate
3 must be filed with (insert the court of the county in
4 which the petition for voluntary relinquishment of
5 parental rights was filed). If you do not file a
6 timely petition to vacate, the child may be adopted
7 by another individual without additional notice to
8 you. You should take this document to your attorney
9 at once. If you do not have an attorney or cannot
10 afford one, go to or telephone the office set forth
11 below to find out where you can get legal help.

12 (Insert name)

13 (Insert address)

14 (Insert telephone number)

15 (2) The notice under paragraph (1) shall be given by
16 personal service or registered mail to the last known address
17 of the individual or by such other means as the court
18 requires.

19 (d) Action by court.--

20 (1) If the court receives a timely petition to vacate
21 under subsection (b)(2), it shall:

22 (i) vacate both the voluntary relinquishment and the
23 decree of termination of parental rights;

24 (ii) restore parental rights and duties with respect
25 to the child to the parent who executed the voluntary
26 relinquishment form; and

27 (iii) enter an appropriate order regarding the
28 custody of the child.

29 (2) If the court does not receive a timely petition to
30 vacate under subsection (b)(2), the voluntary relinquishment

has the same effect as a voluntary relinquishment in which an individual was not designated in the voluntary relinquishment form to adopt the child.

§ 2214. Execution of voluntary relinquishment form.

(a) General rule.--Subject to subsections (b) and (c), an individual may execute a voluntary relinquishment form with respect to a child if one of the following conditions is met:

(1) The child is in the care of another individual who is a parent of the child.

(2) The child is in the care of an agency.

(3) An agency has received written notice of the present intent to transfer custody of the child to the agency, without regard to whether the agency has physical custody of the child at the time that the voluntary relinquishment form is executed.

(4) The child is in the exclusive care of an individual who intends to adopt the child.

(b) Birth mother.--A voluntary relinquishment form executed by a birth mother is valid only if it is executed at least 72 hours after the birth of the child.

(c) Birth father, presumptive father and putative father.--A birth father, presumptive father or putative father may execute a voluntary relinquishment form at any time after receiving notice of the expected or actual birth of the child.

§ 2215. Requirements when voluntary relinquishment form executed.

(a) Request for medical and social history information.--When the voluntary relinquishment form is presented to an individual for execution, the individual shall be asked to provide medical history information and social history

1 information and given a form developed by the department under
2 section 2623 (relating to development of form) on which to
3 provide the information. Failure to request or provide medical
4 history information and social history information does not
5 invalidate the voluntary relinquishment.

6 (b) Copy of voluntary relinquishment form.--The agency or
7 attorney coordinating the adoption shall provide a copy of the
8 voluntary relinquishment form to the individual executing it
9 when the form is sent or presented for execution. Failure to
10 provide a copy of the voluntary relinquishment form to the
11 individual executing the form renders the voluntary
12 relinquishment invalid.

13 § 2216. Contents of voluntary relinquishment form.

14 (a) General information to be included.--A voluntary
15 relinquishment form must include the following information:

16 (1) The name and address of the child, if known to the
17 individual executing the form.

18 (2) The actual or expected date of birth of the child.

19 (3) The name and address of the birth parents and any
20 presumptive father or putative father of the child, if known
21 to the individual executing the form and if the parental
22 rights of those individuals with respect to the child have
23 not already been terminated.

24 (4) The name and address of the individual executing the
25 voluntary relinquishment form.

26 (5) The relationship of the individual executing the
27 voluntary relinquishment form to the child.

28 (6) The age and date of birth of the individual
29 executing the voluntary relinquishment form.

30 (7) If the individual executing the voluntary

1 relinquishment form is under 18 years of age:

2 (i) the name and address of a parent or legal
3 guardian of the individual; or

4 (ii) a statement requesting a hearing under section
5 2222 (relating to hearing for individual under 18 years
6 of age).

7 (8) A statement specifying which one of the conditions
8 set forth in section 2214(a) (relating to execution of
9 voluntary relinquishment form) has been satisfied.

10 (9) Verification by the individual executing the
11 voluntary relinquishment form regarding any money or other
12 valuable consideration received or to be received by the
13 individual in connection with the placement and adoption of
14 the child.

15 (10) The specific statements set forth in subsection
16 (b).

17 (11) If applicable, the designation of an individual to
18 adopt the child as provided in section 2213 (relating to
19 designation of individual to adopt child).

20 (12) A statement specifying whether the individual
21 executing the voluntary relinquishment form requests a
22 hearing under section 2223 (relating to hearing on voluntary
23 relinquishment).

24 (13) The signature of the individual executing the
25 voluntary relinquishment form, following the statements set
26 forth in subsection (b).

27 (14) The date and place that the individual executed the
28 voluntary relinquishment form.

29 (15) The name, address and signature of at least two
30 individuals who witnessed the execution of the voluntary

1 relinquishment form, each of whom must be 18 years of age or
2 older.

3 (16) The list of rights and duties set forth in section
4 2204(a) (relating to notice of rights and duties of birth
5 parent and adoptive parent).

6 (17) A statement for the purpose of revoking the
7 voluntary relinquishment which shall be substantially as
8 follows and which shall follow the other information required
9 by this section:

10 I revoke the foregoing voluntary relinquishment and
11 do not wish to voluntarily relinquish my parental
12 rights with respect to the child.

13 (Signature)

14 (Date)

15 (b) Specific statements to be included.--A voluntary
16 relinquishment form must contain the following statements, in
17 substantially the following form:

18 I hereby voluntarily consent to relinquish forever
19 all my parental rights with respect to the child.

20 I am not under the influence of any alcohol, drug or
21 controlled substance which may impair my ability to
22 understand and execute this voluntary relinquishment
23 form.

24 I understand that the child may be placed for
25 adoption. If I am a parent of the child, I understand
26 that I may designate an individual to adopt the child. If
27 the child is not adopted by that individual, I understand
28 that I will be given notice of that fact and my ability
29 to file a petition to vacate both my voluntary
30 relinquishment and the decree of termination of parental

1 rights. I understand that I must file the petition within
2 ten days of service of that notice with (insert the court
3 of the county in which the petition for voluntary
4 relinquishment of parental rights was or will be filed).
5 If I file a timely petition, I understand that the court
6 will vacate both my voluntary relinquishment and the
7 decree of termination of parental rights, restore my
8 parental rights and duties and enter an order regarding
9 the custody of the child. If I do not file a timely
10 petition, I understand that the child may be adopted by
11 another individual without additional notice to me.

12 I understand that I may place and update medical
13 history information and social history information on a
14 form developed by the Department of Public Welfare.

15 I understand that, if I am a birth parent of the
16 child, I may file a disclosure veto with (insert the name
17 and address of the agency coordinating the adoption) or
18 (insert the court of the county in which the termination
19 of parental rights will occur, if known). I understand
20 that, unless I file a disclosure veto, my identity and
21 other identifying information found in the court records
22 or agency records will be given upon request to an
23 adoptive parent of the child if the child is under 18
24 years of age or to the child if the child is 18 years of
25 age or older.

26 I understand that the information on the original
27 birth certificate of the child, including information
28 about a birth parent, will be given upon request to an
29 adoptive parent of the child if the child is under 18
30 years of age or to the child if the child is 18 years of

1 age or older.

2 I understand that I have the right to receive at
3 least one counseling session, paid by the county,
4 regarding the risks, benefits and consequences of
5 relinquishing my parental rights with respect to the
6 child, placing the child for adoption and alternatives to
7 relinquishment and adoption.

8 I confirm that at this time I do not wish to receive
9 any counseling or any additional counseling regarding the
10 risks, benefits and consequences of relinquishing my
11 parental rights with respect to the child, placing the
12 child for adoption and alternatives to relinquishment and
13 adoption.

14 I understand that I may request a hearing on my
15 voluntary relinquishment, during which time the court
16 will review the contents of this voluntary relinquishment
17 form with me. I understand that if I request a hearing on
18 my voluntary relinquishment, I may revoke my voluntary
19 relinquishment at any time prior to the entry of the
20 final decree terminating my parental rights with respect
21 to the child. I understand that the court may enter a
22 final decree terminating my parental rights with respect
23 to the child at the hearing, at which point my voluntary
24 relinquishment may not be revoked. I further understand
25 that, if I request a hearing but do not attend it, my
26 voluntary relinquishment automatically becomes
27 irrevocable at the time of the hearing, and the court may
28 enter a final decree terminating my parental rights with
29 respect to the child at that time.

30 If I do not request a hearing on my voluntary

1 relinquishment and I am the birth mother of the child or
2 an individual other than the birth father or a
3 presumptive father or putative father of the child, I
4 understand that this voluntary relinquishment form is
5 irrevocable unless I revoke it within 20 days after
6 executing it by delivering a written revocation to
7 (insert the name and address of the agency coordinating
8 the adoption) or (insert the name and address of an
9 attorney who represents the individual relinquishing
10 parental rights or prospective adoptive parent of the
11 child) or (insert the court of the county in which the
12 voluntary relinquishment form was or will be filed).

13 If I do not request a hearing on my voluntary
14 relinquishment and I am the birth father or a presumptive
15 father or putative father of the child, I understand that
16 this voluntary relinquishment form is irrevocable unless
17 I revoke it within 20 days after either the birth of the
18 child or my execution of the voluntary relinquishment
19 form, whichever occurs later, by delivering a written
20 revocation to (insert the name and address of the agency
21 coordinating the adoption) or (insert the name and
22 address of an attorney who represents the individual
23 relinquishing parental rights or prospective adoptive
24 parent of the child) or (insert the court of the county
25 in which the voluntary relinquishment form was or will be
26 filed).

27 If I do not request a hearing on my voluntary
28 relinquishment, I understand that I will not receive
29 further notice of any proceeding for termination of
30 parental rights or adoption regarding the child unless I

1 designate an individual to adopt the child and the child
2 is not adopted by the individual.

3 If I am under 18 years of age, I understand that I
4 must either provide the name and address of my parent or
5 legal guardian or attend a hearing where the court will
6 review the contents of this voluntary relinquishment
7 form. If the hearing is necessary, I understand that the
8 court will determine whether I understand the purpose of
9 the voluntary relinquishment and the contents of this
10 voluntary relinquishment form. At the hearing, I
11 understand that the court will decide whether to allow
12 the voluntary relinquishment process to continue. If I
13 provide the name and address of my parent or legal
14 guardian and do not request a hearing on my voluntary
15 relinquishment, I understand that my parent or legal
16 guardian will be given notice that I have signed this
17 voluntary relinquishment form.

18 I have read or had explained to me this voluntary
19 relinquishment form, and I understand the contents and
20 purpose of this voluntary relinquishment form.

21 I understand that I may consult an attorney of my own
22 choosing before I sign this voluntary relinquishment
23 form. If I cannot afford an attorney, I understand that I
24 may go to or telephone (insert name, address and
25 telephone number of local legal services office).

26 I am signing this voluntary relinquishment form as a
27 free and voluntary act.

28 I have received a copy of this voluntary
29 relinquishment form.

30 The information that I have provided in this

1 voluntary relinquishment form is true and correct to the
2 best of my knowledge, information and belief. I
3 understand that any false statement made in this
4 voluntary relinquishment form is subject to the penalties
5 of 18 Pa.C.S. § 4904 (relating to unsworn falsification
6 to authorities).

7 (c) Notarization option.--An executed voluntary
8 relinquishment form may be notarized.

9 § 2217. Validity of voluntary relinquishment.

10 A voluntary relinquishment is not invalid solely because the
11 individual who executed the voluntary relinquishment form
12 provided false or incomplete information in the form.

13 § 2218. Revocation of voluntary relinquishment.

14 (a) General rule.--Except as otherwise provided in
15 subsections (g) and (h):

16 (1) For a voluntary relinquishment form executed by a
17 birth father, presumptive father or putative father, a
18 voluntary relinquishment is irrevocable 20 days after the
19 birth of the child or the execution of the voluntary
20 relinquishment form, whichever occurs later.

21 (2) For a voluntary relinquishment form executed by a
22 birth mother or an individual other than a birth father,
23 presumptive father or putative father, a voluntary
24 relinquishment is irrevocable 20 days after the execution of
25 the voluntary relinquishment form.

26 (b) Waiver of revocation period prohibited.--An individual
27 may not waive the 20-day revocation period under subsection (a).

28 (c) How to revoke voluntary relinquishment.--An individual
29 who executed a voluntary relinquishment form may revoke the
30 voluntary relinquishment by executing and dating either of the

1 following:

2 (1) The statement set forth in section 2216(a)(17)
3 (relating to contents of voluntary relinquishment form).

4 (2) A separate revocation which may include the
5 following information:

6 (i) The date and place that the voluntary
7 relinquishment form was executed.

8 (ii) The name, gender, date of birth and place of
9 birth of the child, if known.

10 (iii) The name and age of the individual who is
11 revoking the voluntary relinquishment, along with the
12 relationship of the individual to the child.

13 (iv) A statement that the individual revokes the
14 voluntary relinquishment.

15 (d) Where to deliver revocation.--A revocation of the
16 voluntary relinquishment is valid when delivered to and received
17 by any of the following during the 20-day revocation period
18 under subsection (a):

19 (1) The agency or attorney coordinating the adoption.

20 (2) An attorney who represents the individual
21 relinquishing parental rights or prospective adoptive parent
22 of the child.

23 (3) The court of the county in which the voluntary
24 relinquishment form was or will be filed.

25 (e) Need to file revocation with court.--A person listed in
26 subsection (d) that receives a revocation of a voluntary
27 relinquishment shall promptly file the revocation with the court
28 of the county in which the voluntary relinquishment form was
29 filed.

30 (f) Fraud or duress.--

1 (1) Notwithstanding subsection (a), an individual who
2 executed a voluntary relinquishment form may challenge the
3 validity of the voluntary relinquishment only by filing a
4 petition alleging fraud or duress within the earlier of the
5 following time frames:

6 (i) Sixty days after the birth of the child or the
7 execution of the voluntary relinquishment form, whichever
8 occurs later.

9 (ii) Thirty days after the entry of the adoption
10 decree.

11 (2) A voluntary relinquishment may be invalidated only
12 if the alleged fraud or duress under paragraph (1) is proven
13 by clear and convincing evidence.

14 (g) Revocation if hearing on voluntary relinquishment
15 requested.--

16 (1) Except as provided in paragraph (2), an individual
17 who executed a voluntary relinquishment form and requested a
18 hearing under section 2223 (relating to hearing on voluntary
19 relinquishment) may revoke the voluntary relinquishment at
20 any time prior to the entry of the final decree terminating
21 parental rights of the individual with respect to the child.

22 (2) If an individual who executed a voluntary
23 relinquishment form and requested a hearing under section
24 2223 does not attend the hearing, the voluntary
25 relinquishment becomes irrevocable at the time of the
26 hearing.

27 (h) Revocation if hearing requested for individual under 18
28 years of age.--If a hearing has occurred under section 2222
29 (relating to hearing for individual under 18 years of age), the
30 voluntary relinquishment is irrevocable 20 days after the

1 hearing.

2 § 2219. Voluntary relinquishment form executed outside
3 Commonwealth.

4 (a) General rule.--Subject to subsection (b), the validity,
5 enforceability, construction and revocability of a voluntary
6 relinquishment form or similar document executed outside this
7 Commonwealth shall be determined by the law of the jurisdiction
8 for which the document was developed.

9 (b) Irrevocability.--A voluntary relinquishment form or
10 similar document developed in another jurisdiction is
11 irrevocable if irrevocable under the law of either that
12 jurisdiction or this Commonwealth and shall be considered a
13 valid voluntary relinquishment form for the purposes of this
14 chapter.

15 § 2220. Consents by others regarding relinquishment.

16 (a) Parent or legal guardian of individual under 18 years of
17 age.--If an individual executing a voluntary relinquishment form
18 is under 18 years of age, the court may not require a parent or
19 legal guardian of the individual to consent to the
20 relinquishment under this subchapter.

21 (b) Agency.--The court shall require the written consent of
22 the agency to whom the child is relinquished to accept custody
23 of the child until the child is adopted.

24 (c) Individual intending to adopt child.--The court shall
25 require the written consent of the individual intending to adopt
26 the child to accept custody of the child until the child is
27 adopted.

28 § 2221. Notice to parent or legal guardian of individual under
29 18 years of age.

30 (a) Applicability.--This section applies only if the

1 individual who executed a voluntary relinquishment form is under
2 18 years of age and provided the name and address of the
3 individual's parent or legal guardian but did not request a
4 hearing under section 2223 (relating to hearing on voluntary
5 relinquishment).

6 (b) Notice.--A parent or legal guardian of the individual
7 who executed a voluntary relinquishment form shall be given
8 notice of the execution of the form within three business days
9 of the filing of the petition for voluntary relinquishment of
10 parental rights under section 2211 (relating to petition for
11 voluntary relinquishment). The notice must state that the
12 parental rights of the individual under 18 years of age are
13 subject to termination.

14 § 2222. Hearing for individual under 18 years of age.

15 (a) Applicability.--This section applies only if the
16 individual who executed the voluntary relinquishment form is
17 under 18 years of age and did not provide the name and address
18 of the individual's parent or legal guardian.

19 (b) Expedited hearing.--

20 (1) Subject to paragraph (2), an expedited hearing under
21 this section shall be held within three business days of the
22 filing of the petition for voluntary relinquishment of
23 parental rights under section 2211 (relating to petition for
24 voluntary relinquishment).

25 (2) An expedited hearing under this section for a birth
26 father, presumptive father and putative father may not be
27 held until after the birth of the child.

28 (c) Procedure for hearing.--

29 (1) A hearing under this section must be private.

30 (2) The court shall review the contents of the executed

1 voluntary relinquishment form with the individual who
2 executed it and determine whether the individual understands
3 the purpose of the voluntary relinquishment and contents of
4 the voluntary relinquishment form.

5 (d) Court determination.--

6 (1) If the court determines that the individual who
7 executed the voluntary relinquishment form understands the
8 purpose of the voluntary relinquishment and contents of the
9 form, the court shall allow the voluntary relinquishment
10 process to continue.

11 (2) If the court determines that the individual does not
12 understand the purpose of the voluntary relinquishment and
13 contents of the voluntary relinquishment form, the court
14 shall determine whether termination of parental rights will
15 serve the needs, welfare and best interests of the
16 individual. At the conclusion of the hearing, the court shall
17 either allow the voluntary relinquishment process to continue
18 or dismiss the petition for voluntary relinquishment of
19 parental rights.

20 § 2223. Hearing on voluntary relinquishment.

21 (a) Request for hearing.--An individual executing a
22 voluntary relinquishment form may request a hearing on the
23 voluntary relinquishment at the appropriate place on the form.

24 (b) Timing of hearing.--

25 (1) Subject to paragraph (2), a hearing on the voluntary
26 relinquishment shall be held within 30 days of the date of
27 the hearing request.

28 (2) A hearing on the voluntary relinquishment for a
29 birth father, presumptive father and putative father may not
30 be held until after the birth of the child.

1 (c) Notice of hearing.--

2 (1) At least ten days' notice of the hearing on
3 voluntary relinquishment shall be given to the following:

4 (i) The individual who executed the voluntary
5 relinquishment form and requested the hearing.

6 (ii) A parent of the child if the parent's parental
7 rights with respect to the child have not already been
8 terminated.

9 (iii) A presumptive father whose parental rights
10 with respect to the child have not already been
11 terminated.

12 (iv) A putative father whose parental rights with
13 respect to the child have not already been terminated.

14 (v) If the individual who executed the voluntary
15 relinquishment form is under 18 years of age, the
16 individual's parent or legal guardian.

17 (vi) The agency to whom the child is relinquished.

18 (2) Notice of the hearing on voluntary relinquishment
19 shall be given by personal service or registered mail to the
20 last known address of the individual or by such other means
21 as the court requires.

22 (3) The notice to the petitioner must state
23 substantially the following:

24 To: (insert name of individual who executed the
25 voluntary relinquishment form)

26 You executed a voluntary relinquishment form for the
27 purpose of relinquishing forever your parental rights
28 with respect to (insert name of child). The court has
29 scheduled a hearing to review the contents of the
30 voluntary relinquishment form, to be held in (insert

1 place, giving reference to the exact room and
2 building number or designation) on (insert date) at
3 (insert time). If you do not attend the hearing, you
4 will not be able to revoke the voluntary
5 relinquishment at a later time. You have the right to
6 be represented at the hearing by an attorney. You
7 should take this document to your attorney at once.
8 If you do not have an attorney or cannot afford one,
9 go to or telephone the office set forth below to find
10 out where you can get legal help.

11 (Insert name)

12 (Insert address)

13 (Insert telephone number)

14 (4) A copy of the notice set forth in paragraph (3)
15 shall be given to the other persons set forth in paragraph
16 (1) and must include the following:

17 (i) A copy of the executed voluntary relinquishment
18 form.

19 (ii) The list of rights and duties set forth in
20 section 2204(a) (relating to notice of rights and duties
21 of birth parent and adoptive parent).

22 (iii) Notice that a parent has the right to receive
23 at least one counseling session, paid by the county,
24 regarding the risks, benefits and consequences of
25 relinquishing parental rights with respect to the child,
26 placing the child for adoption and alternatives to
27 relinquishment and adoption.

28 (5) The notice to the putative father must state that
29 his parental rights with respect to the child are subject to
30 termination if he fails to appear at the hearing to object to

1 the termination of his parental rights.

2 (d) Procedure for hearing.--

3 (1) A hearing on voluntary relinquishment must be
4 private.

5 (2) The court shall review the contents of the executed
6 voluntary relinquishment form with the individual who
7 executed the form.

8 (3) If a man claiming to be the birth father of the
9 child attends the hearing and objects to the termination of
10 his parental rights with respect to the child, the court
11 shall:

12 (i) grant him standing to establish his paternity
13 with respect to the child, if that determination has not
14 already occurred; and

15 (ii) hear his testimony and allow him to assert his
16 claim to the child.

17 § 2224. Hearing to confirm identity.

18 (a) Applicability.--This section applies only if all the
19 following conditions are met:

20 (1) The executed voluntary relinquishment form under
21 section 2216 (relating to contents of voluntary
22 relinquishment form) is not notarized.

23 (2) The individual who executed the voluntary
24 relinquishment form does not request a hearing under section
25 2223 (relating to hearing on voluntary relinquishment).

26 (3) Section 2222 (relating to hearing for individual
27 under 18 years of age) is not applicable.

28 (b) Hearing.--

29 (1) A hearing shall be held to confirm the identity of
30 the individual who allegedly executed the voluntary

relinquishment form.

(2) At least ten days' notice of the hearing under this subsection shall be given to the individual who allegedly executed the voluntary relinquishment form by personal service or registered mail to the last known address of the individual or by such other means as the court requires.

(3) The notice of the hearing under this subsection must state substantially the following:

To: (insert name of individual who allegedly
executed the voluntary relinquishment form)

The court has scheduled a hearing for the sole purpose of confirming your identity as the individual who executed the voluntary relinquishment form with respect to (insert name of child). The hearing shall be held in (insert place, giving reference to the exact room and building number or designation) on (insert date) at (insert time). If you did not sign the voluntary relinquishment form, you should appear at the hearing to establish that you did not sign it. You may not have the opportunity to assert later that you did not sign the voluntary relinquishment form. The court may enter a final decree terminating your parental rights with respect to the child at the time of the hearing. You have the right to be represented at the hearing by an attorney. You should take this document to your attorney at once. If you do not have an attorney or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

(Insert name)

1 (Insert address)

2 (Insert telephone number)

3 (4) A hearing under this subsection must be private.

4 (5) The sole purpose of a hearing under this subsection
5 is to determine whether the individual who allegedly executed
6 the voluntary relinquishment form did in fact execute the
7 voluntary relinquishment form.

8 § 2225. Final decree of termination of parental rights.

9 (a) When final decree may be entered.--The court may enter a
10 final decree terminating the parental rights of an individual
11 with respect to a child based on the petition filed under
12 section 2211 (relating to petition for voluntary relinquishment)
13 after any of the following:

14 (1) A hearing under section 2203 (relating to hearing
15 for putative father) or 2223 (relating to hearing on
16 voluntary relinquishment).

17 (2) A hearing under section 2222 (relating to hearing
18 for individual under 18 years of age) or 2224(b) (relating to
19 hearing to confirm identity), subject to the revocation
20 periods under section 2218(a) (relating to revocation of
21 voluntary relinquishment).

22 (3) The revocation periods under section 2218(a) have
23 passed, if the executed voluntary relinquishment form is
24 notarized and sections 2222 and 2223 are not applicable.

25 (b) Putative father.--The court may terminate the parental
26 rights of a putative father of the child if he fails to appear
27 at the hearing on voluntary relinquishment under section 2223 to
28 object to the termination of his parental rights.

29 (c) Award of custody.--The final decree of termination of
30 parental rights shall award custody of the child to the agency

1 or individual consenting to accept custody under section 2220
2 (relating to consents by others regarding relinquishment).

3 SUBCHAPTER C

4 INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

5 Sec.

6 2231. Who may file petition for involuntary termination.

7 2232. Contents of petition for involuntary termination.

8 2233. Grounds for involuntary termination.

9 2234. Notice of hearing on involuntary termination.

10 2235. Hearing on involuntary termination.

11 2236. Court determination.

12 2237. Final decree of termination of parental rights.

13 § 2231. Who may file petition for involuntary termination.

14 A petition for the involuntary termination of parental rights
15 with respect to the child may be filed by any of the following:

16 (1) A parent if termination is sought against the other
17 parent.

18 (2) An agency.

19 (3) If the child has not been adjudicated dependent
20 under 42 Pa.C.S. § 6341(c) (relating to adjudication), an
21 individual with whom the parent directly or indirectly placed
22 the child and who:

23 (i) has legal custody of the child or stands in loco
24 parentis to the child; or

25 (ii) for at least six consecutive months within the
26 eight months preceding the filing of the petition to
27 terminate parental rights, had physical custody of the
28 child or stood in loco parentis to the child.

29 (4) If the child has been adjudicated dependent under 42
30 Pa.C.S. § 6341(c) and in foster care placement for at least

1 15 of the last 22 months, the child's foster parent or other
2 foster care provider who:

3 (i) has physical custody of the child; or

4 (ii) for at least six consecutive months within the
5 eight months preceding the filing of the petition to
6 terminate parental rights, had physical custody of the
7 child.

8 (5) If the child has been adjudicated dependent under 42
9 Pa.C.S. § 6341(c), an attorney representing the child or a
10 guardian ad litem for the child.

11 § 2232. Contents of petition for involuntary termination.

12 (a) General rule.--A petition filed under this subchapter
13 must include the following:

14 (1) The name and address of the petitioner.

15 (2) The name and address of the child.

16 (3) The relationship between the petitioner and child.

17 (4) The name and address of the individual whose
18 parental rights with respect to the child are subject to
19 termination.

20 (5) The name and address of a parent of the child, if
21 the parental rights of the parent with respect to the child
22 have not already been terminated.

23 (6) The name and address of a presumptive father of the
24 child, if known to the petitioner and if the parental rights
25 of the presumptive father with respect to the child have not
26 already been terminated.

27 (7) The name and address of a putative father of the
28 child, if known to the petitioner and if the parental rights
29 of the putative father with respect to the child have not
30 already been terminated.

1 (8) The name and address of a parent or legal guardian
2 of a parent under 18 years of age whose parental rights with
3 respect to the child are subject to termination.

4 (9) If the petition does not identify the birth father
5 of the child and the parental rights of the birth father with
6 respect to the child have not already been terminated, a
7 statement of the reason that the birth father is not
8 identified.

9 (10) The specific grounds alleged for termination of
10 parental rights as set forth in section 2233 (relating to
11 grounds for involuntary termination).

12 (11) The facts alleged as the basis for the termination
13 of parental rights.

14 (12) Subject to section 2207 (relating to identity of
15 prospective adoptive parent), the name and address of the
16 individual or agency who will assume custody of the child
17 until the child is adopted.

18 (b) Agency as petitioner.--If the petitioner is an agency,
19 the agency is not required to state that an adoption is
20 presently contemplated or an individual with a present intention
21 to adopt the child exists.

22 § 2233. Grounds for involuntary termination.

23 The involuntary termination of parental rights may be based
24 on one or more of the following grounds:

25 (1) The parent by conduct continuing for a period of at
26 least six months immediately preceding the filing of the
27 petition either has evidenced a settled purpose of
28 relinquishing parental rights with respect to the child or
29 has refused or failed to perform parental duties. The amount
30 of time that passes during the process under section 2213

1 (relating to designation of individual to adopt child) may
2 not be used in establishing the ground under this paragraph.

3 (2) The child is without essential parental care,
4 control or subsistence because of any of the following:

5 (i) The repeated and continued abuse or neglect of
6 the child by the parent.

7 (ii) The refusal of the parent to care for the
8 child.

9 (iii) The incapacity of the parent, which cannot or
10 will not be remedied by the parent within a reasonable
11 period of time.

12 (3) The parent has engaged in repeated and continued
13 abuse or neglect of the child's sibling or another child in
14 the child's household.

15 (4) The child, the child's sibling or another child in
16 the child's household has been the victim of any of the
17 following:

18 (i) Physical abuse by the parent resulting in
19 serious bodily injury, defined as bodily injury which
20 creates a substantial risk of death or causes serious,
21 permanent disfigurement or protracted loss or impairment
22 of the function of any bodily member or organ.

23 (ii) Sexual violence by the parent, defined as any
24 of the following:

25 (A) Rape, as defined in 18 Pa.C.S. § 3121(a)
26 (relating to rape).

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

29 (C) Incest, as provided in 18 Pa.C.S. § 4302
30 (relating to incest).

1 (D) Using, causing, permitting, persuading or
2 coercing the child to engage in a prohibited sexual
3 act as defined in 18 Pa.C.S. § 6312(a) (relating to
4 sexual abuse of children) or a simulation of a
5 prohibited sexual act for the purpose of
6 photographing, videotaping, depicting on computer or
7 filming involving the child.

8 (iii) Aggravated physical neglect by the parent,
9 defined as any omission in the care of the child which
10 results in a life-threatening condition or seriously
11 impairs the child's functioning.

12 (5) The parent has been convicted of any of the
13 following offenses if the victim was a child:

14 (i) Criminal homicide under 18 Pa.C.S. Ch. 25
15 (relating to criminal homicide).

16 (ii) Aggravated assault under 18 Pa.C.S. § 2702
17 (relating to aggravated assault).

18 (iii) Rape under 18 Pa.C.S. § 3121.

19 (iv) Statutory sexual assault under 18 Pa.C.S. §
20 3122.1 (relating to statutory sexual assault).

21 (v) Involuntary deviate sexual intercourse under 18
22 Pa.C.S. § 3123 (relating to involuntary deviate sexual
23 intercourse).

24 (vi) Sexual assault under 18 Pa.C.S. § 3124.1
25 (relating to sexual assault).

26 (vii) Aggravated indecent assault under 18 Pa.C.S. §
27 3125 (relating to aggravated indecent assault).

28 (viii) Indecent assault under 18 Pa.C.S. § 3126
29 (relating to indecent assault).

30 (ix) An offense in another jurisdiction equivalent

1 to an offense set forth in subparagraphs (i) through
2 (viii).

3 (6) The parent is the presumptive father but not the
4 birth father of the child.

5 (7) The child was abandoned and is in the custody of an
6 agency, the identity or whereabouts of the parent is unknown
7 and cannot be ascertained by a diligent search and the parent
8 does not claim the child within three months after the child
9 is found.

10 (8) The child has been removed from the care of the
11 parent by the court or under a voluntary agreement with an
12 agency for a period of at least six months, and all the
13 following apply:

14 (i) The conditions which led to the removal or
15 placement of the child continue to exist.

16 (ii) The parent cannot or will not remedy those
17 conditions within a reasonable period of time.

18 (iii) The services or assistance reasonably
19 available to the parent are not likely to remedy the
20 conditions which led to the removal or placement of the
21 child within a reasonable period of time.

22 (9) The child is six months of age or younger when a
23 petition under this subchapter is filed and the parent:

24 (i) knows or has reason to know of the child's
25 birth;

26 (ii) does not reside with the child; and

27 (iii) for a period of at least two months
28 immediately preceding the filing of the petition, has
29 failed to make reasonable efforts to:

30 (A) maintain substantial and continuing contact

1 with the child; and

2 (B) provide substantial financial support for
3 the child. The amount of time that passes during the
4 process under section 2213 may not be used in
5 establishing the ground under this paragraph.

6 (10) The parent is the perpetrator of rape, sexual
7 assault or incest, the result of which was the conception of
8 the child.

9 (11) The child has been removed from the care of the
10 parent by the court or under a voluntary agreement with an
11 agency, 12 months or more have elapsed from the date of
12 removal or placement of the child and the conditions which
13 led to the removal or placement continue to exist.

14 (12) For a period of at least 15 of the previous 22
15 months, the child has been and is currently removed from the
16 care of the parent by the court or under a voluntary
17 agreement with an agency.

18 § 2234. Notice of hearing on involuntary termination.

19 (a) Scheduling.--A hearing shall be scheduled on the
20 petition for the involuntary termination of parental rights.

21 (b) Notice of hearing.--

22 (1) At least ten days' notice of the hearing on the
23 petition shall be given to the following:

24 (i) The petitioner.

25 (ii) The individual whose parental rights with
26 respect to the child are subject to termination.

27 (iii) A parent of the child, if the parental rights
28 of the parent with respect to the child have not already
29 been terminated.

30 (iv) A presumptive father of the child, if his

1 parental rights with respect to the child have not
2 already been terminated.

3 (v) A putative father of the child, if his parental
4 rights with respect to the child have not already been
5 terminated.

6 (vi) A parent or legal guardian of a parent under 18
7 years of age whose parental rights with respect to the
8 child are subject to termination.

9 (2) Notice shall be given by personal service or
10 registered mail to the last known address of the individual
11 or by such other means as the court requires.

12 (3) The notice to the individual set forth in paragraph
13 (1)(ii) shall state substantially the following:

14 To: (insert name of individual whose parental rights
15 with respect to the child are subject to termination)
16 A petition has been filed asking the court to end
17 your parental rights with respect to (insert name of
18 child). The court has scheduled a hearing to consider
19 ending all your rights to this child to be held in
20 (insert place, giving reference to the exact room and
21 building number or designation) on (insert date) at
22 (insert time). You are warned that, if you fail to
23 appear at the scheduled hearing, the hearing will
24 proceed without you and your rights to this child may
25 be ended by the court without your being present. You
26 have the right to be represented at the hearing by an
27 attorney. You should take this document to your
28 attorney at once. If you do not have an attorney or
29 cannot afford one, go to or telephone the office set
30 forth below to find out where you can get legal help.

1 (Insert name)
2 (Insert address)
3 (Insert telephone number)

4 (4) A copy of the notice set forth in paragraph (3)
5 shall be given to the other persons set forth in paragraph
6 (1).

7 (5) The notice to the putative father must state that
8 his parental rights with respect to the child are subject to
9 termination if he fails to appear at the hearing to object to
10 the termination of his parental rights.

11 (6) Any notice given under this subsection must include
12 the list of rights and duties set forth in section 2204(a)
13 (relating to notice of rights and duties of birth parent and
14 adoptive parent).

15 § 2235. Hearing on involuntary termination.

16 (a) Private hearing discretionary.--The hearing on the
17 involuntary termination of parental rights may be private.

18 (b) Objection by man claiming to be father.--If a man
19 claiming to be the birth father of the child attends the hearing
20 and objects to the termination of his parental rights with
21 respect to the child, the court shall:

22 (1) grant him standing to establish his paternity with
23 respect to the child; and

24 (2) hear his testimony and allow him to assert his claim
25 to the child.

26 (c) Mother competent witness on paternity.--The birth mother
27 is a competent witness regarding whether the presumptive father
28 or putative father is the birth father of the child.

29 § 2236. Court determination.

30 (a) Grounds.--After the filing of a petition for the

1 involuntary termination of parental rights, the court shall
2 determine whether at least one of the grounds alleged in the
3 petition exists for the termination of parental rights based on
4 clear and convincing evidence.

5 (b) Best interests.--If the court determines under
6 subsection (a) that at least one ground exists to terminate
7 parental rights, it shall determine whether termination serves
8 the needs, welfare and best interests of the child, with primary
9 consideration given to the developmental, physical and emotional
10 needs and welfare of the child.

11 (c) Considerations.--

12 (1) The court may not terminate the rights of a parent
13 solely on the basis of environmental factors such as
14 inadequate housing, furnishings, income, clothing and medical
15 care, if those factors are found to be beyond the control of
16 the parent.

17 (2) Except with respect to section 2233(2)(iii) and (7)
18 (relating to grounds for involuntary termination), in
19 determining whether a ground for involuntary termination
20 exists, the court may not consider any efforts by the parent
21 to remedy the grounds for termination which are initiated
22 subsequent to notice of the filing of the petition.

23 § 2237. Final decree of termination of parental rights.

24 (a) Determination whether to grant decree.--After the
25 hearing under section 2235 (relating to hearing on involuntary
26 termination), the court shall determine whether parental rights
27 should be terminated and may enter a final decree of termination
28 of parental rights.

29 (b) Putative father.--The court may terminate the parental
30 rights of a putative father of the child if he fails to appear

1 at the involuntary termination hearing to object to the
2 termination of his parental rights.

3 (c) Award of custody.--The final decree of termination of
4 parental rights shall award custody of the child to the
5 individual or agency designated in the petition for involuntary
6 termination.

7 SUBCHAPTER D

8 EFFECT OF DECREE OF TERMINATION OF PARENTAL RIGHTS

9 Sec.

10 2241. Termination of parental rights and duties.

11 2242. Vested rights and benefits.

12 2243. Termination of rights and duties of child.

13 § 2241. Termination of parental rights and duties.

14 (a) General rule.--Subject to subsection (b), a decree of
15 termination of parental rights terminates forever all the
16 subject parent's parental rights and duties with respect to the
17 child, including the obligation of support.

18 (b) Arrearages for child support.--A decree of termination
19 of parental rights does not extinguish the duty of a parent to
20 pay arrearages for child support.

21 § 2242. Vested rights and benefits.

22 A decree of termination of parental rights does not affect
23 any right or benefit vested in the child whose parent is the
24 subject of the decree if the right or benefit vested before the
25 date of the decree.

26 § 2243. Termination of rights and duties of child.

27 Except as otherwise provided by this subchapter, a decree of
28 termination of parental rights terminates forever all the rights
29 and duties of a child with respect to the parent who is the
30 subject of the decree.

1 CHAPTER 23

2 PLACEMENT OF CHILDREN

3 Subchapter

4 A. General Provisions

5 B. Placement Generally

6 C. Home Study

7 D. Postplacement Evaluation

8 E. Background on Child

9 SUBCHAPTER A

10 GENERAL PROVISIONS

11 Sec.

12 2301. Who may conduct home study and postplacement
13 evaluation.

14 2302. List of qualified agencies and individuals.

15 2303. Update of information.

16 2304. Additional home study, postplacement evaluation or
17 report.

18 2305. Fees.

19 2306. Background checks on stepparent.

20 § 2301. Who may conduct home study and postplacement
21 evaluation.

22 (a) General rule.--Only a qualified agency or individual
23 with professional experience in the adoption field may conduct a
24 home study and postplacement evaluation under this chapter.

25 (b) Rules and regulations.--The department shall promulgate
26 rules and regulations regarding the qualifications of an agency
27 or individual to conduct a home study and postplacement
28 evaluation under this chapter.

29 § 2302. List of qualified agencies and individuals.

30 (a) Compilation of list.--Each county agency shall compile a

1 list of qualified agencies and individuals within the county and
2 surrounding areas to conduct a home study and postplacement
3 evaluation under this chapter.

4 (b) Distribution of list.--Each county agency shall provide
5 the list compiled under subsection (a) to any person upon
6 request.

7 § 2303. Update of information.

8 The court may require an update of information necessary
9 under this chapter with respect to a home study, home study
10 report, postplacement evaluation or postplacement report.

11 § 2304. Additional home study, postplacement evaluation or
12 report.

13 The court may require an additional home study, home study
14 report, postplacement evaluation or postplacement report if it
15 was not conducted or prepared in substantial compliance with the
16 requirements of this chapter.

17 § 2305. Fees.

18 An agency or individual may charge a reasonable fee for
19 conducting or preparing a home study, home study report,
20 postplacement evaluation or postplacement report.

21 § 2306. Background checks on stepparent.

22 Federal Bureau of Investigation, criminal and child abuse
23 checks are required on a prospective adoptive parent who is the
24 stepparent of the child.

25 SUBCHAPTER B

26 PLACEMENT GENERALLY

27 Sec.

28 2311. Placement with prospective adoptive parent.

29 2312. Assent regarding placement.

30 2313. Factors affecting placement.

1 § 2311. Placement with prospective adoptive parent.

2 (a) General rule.--Except as provided in subsections (b) and
3 (c), if a home study is required under section 2321 (relating to
4 when home study required), a child may be placed with a
5 prospective adoptive parent only if all the following apply:

6 (1) The prospective adoptive parent received a favorable
7 recommendation under section 2324(b)(5) (relating to home
8 study report) or 2325(c)(2) (relating to judicial review)
9 regarding suitability to adopt a child.

10 (2) A home study report under section 2324 for the
11 prospective adoptive parent was:

12 (i) completed within the three years preceding the
13 placement of the child with the prospective adoptive
14 parent; and

15 (ii) updated within one year prior to the placement
16 of the child with the prospective adoptive parent.

17 (b) Placement if home study not commenced or report not
18 timely.--If a child is placed with a prospective adoptive parent
19 and either a home study of the prospective adoptive parent has
20 not commenced or the home study report for the prospective
21 adoptive parent does not meet the requirements of subsection
22 (a)(2):

23 (1) The person placing the child shall immediately
24 notify the court in writing of the placement of the child and
25 provide either of the following:

26 (i) The name of the agency or individual who will
27 conduct a home study of the prospective adoptive parent
28 or update a home study report for the prospective
29 adoptive parent.

30 (ii) A request that the court designate an agency or

1 individual to conduct the home study or update the home
2 study report.

3 (2) The court shall designate an agency or individual to
4 conduct the home study or update the home study report upon a
5 request under paragraph (1)(ii).

6 (3) The agency or individual conducting the home study
7 or updating the home study report under this subsection
8 shall:

9 (i) commence the home study within seven business
10 days of the notice to the court under paragraph (1);

11 (ii) visit the home of the prospective adoptive
12 parent within 14 days of the notice; and

13 (iii) determine whether to file a written assent
14 under section 2312(c) (relating to assent regarding
15 placement).

16 (c) Placement if home study commenced but report not
17 completed.--If a child is placed with a prospective adoptive
18 parent and a home study of the prospective adoptive parent has
19 commenced but the home study report under section 2324 has not
20 yet been completed:

21 (1) The person placing the child shall immediately
22 notify the court in writing of the following:

23 (i) The placement of the child.

24 (ii) The name of the agency or individual conducting
25 the home study of the prospective adoptive parent.

26 (2) The agency or individual conducting the home study
27 under this subsection shall:

28 (i) visit the home of the prospective adoptive
29 parent within 14 days of the notice to the court under
30 paragraph (1); and

1 (ii) determine whether to file a written assent
2 under section 2312(c).

3 § 2312. Assent regarding placement.

4 (a) Applicability.--This section applies only if a placement
5 occurs under section 2311(b) or (c) (relating to placement with
6 prospective adoptive parent).

7 (b) General rule.--A placement may continue only if the
8 agency or individual conducting the home study or updating the
9 home study report files a written assent under this section.

10 (c) Filing assent with court.--If the agency or individual
11 conducting the home study or updating the home study report has
12 no reason to believe that the prospective adoptive parent will
13 receive a negative recommendation regarding the suitability to
14 adopt a child, the agency or individual shall file a written
15 assent with the court regarding the placement within ten days
16 after the visit under section 2311(b)(3)(ii) or (c)(2)(i).

17 (d) Decision not to file assent with court.--If the agency
18 or individual conducting the home study or updating the home
19 study report has reason to believe that the prospective adoptive
20 parent will receive a negative recommendation regarding the
21 suitability to adopt a child, the agency or individual shall
22 notify the court and the prospective adoptive parent in writing
23 that it will not file a written assent regarding the placement.

24 (e) Withdrawal of assent.--At any time prior to the
25 completion of a home study report or postplacement report, the
26 agency or individual conducting the home study or postplacement
27 evaluation may withdraw its assent to the placement if it learns
28 of facts which will likely result in a negative recommendation
29 regarding either the suitability to adopt a child or the
30 finalization of the adoption of the child. A withdrawal under

1 this subsection shall be in writing and filed with the court. A
2 copy of the withdrawal shall be given to the prospective
3 adoptive parent.

4 (f) Action by court.--If the agency or individual notifies
5 the court under subsection (d) that it will not file a written
6 assent or withdraws its assent under subsection (e), the court
7 may:

8 (1) order the placement of the child in temporary foster
9 care with an agency until the prospective adoptive parent
10 receives a favorable recommendation regarding suitability to
11 adopt the child; or

12 (2) order the permanent removal of the child from the
13 home of the prospective adoptive parent and, if applicable,
14 terminate the adoption process with respect to the
15 prospective adoptive parent and the child.

16 § 2313. Factors affecting placement.

17 The placement of a child may not be delayed or denied solely
18 on the basis of age, gender, health, race, national origin,
19 ethnicity, religious background or social or economic status of
20 the child or prospective adoptive parent.

21 SUBCHAPTER C

22 HOME STUDY

23 Sec.

24 2321. When home study required.

25 2322. Meetings necessary for home study.

26 2323. Information to be gathered for home study.

27 2324. Home study report.

28 2325. Judicial review.

29 2326. Registry regarding home studies.

30 2327. Rules and regulations.

1 § 2321. When home study required.

2 A home study is required of a prospective adoptive parent
3 unless the prospective adoptive parent is a stepparent of the
4 child.

5 § 2322. Meetings necessary for home study.

6 (a) Who must attend meeting.--The agency or individual
7 conducting the home study of a prospective adoptive parent shall
8 meet with the following individuals:

9 (1) Each prospective adoptive parent separately.

10 (2) The prospective adoptive parents jointly.

11 (3) Each individual, regardless of age, who resides
12 temporarily or permanently in the home of the prospective
13 adoptive parent.

14 (b) Location of meeting.--A meeting under either subsection
15 (a)(1) or (2) must take place in the home of the prospective
16 adoptive parent.

17 § 2323. Information to be gathered for home study.

18 (a) Information from prospective adoptive parent.--The
19 agency or individual conducting the home study shall request
20 information from and about the prospective adoptive parent,
21 including, but not limited to, the following:

22 (1) Name, address and telephone number.

23 (2) Age and date of birth.

24 (3) Occupation.

25 (4) Race.

26 (5) Ethnic background, including family of origin.

27 (6) Educational background.

28 (7) Social Security number.

29 (8) Religious affiliation, if any.

30 (9) Physical and personal description.

1 (10) Current and prior marital status.

2 (11) General relationship to the child.

3 (12) Attitudes regarding adoption and motivation to
4 adopt a child.

5 (13) Parenting experience and other experience with
6 children.

7 (14) The capacity to meet the needs of a child.

8 (15) Home and community environment.

9 (16) Health information, including mental health
10 information.

11 (17) Financial and insurance information.

12 (18) Whether a prior home study has been conducted on
13 the prospective adoptive parent and any recommendation which
14 resulted from the home study.

15 (b) Other information.--The agency or individual conducting
16 the home study shall also gather the following information for
17 the home study on the prospective adoptive parent:

18 (1) Personal references from a relative and three
19 nonrelatives of the prospective adoptive parent.

20 (2) Federal Bureau of Investigation, criminal and child
21 abuse checks on the prospective adoptive parent.

22 (3) Any other information relevant to the suitability of
23 the prospective adoptive parent to adopt a child.

24 § 2324. Home study report.

25 (a) Preparation of home study report.--The agency or
26 individual conducting the home study shall prepare a report
27 based on the home study.

28 (b) Contents of home study report.--A home study report must
29 include, but need not be limited to, the following:

30 (1) The information set forth in section 2323 (relating

1 to information to be gathered for home study).

2 (2) The name of any individual who resides temporarily
3 or permanently in the home of the prospective adoptive
4 parent.

5 (3) Federal Bureau of Investigation, criminal and child
6 abuse checks of any individual who is 18 years of age or
7 older and resides temporarily or permanently in the home of
8 the prospective adoptive parent.

9 (4) The date and location of each meeting held under
10 section 2322 (relating to meetings necessary for home study)
11 and the nature of any other contact that the agency or
12 individual conducting the home study had with the prospective
13 adoptive parent or any individual, regardless of age, who
14 resides temporarily or permanently in the home of the
15 prospective adoptive parent.

16 (5) An evaluation and recommendation regarding the
17 suitability of the prospective adoptive parent to adopt a
18 child.

19 (6) If the home study report contains a negative
20 recommendation regarding the suitability of the prospective
21 adoptive parent to adopt a child:

22 (i) the specific factors supporting the negative
23 recommendation; and

24 (ii) notice of the right to appeal the negative
25 recommendation.

26 (7) The date that the home study report was completed.

27 (8) The name of the agency or individual conducting the
28 home study.

29 (9) The name and signature of the specific individual
30 conducting the home study.

1 (10) Any additional personal data or information which
2 is required by the agency or individual conducting the home
3 study.

4 (c) Copy of home study report.--The agency or individual
5 conducting the home study shall provide a copy of the home study
6 report to the prospective adoptive parent.

7 (d) Retention of home study report and notes.--If the
8 adoption of the child by the prospective adoptive parent has not
9 occurred, the agency or individual that conducted the home study
10 of the prospective adoptive parent with respect to that child
11 shall retain the home study report and any notes taken during
12 the home study for at least three years.

13 § 2325. Judicial review.

14 (a) Grounds for appeal.--A prospective adoptive parent may
15 appeal the following to the court:

16 (1) A negative recommendation in a home study report
17 regarding suitability to adopt a child.

18 (2) A decision under section 2312(d) (relating to assent
19 regarding placement) not to file a written assent regarding
20 the placement.

21 (3) A withdrawal of assent under section 2312(e).

22 (b) Requirements for appeal.--

23 (1) An appeal under this section must be filed within 90
24 days after receiving the home study report, decision not to
25 file a written assent or withdrawal of assent referenced in
26 subsection (a).

27 (2) A copy of the home study report, decision not to
28 file a written assent or withdrawal of assent referenced in
29 subsection (a) must be attached to the appeal.

30 (c) Hearing on appeal.--

1 (1) At least 30 days' notice of a hearing under this
2 section shall be given to the agency or individual that
3 conducted the home study.

4 (2) For an appeal of a negative recommendation in a home
5 study report, if the court determines by a preponderance of
6 the evidence that the prospective adoptive parent has proved
7 suitability to adopt a child, it shall dispense with the
8 requirement of a favorable recommendation by the agency or
9 individual conducting the home study regarding the
10 suitability of the prospective adoptive parent to adopt a
11 child. The court shall then issue a favorable recommendation
12 regarding the suitability of the prospective adoptive parent
13 to adopt a child.

14 (3) For an appeal of a decision not to file a written
15 assent regarding the placement or an appeal of a withdrawal
16 of assent, if the court determines by a preponderance of the
17 evidence that the assent should have been filed or should not
18 have been withdrawn, it shall make an appropriate order
19 regarding the placement of the child and direct that the home
20 study for the prospective adoptive parent be completed.

21 § 2326. Registry regarding home studies.

22 (a) Establishment of registry.--The department shall
23 establish a registry regarding home studies.

24 (b) Retention of information in registry.--The department
25 shall retain the information filed with the registry for at
26 least three years from the date of filing.

27 (c) Development of form.--The department shall develop a
28 form to be used to file information with the registry.

29 (d) Filing of information with registry.--An agency or
30 individual qualified in this Commonwealth to conduct a home

1 study shall file with the registry the following information
2 regarding home studies that the agency or individual has
3 completed:

4 (1) The name, address and telephone number of the agency
5 or individual that conducted the home study.

6 (2) The name, address and telephone number of the
7 prospective parent who is the subject of the home study.

8 (3) The date that the home study was completed.

9 (e) Releasing information from registry.--The department
10 shall upon request release information from the registry
11 regarding a prior home study completed on a prospective adoptive
12 parent to an agency or individual conducting a home study for
13 the prospective adoptive parent.

14 § 2327. Rules and regulations.

15 The department shall promulgate rules and regulations
16 regarding standards that must be considered in determining the
17 suitability of a prospective adoptive parent to adopt a child.

18 SUBCHAPTER D

19 POSTPLACEMENT EVALUATION

20 Sec.

21 2331. When postplacement evaluation required.

22 2332. Review of child placement.

23 2333. Meetings necessary for postplacement evaluation.

24 2334. Information to be gathered for postplacement
25 evaluation.

26 2335. Postplacement report.

27 § 2331. When postplacement evaluation required.

28 A postplacement evaluation is required of a prospective
29 adoptive parent unless:

30 (1) the prospective adoptive parent is a stepparent of

1 the child; or

2 (2) the placement of the child with the prospective
3 adoptive parent occurred under section 2311(b) or (c)
4 (relating to placement with prospective adoptive parent).

5 § 2332. Review of child placement.

6 The agency or individual conducting the postplacement
7 evaluation shall conduct a review of the placement of the child
8 with the prospective adoptive parent.

9 § 2333. Meetings necessary for postplacement evaluation.

10 (a) Number of postplacement meetings.--

11 (1) If a child is already residing in the household of
12 an individual when the individual decides to become a
13 prospective adoptive parent of the child, a postplacement
14 evaluation must consist of at least one postplacement
15 meeting.

16 (2) If a child is placed with an individual who at the
17 time of placement intends to adopt the child, a postplacement
18 evaluation must consist of at least three postplacement
19 meetings.

20 (b) Nature of postplacement meetings.--

21 (1) At least one postplacement meeting must occur in the
22 home of the prospective adoptive parent.

23 (2) The child must be present at each postplacement
24 meeting.

25 (3) The prospective adoptive parents must be present
26 together during at least one postplacement meeting.

27 (4) Every individual, regardless of age, who resides
28 temporarily or permanently in the home of the prospective
29 adoptive parent must be present during at least one
30 postplacement meeting.

1 (c) Timing of postplacement meetings.--

2 (1) The first postplacement meeting must occur within 14
3 days of either:

4 (i) the filing of the petition under section 2211
5 (relating to petition for voluntary relinquishment) if
6 the child is already residing in the household of an
7 individual when that individual decides to become a
8 prospective adoptive parent of the child; or

9 (ii) the notice of the placement of the child if the
10 child is placed with an individual who at the time of
11 placement intends to adopt the child.

12 (2) A reasonable period of time must pass between the
13 postplacement meetings.

14 § 2334. Information to be gathered for postplacement
15 evaluation.

16 The agency or individual conducting the postplacement
17 evaluation shall gather information regarding the placement of
18 the child with the prospective adoptive parent, including, but
19 not limited to, the following:

20 (1) The name, address and telephone number of each
21 prospective adoptive parent.

22 (2) The name of the child.

23 (3) The name and date of birth of any individual who
24 resides temporarily or permanently in the home of the
25 prospective adoptive parent.

26 (4) The name, address and telephone number of the
27 child's physician or pediatrician.

28 (5) A minimum of one written report from the child's
29 physician or pediatrician regarding the child's health and
30 development.

1 (6) The date of the child's placement with the
2 prospective adoptive parent.

3 (7) The adjustment of the child and prospective adoptive
4 family to the placement.

5 (8) The child's adjustment to school, if applicable,
6 along with relevant school reports.

7 (9) The nature and extent of any contact with the
8 child's birth family.

9 (10) Comments made by the child regarding the placement.

10 § 2335. Postplacement report.

11 (a) Preparation of postplacement report.--The agency or
12 individual conducting the postplacement evaluation shall prepare
13 a report based on the postplacement evaluation.

14 (b) Contents of postplacement report.--A postplacement
15 report must include, but need not be limited to, the following:

16 (1) The information set forth in section 2334 (relating
17 to information to be gathered for postplacement evaluation).

18 (2) The date and location of each meeting held under
19 section 2333 (relating to meetings necessary for
20 postplacement evaluation) and the nature of any other contact
21 that the agency or individual conducting the postplacement
22 evaluation had with the prospective adoptive parent or any
23 individual, regardless of age, who resides temporarily or
24 permanently in the home of the prospective adoptive parent.

25 (3) An evaluation and recommendation regarding whether
26 the adoption of the child by the prospective adoptive parent
27 should be finalized.

28 (4) If the postplacement report contains a negative
29 recommendation regarding the finalization of the adoption of
30 the child by the prospective adoptive parent:

1 (i) the specific factors supporting the negative
2 recommendation; and

3 (ii) notice that the negative recommendation will be
4 reviewed at the adoption hearing under Subchapter C of
5 Chapter 25 (relating to adoption hearing).

6 (5) The date that the postplacement report was
7 completed.

8 (6) The name of the agency or individual conducting the
9 postplacement evaluation.

10 (7) The name and signature of the specific individual
11 conducting the postplacement evaluation.

12 (8) Any additional personal data or information which is
13 required by the agency or individual conducting the
14 postplacement evaluation.

15 (c) Copy of postplacement report.--The agency or individual
16 conducting the postplacement evaluation shall provide a copy of
17 the postplacement report to the prospective adoptive parent.

18 SUBCHAPTER E

19 BACKGROUND ON CHILD

20 Sec.

21 2341. Preplacement full and fair disclosure.

22 2342. Prefinalization written report.

23 2343. Providing information to preparer of report.

24 2344. Development of forms.

25 § 2341. Preplacement full and fair disclosure.

26 Before a child is placed with a prospective adoptive parent,
27 the agency or other person placing the child shall provide the
28 prospective adoptive parent of the child with a full and fair
29 disclosure of information which may impact on the placement and
30 the decision of the prospective adoptive parent to adopt the

1 child.

2 § 2342. Prefinalization written report.

3 (a) Information to be provided.--Before the adoption of a
4 child is finalized, the agency or attorney coordinating the
5 adoption shall provide the prospective adoptive parent of the
6 child with a written report containing the following
7 information, if reasonably available:

8 (1) Medical history information of the child, including,
9 but not limited to, the following:

10 (i) The child's prenatal care.

11 (ii) The child's medical condition at birth.

12 (iii) Any drug or medication taken by the child's
13 birth mother during pregnancy.

14 (iv) Any medical, psychological or psychiatric
15 examination and diagnosis of the child.

16 (v) Any physical, sexual or emotional abuse
17 suffered by the child.

18 (vi) A record of any immunizations and health care
19 that the child received, including that which the child
20 received while in foster or other care.

21 (2) Relevant medical history information of the child's
22 birth parents and relatives which may affect the future
23 health and well-being of the child, including, but not
24 limited to, the following:

25 (i) Any known disease or hereditary predisposition
26 to disease.

27 (ii) Any addiction to drugs or alcohol.

28 (iii) The health of the child's birth mother during
29 her pregnancy.

30 (iv) The health of each birth parent at the child's

1 birth.

2 (3) Relevant social history information of the child and
3 the child's parents and relatives, including, but not limited
4 to, the following:

5 (i) The child's enrollment and performance in school,
6 results of educational testing and any special
7 educational needs.

8 (ii) The child's racial, ethnic and religious
9 background.

10 (iii) A general description of the child's parents.

11 (iv) The child's past and existing relationship with
12 any individual with whom the child has regularly lived or
13 visited.

14 (v) The level of educational and vocational
15 achievement of the child's parents and relatives and any
16 noteworthy accomplishments.

17 (vi) The circumstances leading to the decision to
18 place the child for adoption.

19 (4) Information regarding whether the child was ever
20 placed in foster care and, if so, the number of foster care
21 placements, dates of each foster care placement and anything
22 significant which occurred during each foster care placement.

23 (5) Information regarding a criminal conviction or
24 delinquency adjudication of the child.

25 (6) Information necessary to determine the child's
26 eligibility for Federal or State benefits, including, but not
27 limited to, adoption assistance and other financial or
28 medical assistance.

29 (7) Information regarding a criminal conviction of a
30 parent of the child for a felony and a proceeding in which a

1 parent of the child was alleged to have abused, neglected,
2 abandoned or otherwise mistreated the child, the child's
3 sibling, another child in the child's household or the other
4 parent of the child.

5 (b) Supplemental written report.--Before a hearing on a
6 petition for adoption, the prospective adoptive parent shall be
7 provided a supplemental written report containing information
8 required by subsection (a) which was previously unavailable.

9 (c) When written report not required.--A written report
10 under this section is required unless the prospective adoptive
11 parent is a stepparent of the child.

12 (d) Identity of preparer of report.--A written report
13 furnished under this section shall indicate who prepared the
14 report.

15 (e) Confidentiality.--Unless confidentiality has been
16 waived, any written report provided to the prospective adoptive
17 parent under this subchapter shall be edited to exclude the
18 identity of any individual who furnished information or about
19 whom information is reported.

20 (f) Filing report with court.--A report under this section
21 shall be filed with the court which will finalize the adoption.
22 § 2343. Providing information to preparer of report.

23 Subject to applicable laws regarding confidentiality, an
24 individual or entity possessing information to be included in
25 the report under section 2342 (relating to prefinalization
26 written report) shall upon request provide that information to
27 the agency or attorney preparing the report.

28 § 2344. Development of forms.

29 The department shall develop forms designed to obtain the
30 specific information sought under this subchapter and provide

1 the forms upon request to agencies and attorneys that coordinate
2 adoptions.

3 CHAPTER 24
4 PROHIBITED AND PERMISSIBLE PAYMENTS AND
5 ACTIVITIES

6 Sec.

7 2401. Payment for facilitating placement prohibited.

8 2402. Permissible payments.

9 2403. When acceptance of money or other valuable
10 consideration prohibited.

11 2404. Reimbursement not condition for return of child.

12 § 2401. Payment for facilitating placement prohibited.

13 An individual or entity, other than an agency, may not
14 receive, request or accept money or other valuable
15 consideration, directly or indirectly, solely for the purpose of
16 facilitating the placement of a child for adoption.

17 § 2402. Permissible payments.

18 (a) Specific expenses and costs which may be paid.--Subject
19 to subsection (b), money or other valuable consideration may be
20 paid or given for the following without violating this chapter
21 or 18 Pa.C.S. § 4305 (relating to dealing in infant children):

22 (1) Medical, hospital and physician or other health care
23 provider expenses associated with prenatal care, delivery and
24 postnatal care for the birth mother and child.

25 (2) Medical, hospital and foster care expenses incurred
26 on behalf of the child before the adoption decree is entered.

27 (3) Religious, psychological or psychiatric counseling
28 expenses for the birth mother, birth father and prospective
29 adoptive parent.

30 (4) Reasonable living expenses for the birth mother

1 which are related to the pregnancy, including, but not
2 limited to, food, clothing, medicine, vitamins and diet
3 supplements.

4 (5) Reasonable attorney fees and costs for the birth
5 mother, birth father and prospective adoptive parent.

6 (6) Reasonable travel expenses for the birth mother and
7 birth father to attend counseling, receive medical services
8 and attend court hearings.

9 (7) Reasonable fees and costs relating to home studies,
10 postplacement evaluations and the collection and reporting of
11 information under Chapter 23 (relating to placement of
12 children).

13 (8) Reasonable agency fees and costs, including, but not
14 limited to, expenses for legal services, court costs, travel
15 expenses and administrative expenses.

16 (b) When specific expenses and costs incurred.--Payments for
17 the expenses and costs under subsection (a) are permitted if the
18 expenses and costs are incurred:

19 (1) during the birth mother's pregnancy and for a period
20 not to exceed six weeks after the birth of the child or the
21 end of the birth mother's pregnancy; and

22 (2) after the time that a birth parent of the child
23 contacted the agency, attorney or prospective adoptive parent
24 with the intention of placing the child for adoption.

25 (c) Who may pay specific expenses and costs.--The expenses
26 and costs under subsection (a) may be paid by the following:

27 (1) A prospective adoptive parent of the child.

28 (2) An adoptive parent of the child.

29 (3) An agency or other person acting on behalf of the
30 prospective adoptive parent or adoptive parent of the child.

1 § 2403. When acceptance of money or other valuable
2 consideration prohibited.

3 (a) Violation by parent.--A parent may not accept money or
4 other valuable consideration otherwise permitted under section
5 2402 (relating to permissible payments) after the parent has
6 decided not to complete the process of voluntarily relinquishing
7 parental rights with respect to the child or placing the child
8 for adoption.

9 (b) Entitlement to recovery.--A prospective adoptive parent
10 is entitled to recover money or other valuable consideration
11 accepted by a parent in violation of subsection (a).

12 § 2404. Reimbursement not condition for return of child.

13 If the adoption of the child is not completed, a parent who
14 received a payment under section 2402 (relating to permissible
15 payments) shall not be required to return the money or other
16 valuable consideration or reimburse a prospective adoptive
17 parent as a condition for the return of the child.

18 CHAPTER 25

19 ADOPTION PROCEEDINGS

20 Subchapter

21 A. Petition for Adoption

22 B. Consent to Adoption

23 C. Adoption Hearing

24 D. Adoption Decree

25 SUBCHAPTER A

26 PETITION FOR ADOPTION

27 Sec.

28 2501. Who may file petition for adoption.

29 2502. Contents of petition for adoption.

30 2503. When to file petition for adoption.

1 2504. Fee for counseling fund.

2 2505. Withdrawal or dismissal of petition for adoption.

3 § 2501. Who may file petition for adoption.

4 A petition for adoption may be filed by any of the following:

5 (1) An individual set forth in section 2231(3) or (4)
6 (relating to who may file petition for involuntary
7 termination).

8 (2) An individual with whom a child is placed for
9 adoption in connection with a parent's execution of a
10 voluntary relinquishment form under Subchapter B of Chapter
11 22 (relating to voluntary relinquishment of parental rights).

12 (3) The spouse of a parent of the child if:

13 (i) that parent's parental rights with respect to the
14 child have not been terminated;

15 (ii) that parent consents to the adoption; and

16 (iii) the other parent's parental rights with
17 respect to the child have been terminated.

18 (4) For good cause shown, any individual if:

19 (i) a parent whose parental rights with respect to
20 the child have not been terminated consents to the
21 adoption; and

22 (ii) the other parent's parental rights with respect
23 to the child have been terminated.

24 (5) An individual who intends to adopt another
25 individual who is 18 years of age or older, with the consent
26 of that other individual.

27 (6) With leave of court or for good cause shown, an
28 individual who has court-ordered custody or legal
29 guardianship of the child.

30 § 2502. Contents of petition for adoption.

1 (a) Necessary information.--A petition for adoption must
2 contain the following:

3 (1) A copy of the home study report if required to be
4 prepared under Subchapter C of Chapter 23 (relating to home
5 study).

6 (2) A copy of the postplacement report, if required to
7 be prepared under Subchapter D of Chapter 23 (relating to
8 postplacement evaluation).

9 (3) An update of information provided in the reports
10 under paragraphs (1) and (2).

11 (4) The following information regarding the child:

12 (i) Full name.

13 (ii) Age and date of birth.

14 (iii) Place of birth.

15 (iv) Gender.

16 (v) Race.

17 (vi) Religious affiliation, if any.

18 (vii) Date of placement with the prospective
19 adoptive parent.

20 (5) A copy of the final decree terminating parental
21 rights with respect to the child, but a certified copy of the
22 decree if the court which finalizes the adoption is not the
23 court which issued the decree.

24 (6) A copy of the executed voluntary relinquishment form
25 under Subchapter B of Chapter 22 (relating to voluntary
26 relinquishment of parental rights).

27 (7) The consents required under Subchapter B (relating
28 to consent for adoption).

29 (8) A voluntary relinquishment, consent or surrender
30 given outside this Commonwealth.

1 (9) Federal Bureau of Investigation, criminal and child
2 abuse checks on a prospective adoptive parent who is the
3 stepparent of the child.

4 (10) Either of the following:

5 (i) The child's certificate of birth or
6 certification of registration of birth.

7 (ii) If the child's certificate of birth or
8 certification of registration of birth is not available,
9 an explanation of the efforts made to obtain the
10 documents and a request that the court establish a date
11 and place of birth for the child on the basis of the
12 evidence presented.

13 (11) If a change in name of the child is desired, the
14 new name.

15 (12) A statement whether medical history information and
16 social history information were requested and obtained from a
17 birth parent of the child.

18 (13) A statement that no applicable Federal, interstate
19 or state law has been violated with respect to the placement
20 and adoption of the child.

21 (14) A copy of the approved and completed form relating
22 to the interstate compact placement request developed under
23 the Interstate Compact on the Placement of Children, if
24 applicable.

25 (15) A statement that the petitioner has received the
26 list of rights and duties set forth in section 2204(a)
27 (relating to notice of rights and duties of birth parent and
28 adoptive parent).

29 (16) An adoption assistance agreement executed under
30 section 2823 (relating to adoption assistance agreement), if

1 applicable.

2 (b) Information not available when petition for adoption
3 filed.--If any of the information set forth in subsection (a) is
4 not available when the petition for adoption is filed, the
5 petition must explain why the information is not available. The
6 information shall be provided to the court as soon as it becomes
7 available.

8 § 2503. When to file petition for adoption.

9 A petition for adoption shall be filed within 90 days of the
10 date of placement of the child with the prospective adoptive
11 parent unless the court allows a later filing.

12 § 2504. Fee for counseling fund.

13 (a) General rule.--Except as provided in subsection (b),
14 when a petition for adoption is filed, a fee in the amount of
15 \$75 shall be collected for the counseling fund established under
16 section 2108(g) (relating to counseling).

17 (b) Exception.--The fee under subsection (a) may not be
18 collected if:

19 (1) the adoption concerns an adoptee eligible for
20 adoption assistance under Chapter 28 (relating to adoption
21 assistance); or

22 (2) the court reduces or waives the filing fee for the
23 petition for adoption because of demonstrated financial
24 hardship.

25 § 2505. Withdrawal or dismissal of petition for adoption.

26 If a petition for adoption is withdrawn or dismissed, the
27 court shall enter an appropriate order regarding the custody of
28 the child.

29 SUBCHAPTER B

30 CONSENT TO ADOPTION

1 Sec.

2 2511. When consent to adoption required.

3 2512. When consent to adoption may be required.

4 2513. When consent to adoption not required.

5 2514. Contents of consent to adoption.

6 § 2511. When consent to adoption required.

7 The court shall require the consent to the adoption by the
8 following individuals:

9 (1) The individual proposed to be adopted if the
10 individual is 12 years of age or older.

11 (2) The child's parent if:

12 (i) that parent's parental rights with respect to
13 the child have not been terminated; and

14 (ii) another individual is adopting the child.

15 § 2512. When consent to adoption may be required.

16 The court may require the following to consent to the
17 adoption of the child:

18 (1) The spouse of the prospective adoptive parent unless
19 the spouse joins in the petition for adoption.

20 (2) The court-appointed legal guardian of the child.

21 (3) The person having custody of the child when the
22 child has no parent whose consent is required.

23 § 2513. When consent to adoption not required.

24 The court shall not require the consent to the adoption of
25 the child of any individual whose parental rights have been
26 terminated with respect to the child.

27 § 2514. Contents of consent to adoption.

28 A consent to the adoption under this subchapter must include
29 the following information:

30 (1) The date and place of its execution.

- 1 (2) The name of the child.
- 2 (3) The name and age of the consenting individual, along
3 with the relationship between the consenting individual and
4 the child.
- 5 (4) A statement that the consenting individual
6 voluntarily and unconditionally consents to the adoption of
7 the child.

8 SUBCHAPTER C

9 ADOPTION HEARING

10 Sec.

11 2521. Scheduling of adoption hearing.

12 2522. Notice of adoption hearing.

13 2523. Procedure for adoption hearing.

14 2524. Financial disclosure by prospective adoptive parents.

15 2525. Investigation.

16 § 2521. Scheduling of adoption hearing.

17 The court shall schedule a hearing on the petition for
18 adoption even if the postplacement report required under section
19 2502(a)(2) (relating to contents of petition for adoption) has
20 not been filed.

21 § 2522. Notice of adoption hearing.

22 Notice of a hearing under this subchapter shall be given to
23 any person whose consent to the adoption is required and any
24 other person as the court directs. Notice shall be given by
25 personal service or registered mail to the last known address of
26 the person or by such other means as the court requires.

27 § 2523. Procedure for adoption hearing.

28 (a) Private hearing discretionary.--A hearing under this
29 subchapter may be private.

30 (b) Attendance at adoption hearing.--

1 (1) The prospective adoptive parents and the individual
2 proposed to be adopted shall attend the hearing unless the
3 court determines that their presence is unnecessary.

4 (2) The court may require the attendance of the
5 following persons at the hearing:

6 (i) Any person whose consent to the adoption is
7 required by the court.

8 (ii) A representative of the agency coordinating the
9 adoption.

10 (iii) Any other individual as the court directs.

11 (c) Testimony.--The court shall take testimony regarding the
12 proposed adoption and may require testimony under oath by any
13 individual set forth in subsection (b).

14 (d) Objection by man claiming to be father.--If a man whose
15 parental rights have not already been terminated attends the
16 hearing, claims to be the birth father of the child and objects
17 to the adoption, the court shall:

18 (1) grant him standing to establish his paternity with
19 respect to the child, if that determination has not already
20 occurred; and

21 (2) hear his testimony and allow him to assert his claim
22 to the child.

23 § 2524. Financial disclosure by prospective adoptive parents.

24 (a) Itemized accounting required.--The court shall require
25 the prospective adoptive parents of the child to submit an
26 itemized accounting of any money and other valuable
27 consideration provided or to be provided, directly or
28 indirectly, to any person or entity in connection with the
29 placement and adoption of the child.

30 (b) Verification required.--The prospective adoptive parents

1 of the child shall verify the itemized accounting under
2 subsection (a) subject to the penalties of 18 Pa.C.S. § 4904
3 (relating to unsworn falsification to authorities).

4 § 2525. Investigation.

5 (a) Need to verify information.--The court may order an
6 investigation by a person, county agency or, with its consent,
7 another agency specifically designed to verify any statement in
8 the petition for adoption and any other fact regarding the
9 proposed adoption.

10 (b) Payment of costs.--The court may order the costs of the
11 investigation under this section to be paid by the county,
12 petitioner or another person as the court directs.

13 SUBCHAPTER D

14 ADOPTION DECREE

15 Sec.

16 2531. Basis of adoption decree.

17 2532. When adoption decree may be entered.

18 2533. Name of adoptee.

19 2534. Effect of adoption decree.

20 2535. Challenge to adoption decree.

21 2536. Notice to birth parents outside Commonwealth.

22 § 2531. Basis of adoption decree.

23 The court shall determine whether to grant the petition for
24 adoption based on the needs, welfare and best interests of the
25 child. It shall not base its decision solely on the age, gender,
26 health, race, national origin, ethnicity, religious background
27 or social or economic status of the child or prospective
28 adoptive parents.

29 § 2532. When adoption decree may be entered.

30 Unless the court for cause shown determines otherwise, the

1 court may enter an adoption decree only if all the applicable
2 requirements under this part are met, including the following:

3 (1) The termination of parental rights with respect to
4 the child.

5 (2) The completion of the reports under Chapter 23
6 (relating to placement of children).

7 (3) The execution of all consents under this chapter.

8 § 2533. Name of adoptee.

9 The adoption decree must state the name by which the adoptee
10 shall be known.

11 § 2534. Effect of adoption decree.

12 (a) Rights and duties.--

13 (1) An adoptee has all the rights of a child and heir of
14 the adoptive parent and is subject to the duties of a child
15 to the adoptive parent.

16 (2) An adoptive parent has all the rights of a parent
17 and heir of the adoptee and is subject to the duties of a
18 parent to the adoptee.

19 (b) Retention of parental status.--If a parent of the child
20 consents to the adoption of the child by the spouse of the
21 parent or any other individual under section 2511(2) (relating
22 to when consent to adoption required), the parent-child
23 relationship between the parent and child continues.

24 § 2535. Challenge to adoption decree.

25 Notwithstanding any other provision under this part, an
26 adoption decree is not subject to a challenge by any person for
27 any reason other than lack of jurisdiction unless the challenge
28 is filed in the court which entered the adoption decree within
29 30 days after the entry of the adoption decree.

30 § 2536. Notice to birth parents outside Commonwealth.

After an adoption decree is entered, the court shall send a birth parent whose parental rights were terminated in another state a list of the rights and duties set forth in section 2204(a) (relating to notice of rights and duties of birth parent and adoptive parent).

CHAPTER 26

RECORDS AND ACCESS TO INFORMATION

Subchapter

A. General Provisions

B. Records Generally

C. Registry for Medical and Social History Information

D. Nonidentifying Information in Court and Agency Records

E. Identifying Information in Court and Agency Records

F. Search

G. Information from Original Certificate of Birth

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

2601. Definitions.

2602. Combined request for information.

2603. Reasonable fees.

2604. Immunity from liability.

2605. Authorized representative qualification.

§ 2601. Definitions.

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

"Agency records." The term includes all information collected by an agency relating to a birth family, an adoptive family and an adoptee.

1 "Authorized representative." An individual who is appointed
2 to conduct a search under this chapter.

3 "Court records." The term includes all petitions, exhibits,
4 reports, notes of testimony, decrees, and other papers
5 pertaining to a proceeding under this part or former statutes
6 relating to adoption.

7 § 2602. Combined request for information.

8 An individual may file a single written request for both
9 nonidentifying information under Subchapter D (relating to
10 nonidentifying information in court and agency records) and
11 identifying information under Subchapter E (relating to
12 identifying information in court and agency records).

13 § 2603. Reasonable fees.

14 Any court or agency may charge reasonable fees for services
15 provided under Subchapters D (relating to nonidentifying
16 information in court and agency records), E (relating to
17 identifying information in court and agency records) and F
18 (relating to search).

19 § 2604. Immunity from liability.

20 (a) General rule.--Any person or agency, including the
21 Commonwealth and its governmental subdivisions, that
22 participates in good faith in providing services under this
23 chapter has immunity from civil and criminal liability that may
24 otherwise result by reason of an action or a failure to act
25 under this chapter.

26 (b) Presumption of good faith.--For the purpose of a civil
27 or criminal proceeding, the good faith of any person or agency
28 that provides services under this chapter is presumed.

29 § 2605. Authorized representative qualification.

30 An authorized representative shall complete a standardized

1 training program developed by the department under section 2656
2 (relating to rules and regulations).

3 SUBCHAPTER B

4 RECORDS GENERALLY

5 Sec.

6 2611. Retention of court and agency records.

7 2612. Court records.

8 2613. Agency records.

9 2614. Attorney records.

10 § 2611. Retention of court and agency records.

11 Court records and agency records compiled under this part
12 shall be retained permanently to assure their availability to
13 individuals who have a right to information contained in the
14 records.

15 § 2612. Court records.

16 (a) Inspection of court records.--Court records shall be
17 withheld from inspection except as otherwise provided in this
18 chapter or upon an order of the court for cause shown.

19 (b) Reports concerning placement of children.--Before
20 releasing information from a home study report or a
21 postplacement report required to be filed under Chapter 23
22 (relating to placement of children), the court shall remove
23 identifying information.

24 (c) Who may access court records.--Only the following are
25 authorized to access court records for the purpose of releasing
26 nonidentifying information or identifying information under this
27 chapter:

28 (1) The court which finalized the adoption.

29 (2) The agency that coordinated the adoption.

30 (3) A successor agency authorized by the court which

1 finalized the adoption.

2 § 2613. Agency records.

3 (a) Prohibition against destroying agency records.--An
4 agency may not destroy its agency records.

5 (b) Forwarding records to department.--Notwithstanding
6 section 2611 (relating to retention of court and agency
7 records):

8 (1) If an agency ceases to provide adoption services, it
9 shall forward all its agency records to the department.

10 (2) If an agency decides to dispose of any agency
11 records, it shall forward the records to the department.

12 (3) At least 30 days prior to forwarding records under
13 paragraph (1) or (2), an agency shall notify the department
14 by registered mail that the records will be forwarded.

15 (c) Duties of department.--

16 (1) The department shall retain as a permanent record
17 all agency records forwarded to it under subsection (b).

18 (2) The department shall promulgate rules and
19 regulations necessary to implement this section.

20 § 2614. Attorney records.

21 An attorney representing a party to an adoption proceeding or
22 acting as counsel or guardian ad litem for a child in a
23 proceeding under this part may forward records and information
24 relating to the child, the child's birth family and the adoptive
25 family to the court which finalized the adoption. Such records
26 and information shall be treated as court records for purposes
27 of this chapter.

28 SUBCHAPTER C

29 REGISTRY FOR MEDICAL AND SOCIAL HISTORY INFORMATION

30 Sec.

1 2621. Establishment of registry.

2 2622. Retention of information in registry.

3 2623. Development of form.

4 2624. Informational material.

5 2625. Filing information with registry.

6 2626. Who may request information from registry.

7 2627. Providing information from registry.

8 2628. Rules and regulations.

9 § 2621. Establishment of registry.

10 The department shall establish a registry for medical history
11 information and social history information.

12 § 2622. Retention of information in registry.

13 The department shall retain the information filed with the
14 registry as a permanent record.

15 § 2623. Development of form.

16 The department shall develop a form to be used by a birth
17 parent to file and update information with the registry.

18 § 2624. Informational material.

19 The department shall publicize the availability of the
20 registry and the manner in which information may be filed with
21 and obtained from the registry.

22 § 2625. Filing information with registry.

23 A birth parent may at any time file and update medical
24 history information and social history information with the
25 registry on a form developed by the department.

26 § 2626. Who may request information from registry.

27 The following individuals may request information from the
28 registry:

29 (1) An adoptee who is 18 years of age or older.

30 (2) An adoptive parent of an adoptee who is under 18

years of age, incapacitated or deceased.

(3) A legal guardian of an adoptee who is under 18 years of age or incapacitated.

§ 2627. Providing information from registry.

(a) When information to be provided.--Subject to subsection (b), the department shall provide information to an individual who requests it under section 2626 (relating to who may request information from registry) within 30 days of the request.

(b) Editing information.--Before the release of information from the registry, the department shall remove identifying information regarding a birth parent or another birth relative of the adoptee.

§ 2628. Rules and regulations.

The department shall promulgate rules and regulations necessary to implement this subchapter.

SUBCHAPTER D

NONIDENTIFYING INFORMATION IN

COURT AND AGENCY RECORDS

Sec.

2631. Requesting and furnishing nonidentifying information.

2632. Adding medical and social history information to court records.

2633. Notice of filing of medical and social history information with court.

2634. Request for medical and social history information from court.

2635. Providing medical and social history information from court records.

2636. Expedited procedure when cause shown.

2637. Request to provide medical and social history

1 information through court.

2 2638. Withdrawal of medical and social history information
3 from court records.

4 § 2631. Requesting and furnishing nonidentifying information.

5 (a) Who may request.--The following individuals may file a
6 written request for nonidentifying information with the court
7 which finalized the adoption or the agency which coordinated the
8 adoption:

9 (1) An adoptee who is 18 years of age or older.

10 (2) An adoptive parent of an adoptee who is:

11 (i) under 18 years of age;

12 (ii) incapacitated and 18 years of age or older; or

13 (iii) deceased.

14 (3) A legal guardian of an adoptee who is under 18 years
15 of age or incapacitated.

16 (4) A descendant of a deceased adoptee.

17 (b) Notice of availability of records.--When the court or
18 agency receives a written request for nonidentifying
19 information, it shall notify the individual requesting the
20 information within 30 days of receiving the request whether it
21 possesses or can locate records relating to the adoption.

22 (c) Furnishing nonidentifying information.--If records
23 relating to the adoption are located, the court or agency shall
24 within 90 days of receiving the written request for
25 nonidentifying information furnish the information to the
26 individual.

27 § 2632. Adding medical and social history information to court
28 records.

29 (a) Information for benefit of birth relatives.--The
30 following individuals may at any time file with the court which

1 finalized the adoption a statement regarding medical history
2 information and social history information which may be
3 important to a birth parent, another child of a birth parent or
4 a blood relative of a birth parent:

5 (1) An adoptee who is 18 years of age or older.

6 (2) An adoptive parent of an adoptee who is under 18
7 years of age, incapacitated or deceased.

8 (3) A legal guardian of an adoptee who is under 18 years
9 of age or incapacitated.

10 (4) A descendant of a deceased adoptee.

11 (b) Information for benefit of adoptee.--The following
12 individuals may at any time file with the court which terminated
13 parental rights or finalized the adoption a statement regarding
14 medical history information and social history information which
15 may be important to an adoptee:

16 (1) A birth parent.

17 (2) A legal guardian of an incapacitated birth parent.

18 (3) A survivor of a deceased birth parent.

19 (c) Statement made part of record.--A statement filed under
20 subsection (a) or (b) shall be maintained as a permanent record
21 of the court in which it is filed.

22 (d) Forwarding statement.--If a statement under subsection
23 (b) is filed in the court which terminated parental rights, a
24 copy of the statement shall be forwarded to the court which
25 finalized the adoption and maintained as a permanent record of
26 that court.

27 § 2633. Notice of filing of medical and social history
28 information with court.

29 (a) Information filed for benefit of birth relatives.--
30 Within ten days of the filing of a statement under section

1 2632(a) (relating to adding medical and social history
2 information to court records), the court shall give notice of
3 the filing to the following individuals if known or identified
4 in the court records:

5 (1) A birth parent.

6 (2) A legal guardian of an incapacitated birth parent.

7 (3) A survivor of a deceased birth parent.

8 (b) Information filed for benefit of adoptee.--Within ten
9 days of the filing of a statement under section 2632(b), the
10 court shall give notice of the filing to the following
11 individuals if known or identified in the court records:

12 (1) An adoptee who is 18 years of age or older.

13 (2) An adoptive parent of an adoptee who is under 18
14 years of age, incapacitated or deceased.

15 (3) A legal guardian of an adoptee who is under 18 years
16 of age or incapacitated.

17 (c) Where to send notice.--The court shall send the notice
18 under subsections (a) and (b) to the address contained in the
19 court records.

20 § 2634. Request for medical and social history information from
21 court.

22 An individual who received notice under section 2633
23 (relating to notice of filing of medical and social history
24 information with court) may submit to the court a written
25 request for the information.

26 § 2635. Providing medical and social history information from
27 court records.

28 (a) When information to be provided.--Subject to subsection
29 (b), the court shall provide to a requesting individual under
30 section 2634 (relating to request for medical and social history

1 information from court) the requested information within 30 days
2 of the request.

3 (b) Editing information.--Before the release of any
4 information from the court records, the court shall remove
5 identifying information regarding the adoptee, an adoptive
6 parent of an adoptee, a birth parent of the adoptee or another
7 birth relative of the adoptee.

8 § 2636. Expedited procedure when cause shown.

9 (a) General rule.--If the individual filing the medical
10 history information or social history information with the court
11 shows cause for the information to be provided immediately to
12 another individual, the court shall immediately provide the
13 information to the intended recipient, after removing
14 identifying information regarding the adoptee, an adoptive
15 parent of the adoptee, a birth parent of the adoptee or another
16 birth relative of the adoptee.

17 (b) When search required.--If the intended recipient of the
18 information under subsection (a) is not located at the address
19 contained in the court records or an address is not contained in
20 the court records, the court shall commence a search under
21 Subchapter F (relating to search). After the intended recipient
22 is located, the court shall immediately provide the information
23 to that individual.

24 § 2637. Request to provide medical and social history
25 information through court.

26 (a) Request for benefit of adoptee.--The following
27 individuals may at any time request the court which finalized
28 the adoption to ask a birth parent or legal guardian of an
29 incapacitated birth parent to provide nonidentifying medical
30 history information and social history information regarding the

1 birth parent:

2 (1) An adoptee who is 18 years of age or older.

3 (2) An adoptive parent of an adoptee who is under 18
4 years of age, incapacitated or deceased.

5 (3) A legal guardian of an adoptee who is under 18 years
6 of age or incapacitated.

7 (4) A descendant of a deceased adoptee.

8 (b) Request for benefit of birth parent.--A birth parent may
9 at any time request the court which terminated parental rights
10 or finalized the adoption to ask any of the following
11 individuals to provide nonidentifying medical history
12 information and social history information regarding the
13 adoptee:

14 (1) An adoptee who is 21 years of age or older.

15 (2) An adoptive parent of an adoptee who is:

16 (i) under 21 years of age;

17 (ii) incapacitated and 21 years of age or older; or

18 (iii) deceased.

19 (3) A legal guardian of an adoptee who is under 21 years
20 of age or incapacitated.

21 (4) A descendant of a deceased adoptee.

22 (c) Forwarding request.--If a request under subsection (b)
23 is filed in the court which terminated parental rights, a copy
24 of the request shall be forwarded to the court which finalized
25 the adoption.

26 (d) Procedure for court which finalized adoption.--Upon
27 receiving a request under this section, the court which
28 finalized the adoption shall:

29 (1) contact the individual from whom the information is
30 requested to determine whether that individual is willing to

1 provide the information;

2 (2) commence a search under Subchapter F (relating to
3 search) if the individual from whom the information is
4 requested is not located at the address contained in the
5 court records or an address is not contained in the court
6 records; and

7 (3) provide the information to the requesting
8 individual, after removing identifying information regarding
9 the adoptee, an adoptive parent of the adoptee, a birth
10 parent of the adoptee or another birth relative of the
11 adoptee.

12 § 2638. Withdrawal of medical and social history information
13 from court records.

14 Any individual who added information to the court records
15 under section 2632 (relating to adding medical and social
16 history information to court records) may withdraw the
17 information at any time.

18 SUBCHAPTER E

19 IDENTIFYING INFORMATION IN COURT

20 AND AGENCY RECORDS

21 Sec.

22 2641. Request for identifying information.

23 2642. Disclosure of identifying information.

24 2643. Unsuccessful search for birth parent.

25 § 2641. Request for identifying information.

26 (a) Who may request.--The following individuals may file a
27 written request for identifying information with the court which
28 finalized the adoption or the agency which coordinated the
29 adoption:

30 (1) An adoptee who is 18 years of age or older.

1 (2) An adoptive parent of an adoptee who is:

2 (i) under 18 years of age;

3 (ii) incapacitated and 18 years of age or older; or

4 (iii) deceased.

5 (3) A legal guardian of an adoptee who is under 18 years
6 of age or incapacitated.

7 (4) A descendant of a deceased adoptee.

8 (5) A birth parent of an adoptee who is 21 years of age
9 or older.

10 (6) A parent of a birth parent of an adoptee who is 21
11 years of age or older if that birth parent consents, is
12 incapacitated or is deceased.

13 (7) A birth sibling of an adoptee if both the birth
14 sibling and adoptee are 21 years of age or older, the birth
15 sibling remained in the custody of a birth parent and that
16 birth parent consents, is incapacitated or is deceased.

17 (8) A birth sibling of an adoptee if the adoptee is 21
18 years of age or older and both the adoptee and birth sibling
19 were adopted out of the birth family.

20 (b) Whose information may be requested.--An individual under
21 subsection (a) may request information regarding the following
22 individuals:

23 (1) An adoptee who is 21 years of age or older.

24 (2) A birth parent of an adoptee.

25 (3) A parent of a birth parent of an adoptee if the
26 adoptee is 18 years of age or older and the birth parent is
27 incapacitated or deceased.

28 (4) A birth sibling of an adoptee if:

29 (i) the birth sibling is 21 years of age or older

30 and remained with a birth parent of the adoptee;

1 (ii) the adoptee is 18 years of age or older; and

2 (iii) the birth parent with whom the birth sibling

3 remained is incapacitated or deceased.

4 (5) A birth sibling of an adoptee if the birth sibling
5 is 21 years of age or older and the adoptee and birth sibling
6 were adopted out of the birth family.

7 (c) Notice of availability of records.--When the court or
8 agency receives a written request for identifying information,
9 it shall notify the requesting individual within 30 days of
10 receiving the request whether it possesses or can locate records
11 relating to the adoption.

12 (d) Review of records.--If the court or agency receiving a
13 written request for identifying information possesses the
14 information, it shall determine whether its records contain an
15 authorization of disclosure or disclosure veto filed under
16 section 2642 (relating to disclosure of identifying
17 information). The court or agency shall give notice of the
18 request for identifying information to any other court or agency
19 listed in its records. The other court or agency shall review
20 its records to determine whether an authorization of disclosure
21 or disclosure veto has been filed and advise the original court
22 or agency of the results of the review.

23 (e) When search required.--If an applicable authorization of
24 disclosure has not been located under subsection (d), the court
25 or agency receiving the written request for identifying
26 information shall within 90 days of receiving the request
27 commence a good faith search under Subchapter F (relating to
28 search) to determine whether the individual whose identifying
29 information is requested will authorize the disclosure of the
30 information.

§ 2642. Disclosure of identifying information.

(a) Authorization of disclosure.--

(1) An authorization of disclosure under this section must be in writing and contain the name and signature of the individual authorizing the disclosure of identifying information by the court or agency.

(2) Except as provided in section 2643 (relating to unsuccessful search for birth parent), if an adoption decree was entered before (in preparing this act for printing in the Laws of Pennsylvania and the Pennsylvania Consolidated Statutes, the Legislative Reference Bureau shall insert here, in lieu of this statement, the effective date of this section), identifying information shall be disclosed to the requesting individual only if the individual whose information is requested files an authorization of disclosure with the court or agency.

(3) Subject to subsection (b), if an adoption decree was entered on or after (in preparing this act for printing in the Laws of Pennsylvania and the Pennsylvania Consolidated Statutes, the Legislative Reference Bureau shall insert here, in lieu of this statement, the effective date of this section), identifying information regarding the following individuals shall be disclosed to a requesting individual only if the individual whose information is requested files an authorization of disclosure with the court or agency:

(i) An adoptee who is 21 years of age or older.

(ii) A parent of a birth parent of an adoptee if the adoptee is 18 years of age or older and the birth parent is incapacitated or deceased.

(iii) A birth sibling of an adoptee if:

1 (A) the sibling is 21 years of age or older and
2 remained with a birth parent of the adoptee;

3 (B) the adoptee is 18 years of age or older; and

4 (C) the birth parent with whom the birth sibling
5 remained is incapacitated or deceased.

6 (iv) A birth sibling of an adoptee if the birth
7 sibling is 21 years of age or older and both the adoptee
8 and birth sibling were adopted out of the birth family.

9 (b) Disclosure veto.--

10 (1) A disclosure veto under this section must be in
11 writing and contain the name and signature of the birth
12 parent prohibiting the disclosure of identifying information
13 by the court or agency.

14 (2) Unless a birth parent has filed a disclosure veto
15 with the court or agency, if an adoption decree was entered
16 on or after (in preparing this act for printing in the Laws
17 of Pennsylvania and the Pennsylvania Consolidated Statutes,
18 the Legislative Reference Bureau shall insert here, in lieu
19 of this statement, the effective date of this section),
20 identifying information regarding the birth parent shall be
21 disclosed to a requesting individual.

22 (3) Subject to subsection (d)(2), if a birth parent of
23 an adoptee has filed a disclosure veto under paragraph (2),
24 no identifying information regarding any individual may be
25 disclosed.

26 (4) Notwithstanding paragraphs (2) and (3), a disclosure
27 veto is ineffective if:

28 (i) the birth parent who filed the disclosure veto
29 is deceased or incapacitated; or

30 (ii) the court orders the release of the requested

1 information for cause shown.

2 (c) Deceased or incapacitated birth parent.--If an adoptee
3 requests identifying information regarding a birth parent, the
4 information shall be disclosed upon request if the birth parent
5 is deceased or incapacitated.

6 (d) Disclosure for only one birth parent.--If an adoptee
7 requests identifying information regarding both birth parents:

8 (1) If an adoption decree was entered before (in
9 preparing this act for printing in the Laws of Pennsylvania
10 and the Pennsylvania Consolidated Statutes, the Legislative
11 Reference Bureau shall insert here, in lieu of this
12 statement, the effective date of this section) and only one
13 birth parent files an authorization of disclosure under
14 subsection (a), identifying information regarding only that
15 birth parent shall be disclosed upon request.

16 (2) If an adoption decree was entered on or after (in
17 preparing this act for printing in the Laws of Pennsylvania
18 and the Pennsylvania Consolidated Statutes, the Legislative
19 Reference Bureau shall insert here, in lieu of this
20 statement, the effective date of this section) and only one
21 birth parent files a disclosure veto, identifying information
22 regarding only the other birth parent shall be disclosed upon
23 request.

24 (e) Withdrawal of authorization of disclosure or disclosure
25 veto.--An individual who filed an authorization of disclosure
26 under subsection (a) or a disclosure veto under subsection (b)
27 may withdraw it at any time by filing a withdrawal with the
28 court or agency. A withdrawal under this subsection must be in
29 writing and contain the name and signature of the individual
30 withdrawing the authorization of disclosure or disclosure veto.

1 § 2643. Unsuccessful search for birth parent.

2 (a) Applicability.--This section applies only if all the
3 following conditions are met:

4 (1) The adoption decree was entered before (in preparing
5 this act for printing in the Laws of Pennsylvania and the
6 Pennsylvania Consolidated Statutes, the Legislative Reference
7 Bureau shall insert here, in lieu of this statement, the
8 effective date of this section).

9 (2) The adoptee is 18 years of age or older and files a
10 written request for identifying information regarding a birth
11 parent of the adoptee.

12 (3) A search is required under section 2641(e) (relating
13 to request for identifying information).

14 (b) Report to court.--If during a search the birth parent is
15 not located within 12 months after the filing of the written
16 request, the authorized representative conducting the search
17 shall report to the court which finalized the adoption and
18 explain the attempts made to locate the birth parent.

19 (c) Action by court.--After the authorized representative
20 reports to the court under subsection (b), the court may order
21 the authorized representative to continue the search for six
22 months or disclose from the court records identifying
23 information regarding the birth parent. If the birth parent is
24 not located after the additional six-month search, the court
25 shall order the authorized representative to disclose from the
26 court records identifying information regarding the birth
27 parent.

28 SUBCHAPTER F

29 SEARCH

30 Sec.

1 2651. Purposes of search.

2 2652. Who may conduct search.

3 2653. Search process.

4 2654. Confidentiality.

5 2655. Requirements if agency declines to search.

6 2656. Rules and regulations.

7 § 2651. Purposes of search.

8 A search under this subchapter may be conducted in order to:

9 (1) locate an intended recipient of information under
10 section 2636 (relating to expedited procedure when cause
11 shown);

12 (2) locate an individual from whom information is
13 requested under section 2637 (relating to request to provide
14 medical and social history information through court); and

15 (3) determine whether an individual will authorize the
16 disclosure of identifying information under section 2642
17 (relating to disclosure of identifying information).

18 § 2652. Who may conduct search.

19 Only the following may appoint an authorized representative
20 to conduct a search under this subchapter:

21 (1) The court which finalized the adoption.

22 (2) The agency that coordinated the adoption.

23 (3) A successor agency authorized by the court which
24 finalized the adoption.

25 § 2653. Search process.

26 The search process includes, but is not limited to, the
27 following, as reasonable and necessary:

28 (1) A review of court records and agency records for
29 background information on the birth family or adoptive
30 family, including last known address, names of family

1 members, Social Security numbers, occupations and addresses
2 of employment, military service, club and union affiliations,
3 names of schools and colleges attended, and dates and places
4 of marriages and deaths.

5 (2) A review of current and past telephone listings on a
6 Statewide basis, if accessible.

7 (3) Accessing the letter forwarding service of the
8 Social Security Administration.

9 (4) Contacting known employment, military, club and
10 union affiliations.

11 (5) Contacting professional licensing boards.

12 (6) Contacting the local post office to verify last
13 known addresses.

14 (7) Contacting cemeteries or funeral homes and reviewing
15 obituaries if records indicate a deceased family member.

16 (8) Obtaining birth and death certificates of family
17 members.

18 (9) Checking records of any applicable state's
19 department of transportation.

20 (10) Reviewing available county records, including those
21 held by the voters registration office, the tax office, the
22 recorder of deeds, the register of wills and the marriage
23 license bureau.

24 (11) Accessing computer data bases if requested and
25 prepaid by the individual whose request for information
26 precipitated the search.

27 § 2654. Confidentiality.

28 (a) General rule.--In conducting a search, the court or
29 agency shall ensure that no individual other than a birth parent
30 is informed of the adoptee's existence and relationship to the

1 birth parent of the adoptee.

2 (b) When inquiry not mandatory.--An authorized
3 representative of the court or agency conducting a search may
4 not make an inquiry which the representative reasonably believes
5 may compromise the confidentiality relating to the relationship
6 between the adoptee and a birth parent of the adoptee.

7 § 2655. Requirements if agency declines to search.

8 If an agency declines to conduct a search to determine
9 whether an individual will authorize the disclosure of
10 identifying information under section 2642 (relating to
11 disclosure of identifying information), the agency shall perform
12 the following functions:

13 (1) Notify the individual requesting identifying
14 information of its decision not to search and the
15 availability of the court which finalized the adoption to
16 conduct a search.

17 (2) Upon request forward the request for identifying
18 information to the court which finalized the adoption.

19 (3) Make its records available to the court which
20 finalized the adoption.

21 (4) Notify the requesting individual of the identity of
22 the court to which the request was forwarded.

23 § 2656. Rules and regulations.

24 The department shall promulgate rules and regulations
25 implementing a standardized training program for court and
26 agency authorized representatives conducting searches under this
27 subchapter.

28 SUBCHAPTER G

29 INFORMATION FROM ORIGINAL CERTIFICATE OF BIRTH

30 Sec.

1 2661. Disclosure of information generally.
2 2662. Disclosure if adoption decree entered before (in
3 preparing this act for printing in the Laws of
4 Pennsylvania and the Pennsylvania Consolidated
5 Statutes, the Legislative Reference Bureau shall insert
6 here, in lieu of this statement, the effective date of
7 this section).

8 2663. Disclosure if adoption decree entered on or
9 after (in preparing this act for printing in the Laws
10 of Pennsylvania and the Pennsylvania Consolidated
11 Statutes, the Legislative Reference Bureau shall insert
12 here, in lieu of this statement, the effective date of
13 this section).

14 § 2661. Disclosure of information generally.

15 Except as provided in this subchapter, a court, an agency,
16 the Department of Health and any other Commonwealth agency may
17 not disclose information from an adoptee's original certificate
18 of birth or documents of proof on which the adoptee's amended
19 certificate of birth is based.

20 § 2662. Disclosure if adoption decree entered before (in
21 preparing this act for printing in the Laws of
22 Pennsylvania and the Pennsylvania Consolidated
23 Statutes, the Legislative Reference Bureau shall
24 insert here, in lieu of this statement, the effective
25 date of this section).

26 (a) Authorization of disclosure.--

27 (1) An authorization of disclosure under this section
28 must be in writing and contain the name and signature of the
29 birth parent authorizing the disclosure of information
30 contained in the adoptee's original certificate of birth.

1 (2) If an adoption decree was entered before (in
2 preparing this act for printing in the Laws of Pennsylvania
3 and the Pennsylvania Consolidated Statutes, the Legislative
4 Reference Bureau shall insert here, in lieu of this
5 statement, the effective date of this section), a birth
6 parent may at any time file with the court or the Department
7 of Health an authorization permitting the disclosure of
8 information contained in the adoptee's original certificate
9 of birth.

10 (b) Disclosure of information.--Subject to subsection (c),
11 if an authorization of disclosure under subsection (a) has been
12 filed, the court or the Department of Health shall upon request
13 disclose the information contained in an adoptee's original
14 certificate of birth to any of the following individuals:

15 (1) An adoptee who is 18 years of age or older.

16 (2) An adoptive parent or a legal guardian of the
17 adoptee who is under 18 years of age.

18 (c) Special rules for disclosure.--

19 (1) If only one birth parent files an authorization of
20 disclosure under subsection (a), only the identity of that
21 birth parent shall be disclosed upon request.

22 (2) If both birth parents file an authorization of
23 disclosure, the information on the adoptee's original
24 certificate of birth shall be disclosed upon request.

25 (3) If a birth parent is deceased, that birth parent's
26 identity shall be disclosed upon request.

27 (4) If both birth parents are deceased, the information
28 on the adoptee's original certificate of birth shall be
29 disclosed upon request.

30 (d) Withdrawal of authorization.--A birth parent who filed

1 an authorization of disclosure under subsection (a) may withdraw
2 it at any time by filing a withdrawal with the court or the
3 Department of Health. A withdrawal under this subsection must be
4 in writing and contain the name and signature of the birth
5 parent withdrawing the authorization of disclosure.

6 § 2663. Disclosure if adoption decree entered on or after (in
7 preparing this act for printing in the Laws
8 of Pennsylvania and the Pennsylvania Consolidated
9 Statutes, the Legislative Reference Bureau shall
10 insert here, in lieu of this statement, the effective
11 date of this section).

12 Notwithstanding any other provision in this part to the
13 contrary, if an adoption decree was entered on or after (in
14 preparing this act for printing in the Laws of Pennsylvania and
15 the Pennsylvania Consolidated Statutes, the Legislative
16 Reference Bureau shall insert here, in lieu of this statement,
17 the effective date of this section), the Department of Health
18 shall upon request disclose the information contained in an
19 adoptee's original certificate of birth to any of the following
20 individuals:

- 21 (1) An adoptee who is 18 years of age or older.
22 (2) An adoptive parent or a legal guardian of the
23 adoptee who is under 18 years of age.

24 CHAPTER 27

25 ADOPTION SERVICES

26 Subchapter

- 27 A. General Provisions
28 B. Preadoption Services
29 C. Postadoption Services

30 SUBCHAPTER A

1 GENERAL PROVISIONS

2 Sec.

3 2701. Purposes.

4 2702. Definition.

5 2703. Fees.

6 2704. Services if placement outside Commonwealth.

7 2705. Rules and regulations.

8 2706. Annual report.

9 2707. Audit.

10 § 2701. Purposes.

11 The purposes of this chapter are to accomplish the following:

12 (1) Reduce the barriers which prevent equal access to
13 appropriate adoption services for children in the care of a
14 county agency, prospective adoptive parents and adoptive
15 parents.

16 (2) Enable children to experience the security of a
17 permanent adoptive family with adoption services regardless
18 of where they live in this Commonwealth.

19 (3) Facilitate the process of placing children for
20 adoption and the transition of children into adoptive homes.

21 § 2702. Definition.

22 For purposes of this chapter, "child profile" is a complete
23 background and current description of the child, including, but
24 not limited to, the following:

25 (1) Age and gender.

26 (2) Economic, cultural, religious, racial and ethnic
27 background.

28 (3) Developmental history.

29 (4) Social history and development of interpersonal
30 relationships.

- 1 (5) Interests and activities.
- 2 (6) Education history.
- 3 (7) Medical history.
- 4 (8) Psychological and psychiatric history.
- 5 (9) Behavioral patterns.
- 6 (10) The circumstances which led to the child's being in
- 7 the care of a county agency.
- 8 (11) Placement history, including duration, adjustment
- 9 and significant events with respect to the child which
- 10 occurred during each placement.
- 11 (12) Risk factors which may impact on the adoptive
- 12 placement.
- 13 (13) Readiness for adoption.
- 14 (14) All relevant nonidentifying information concerning
- 15 the birth parents and other birth relatives of the child.
- 16 (15) Eligibility for adoption assistance under Chapter
- 17 28 (relating to adoption assistance).

18 § 2703. Fees.

19 The following individuals may not be assessed a fee for any
20 adoption service provided under this chapter:

- 21 (1) A child who is in the custody of a county agency and
- 22 available for adoption.
- 23 (2) A prospective adoptive parent of a child who is in
- 24 the custody of a county agency and available for adoption.
- 25 (3) A child who was in the custody of a county agency
- 26 when adopted.
- 27 (4) An adoptive parent of a child who was in the custody
- 28 of a county agency when adopted.

29 § 2704. Services if placement outside Commonwealth.

30 The department shall develop a mechanism to provide and pay

1 for adoption services for both children and families if a child
2 covered by this subchapter is placed outside this Commonwealth,
3 regardless of whether the jurisdiction where the child is placed
4 pays for adoption services for children from that jurisdiction
5 who are placed in this Commonwealth.

6 § 2705. Rules and regulations.

7 The department shall promulgate rules and regulations
8 necessary to implement this chapter.

9 § 2706. Annual report.

10 Beginning one year after the effective date of this section
11 and annually thereafter, the department shall submit to the
12 General Assembly a fiscal and program evaluation report
13 regarding the provision of adoption services under this chapter.

14 § 2707. Audit.

15 Beginning four years after the effective date of this section
16 and every four years thereafter, the Legislative Budget and
17 Finance Committee shall submit to the General Assembly a report
18 assessing the provision of adoption services under this chapter
19 and making recommendations regarding the services.

20 SUBCHAPTER B

21 PREADOPTION SERVICES

22 Sec.

23 2711. Applicability.

24 2712. Duty of department.

25 2713. Recruitment.

26 2714. Dissemination of information.

27 2715. Family education and preparation.

28 2716. Child assessment, education and preparation.

29 2717. Matching services.

30 2718. Preplacement services.

1 2719. Postplacement services.

2 § 2711. Applicability.

3 This subchapter applies only if a child is in the custody of
4 a county agency and available for adoption.

5 § 2712. Duty of department.

6 The department shall ensure the provision of preadoption
7 services, including, but not limited to, the services set forth
8 in this subchapter.

9 § 2713. Recruitment.

10 (a) Diligent efforts.--Diligent efforts shall be made to
11 identify an appropriate prospective adoptive family for a child.

12 (b) Mandatory elements of recruitment.--General and child-
13 specific recruitment of individuals and families who may be
14 willing to adopt a child shall:

15 (1) reflect the ethnic and racial diversity of children
16 who are in the custody of a county agency and available for
17 adoption; and

18 (2) include the use of intercounty and interstate
19 resources to facilitate the timely placement of a child.

20 § 2714. Dissemination of information.

21 Information shall be made available, both Statewide and
22 nationwide, to individuals and families who may be willing to
23 adopt a child regarding the following:

24 (1) Pennsylvania's population of children who are in the
25 custody of a county agency and available for adoption.

26 (2) Adoption assistance under Chapter 28 (relating to
27 adoption assistance).

28 (3) Adoption in general.

29 (4) Resources on adoption law and practice.

30 § 2715. Family education and preparation.

Education and preparation of individuals and families who may be willing to adopt a child must include, but need not be limited to, an explanation of the following:

(1) The applicable procedures under Chapter 22 (relating to termination of parental rights).

(2) Home studies, postplacement evaluations, the standards developed by the department regarding the suitability to adopt a child and the procedures regarding placement of a child under Chapter 23 (relating to placement of children).

(3) The procedures under Chapter 25 (relating to adoption proceedings).

(4) The purpose of adoption.

(5) The general needs of children covered under this chapter and what is required of an adoptive family.

(6) Adoption assistance under Chapter 28 (relating to adoption assistance).

§ 2716. Child assessment, education and preparation.

Assessment, education and preparation of a child must include, but need not be limited to, the following:

(1) Preparation of a child profile.

(2) An explanation of the purpose and reality of adoption.

(3) The general processes involved in the termination of parental rights, placement with a prospective adoptive family and the finalization of adoption.

§ 2717. Matching services.

Procedures for matching services for a child must include, but need not be limited to, the following:

(1) Unless a prospective adoptive parent has been

1 identified for a child, the child shall be registered on at
2 least one national exchange and one Statewide exchange on
3 which all children in this Commonwealth who are in the
4 custody of a county agency and available for adoption are
5 registered. The registration shall:

6 (i) occur no later than 60 days after the entry of a
7 judicial determination that the child cannot or should
8 not be returned home to the parent; and

9 (ii) include a brief personal narrative and current
10 photograph of the child.

11 (2) Prior to the placement of a child, a child profile
12 shall be made available to a prospective adoptive parent of
13 the child.

14 (3) After a match results in a plan for the placement of
15 a child, a prospective adoptive parent of the child shall be
16 provided the following:

17 (i) Information of record which formed a basis for
18 the child profile.

19 (ii) Notice of the availability of adoption
20 assistance.

21 (iii) Notice of the availability of postadoption
22 services.

23 § 2718. Preplacement services.

24 Preplacement services shall facilitate the adjustment of both
25 a child and a prospective adoptive family to the placement of
26 the child in the home of the prospective adoptive family.
27 Preplacement services include, but are not limited to, the
28 following:

29 (1) Visits between the child and the prospective
30 adoptive family.

1 (2) Preparation for the placement.

2 § 2719. Postplacement services.

3 Postplacement services shall be offered prior to the adoption
4 of a child. Postplacement services include, but are not limited
5 to, the following:

6 (1) Counseling.

7 (2) Education regarding adoption.

8 (3) Support groups.

9 (4) Respite care.

10 (5) Behavioral health care.

11 (6) Search and reunion services.

12 (7) Services received by the child when the child was in
13 foster care.

14 SUBCHAPTER C

15 POSTADOPTION SERVICES

16 Sec.

17 2721. Applicability.

18 2722. Duty of department.

19 2723. Postadoption services.

20 § 2721. Applicability.

21 This subchapter applies only if a child was in the custody of
22 a county agency when the child was adopted.

23 § 2722. Duty of department.

24 The department shall ensure the provision of postadoption
25 services, including, but not limited to, the services set forth
26 in this subchapter.

27 § 2723. Postadoption services.

28 Postadoption services include, but are not limited to, the
29 following:

30 (1) Counseling.

- (2) Education regarding adoption.
- (3) Support groups.
- (4) Respite care.
- (5) Behavioral health care.
- (6) Search and reunion services.
- (7) Services received by the child when the child was in foster care.

CHAPTER 28

ADOPTION ASSISTANCE

Subchapter

- A. General Provisions
- B. Types of Adoption Assistance
- C. Procedure Generally

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

2801. Purposes.
2802. Information on adoption assistance.
2803. Reimbursement to county.
2804. Rules and regulations.
2805. Agency distribution of information.
2806. Adoptive families not liable for certain expenses.

§ 2801. Purposes.

The purposes of this chapter are to accomplish the following:

- (1) Provide adoption assistance on behalf of children who meet certain eligibility requirements and recognize that prospective adoptive parents and adoptive parents may need adoption assistance to enable them to create and foster a stable and permanent adoptive home.

- (2) Enable children to experience the security of a

permanent adoptive family with adoption assistance,
regardless of where they live in this Commonwealth.

§ 2802. Information on adoption assistance.

The department shall publish and make available to the
general public information on adoption assistance.

§ 2803. Reimbursement to county.

The department shall reimburse each county agency 100% of the
cost of adoption assistance provided by the agency under this
subchapter if the county agency complies with section 2113
(relating to data collection and reporting).

§ 2804. Rules and regulations.

The department shall promulgate rules and regulations
necessary to implement this chapter.

§ 2805. Agency distribution of information.

Prior to the placement of a child, an agency shall provide a
prospective adoptive parent and foster parent of the child
information on adoption assistance, including, but not limited
to, the following:

(1) Eligibility of the child for adoption assistance.

(2) Types of adoption assistance.

(3) The application and approval process for adoption
assistance.

§ 2806. Adoptive families not liable for certain expenses.

Notwithstanding any other provision of law, adoptive families
receiving adoption assistance under this chapter are not liable
for expenses under the act of June 24, 1937 (P.L.2045, No.397),
known as The Support Law, or the act of October 20, 1966 (3rd
Sp. Sess. P.L.96, No.6), known as the Mental Health and Mental
Retardation Act of 1966, if the adopted child needs services or
assistance under the Mental Health and Mental Retardation Act of

1 1966 or Article IV of the act of June 13, 1967 (P.L.31, No.21),
2 known as the Public Welfare Code.

3 SUBCHAPTER B

4 TYPES OF ADOPTION ASSISTANCE

5 Sec.

6 2811. Duty of department.

7 2812. Maintenance payments.

8 2813. Payment for nonrecurring adoption expenses.

9 2814. Medical assistance.

10 2815. Postadoption grants.

11 § 2811. Duty of department.

12 The department shall ensure the provision of the types of
13 adoption assistance set forth in this subchapter.

14 § 2812. Maintenance payments.

15 (a) Applicability.--This section applies only if a child is
16 eligible for adoption assistance under section 2821 (relating to
17 eligibility for adoption assistance) and:

18 (1) is in the custody of an agency and available for
19 adoption; or

20 (2) was in the custody of an agency when the child was
21 adopted.

22 (b) Purpose.--Maintenance payments must provide for the
23 support and care of the child to prevent the disruption of the
24 permanent placement of the child.

25 (c) Determination.--Subject to subsection (d), the county
26 agency which initially determined the child to be eligible for
27 adoption assistance shall determine the amount of maintenance
28 payments.

29 (d) Amount.--

30 (1) The amount of maintenance payments must be equal to

1 or greater than the foster care rate which a foster parent
2 would have received had the child been in foster care when
3 the child either was adopted or became eligible for adoption
4 assistance under section 2821.

5 (2) The payment for nonrecurring adoption expenses under
6 section 2813 (relating to payment for nonrecurring adoption
7 expenses) may not be considered in determining the amount of
8 maintenance payments under this subsection.

9 (e) Adjustment.--Maintenance payments may not be adjusted
10 unless:

11 (1) the foster care rate that was used to establish the
12 minimum amount of maintenance payments under subsection
13 (d)(1) increases; or

14 (2) the circumstances of the child, prospective adoptive
15 parent or adoptive parent have changed significantly in
16 relation to the terms of the adoption assistance agreement
17 and such parent and the county agency consent to the
18 adjustment.

19 (f) Declining and reinstating maintenance payments.--A
20 prospective adoptive parent or an adoptive parent of a child may
21 decline maintenance payments and request reinstatement of
22 maintenance payments at any time.

23 (g) Definition.--As used in this section the term "foster
24 care rate" means the greater of the rate paid in the county of
25 residence of the prospective adoptive parent of the child and
26 the rate paid in the county of residence of the child.

27 § 2813. Payment for nonrecurring adoption expenses.

28 (a) Applicability.--This section applies only if a child is
29 eligible for adoption assistance under section 2821 (relating to
30 eligibility for adoption assistance) and:

(1) is in the custody of an agency and available for adoption; or

(2) was in the custody of an agency when the child was adopted.

(b) Types.--Nonrecurring adoption expenses include, but are not limited to, the following:

(1) Fees for home studies and home study reports.

(2) Fees for postplacement evaluations and postplacement reports.

(3) Attorney fees.

(4) Court costs.

(5) Travel expenses, if necessary to complete the placement or adoption process.

(c) Nature.--Nonrecurring adoption expenses must be reasonable and necessary, directly related to the adoption of the child and incurred in compliance with Federal and State laws.

(d) Amount.--Nonrecurring adoption expenses may not exceed the maximum amount allowed under Federal law.

(e) Procedure.--An adoptive parent must submit all receipts for nonrecurring adoption expenses for reimbursement at the same time.

§ 2814. Medical assistance.

(a) Applicability.--This section applies only if a child is eligible for adoption assistance under section 2821 (relating to eligibility for adoption assistance) and:

(1) is in the custody of an agency and available for adoption; or

(2) was in the custody of an agency when the child was adopted.

1 (b) Provision of medical assistance.--Medical assistance for
2 the child shall be as provided by law and the adoption
3 assistance agreement entered under section 2823 (relating to
4 adoption assistance agreement).

5 § 2815. Postadoption grants.

6 (a) Applicability.--This section applies only if a child is
7 eligible for adoption assistance under either section 2821(a)(1)
8 and (3) or (b) (relating to eligibility for adoption
9 assistance).

10 (b) Purpose.--Postadoption grants shall cover services
11 which:

12 (1) are necessary for the health, safety and welfare of
13 a child;

14 (2) are not covered by insurance or otherwise; and

15 (3) the adoptive parent cannot afford.

16 (c) Types of expenses.--Postadoption grants include, but are
17 not limited to, payments for the following:

18 (1) Medical, surgical and dental care.

19 (2) Hospitalization.

20 (3) Nursing care.

21 (4) Respite care.

22 (5) Individual remedial educational services.

23 (6) Psychological, psychiatric, drug and alcohol and
24 residential treatment.

25 (7) Speech, physical and occupational therapy.

26 (8) Other services, equipment, treatment and training
27 for physical and mental handicaps.

28 (d) Preexisting condition.--A postadoption grant may only be
29 provided for a child's condition which existed at the time of
30 the child's adoption.

1 (e) Determination.--Subject to subsections (f) and (g), the
2 county agency in the county where the child resides shall
3 determine whether the child is eligible for a postadoption
4 grant.

5 (f) Maintenance payments not considered.--Maintenance
6 payments may not be considered in determining either eligibility
7 for or the amount of a postadoption grant.

8 (g) Availability only after other benefits exhausted.--
9 Public funds may not be expended under this chapter for a
10 postadoption grant unless all available benefits under private
11 or Federal, State or local government programs have been
12 exhausted.

13 (h) Payment.--A postadoption grant may be paid to an
14 adoptive parent or to the vendor of the goods or services.

15 SUBCHAPTER C

16 PROCEDURE GENERALLY

17 Sec.

18 2821. Eligibility for adoption assistance.

19 2822. When adoption assistance provided.

20 2823. Adoption assistance agreement.

21 2824. Transfer of benefits to successor adoptive parent.

22 2825. Changed circumstances.

23 2826. Termination of adoption assistance.

24 2827. Administrative appeal.

25 2828. Special rule regarding child support.

26 § 2821. Eligibility for adoption assistance.

27 (a) General rule.--A child is eligible to begin receiving
28 adoption assistance if the following requirements are met:

29 (1) The child is under 18 years of age.

30 (2) If the child has not yet been adopted, all the

1 following conditions apply:

2 (i) Sixty days have elapsed from the date of a
3 judicial determination that the child cannot or should
4 not be returned home to the parent.

5 (ii) Unless the child has developed a significant
6 emotional or other tie with a prospective adoptive parent
7 who requires adoption assistance to adopt the child, a
8 reasonable but unsuccessful effort not to exceed 60 days
9 after a determination referenced in subparagraph (i) has
10 been made to place the child with an appropriate
11 prospective adoptive parent who will adopt the child
12 without adoption assistance.

13 (3) The child has at least one of the following
14 characteristics:

15 (i) A physical, mental or emotional condition,
16 disease or handicap.

17 (ii) A genetic condition which indicates a high risk
18 of developing a physical, mental or emotional condition,
19 disease or handicap.

20 (iii) A history of abuse, neglect or prenatal
21 exposure to drugs and alcohol which indicates a high risk
22 of developing a physical, mental or emotional condition,
23 disease or handicap.

24 (iv) A history of multiple placements prior to the
25 adoptive placement.

26 (v) Is a member of a minority group.

27 (vi) Is a member of a sibling group to be adopted
28 together.

29 (vii) Is five years of age or older.

30 (4) The child is in the custody of an agency at the time

1 of the child's placement.

2 (b) Diagnosis after adoption finalized.--A child is also
3 eligible for adoption assistance if any characteristic set forth
4 in subsection (a)(3)(i), (ii) or (iii) was present at the time
5 of adoption but diagnosed after the date of the final adoption
6 decree.

7 (c) When denial of adoption assistance prohibited.--A child
8 may not be denied adoption assistance because of the resources
9 of the prospective adoptive parent or adoptive parent of the
10 child.

11 § 2822. When adoption assistance provided.

12 The department shall ensure the provision of adoption
13 assistance to a person on behalf of a child if an adoption
14 assistance agreement has been executed under section 2823
15 (relating to adoption assistance agreement).

16 § 2823. Adoption assistance agreement.

17 (a) Who may execute.--Subject to subsections (b) and (c), a
18 county agency may enter into a written adoption assistance
19 agreement with a prospective adoptive parent of a child, an
20 adoptive parent of a child or an individual with whom a child
21 has been placed for adoption.

22 (b) Determination by county agency.--An adoption assistance
23 agreement for a child shall be executed if a county agency
24 determines that the child is eligible for adoption assistance
25 under section 2821 (relating to eligibility for adoption
26 assistance).

27 (c) When agreement executed.--An adoption assistance
28 agreement shall be executed:

29 (1) before or when the court enters the final adoption
30 decree with respect to the child; or

(2) if the child becomes eligible for adoption assistance after the court enters the final adoption decree with respect to the child, within 60 days after the child is determined to be eligible for adoption assistance.

(d) Contents of agreement.--An adoption assistance agreement shall:

(1) specify the type of adoption assistance to be provided on behalf of the child, including the amount of payments to be made;

(2) stipulate that the agreement remains in effect regardless of where the prospective adoptive parent or adoptive parent resides; and

(3) contain provisions for the protection of the interest of the child if the prospective adoptive parent or adoptive parent and child move to another state while the agreement is in effect.

(e) Filing of agreement.--An adoption assistance agreement shall be filed with the court which serves the county in which the county agency is located.

(f) Development of form.--The department shall develop a standardized adoption assistance agreement form.

§ 2824. Transfer of benefits to successor adoptive parent.

Notwithstanding section 2826(3) and (4) (relating to termination of adoption assistance), a child who was eligible for adoption assistance with respect to a prior adoption continues to be eligible for adoption assistance under this subchapter if the child is available for adoption again because:

(1) the prior adoption has been dissolved;

(2) the parental rights of the adoptive parent of the child have been terminated under Chapter 22 (relating to

1 termination of parental rights); or

2 (3) the adoptive parent has died.

3 § 2825. Changed circumstances.

4 (a) Notice to county agency.--A prospective adoptive parent
5 or an adoptive parent of the child shall notify the county
6 agency of the following:

7 (1) A changed circumstance which may make the child
8 ineligible for adoption assistance.

9 (2) The fact that such parent is no longer legally and
10 financially responsible for the child.

11 (b) Penalty.--A parent who fails to provide the information
12 required under subsection (a) shall be ordered to pay
13 restitution of any moneys received by reason of the failure to
14 provide the information. Restitution may be paid in a lump sum,
15 by monthly installments or according to another schedule
16 determined by the court. Notwithstanding the provisions of 18
17 Pa.C.S. § 1106(c)(2) (relating to restitution for injuries to
18 person or property) to the contrary, the period of time during
19 which the parent is ordered to make restitution may exceed the
20 maximum term of imprisonment to which the parent could have been
21 sentenced if convicted of a crime for accepting adoption
22 assistance when no longer entitled to receive it if the court
23 determines the period is reasonable and in the interests of
24 justice.

25 § 2826. Termination of adoption assistance.

26 Adoption assistance shall be terminated if any of the
27 following occurs:

28 (1) The child:

29 (i) reaches 18 years of age or completes high
30 school, whichever is later; or

(ii) reaches 21 years of age if the child is engaged in a course of instruction or the county agency determines that the child has a mental or physical handicap which warrants the continuation of adoption assistance.

(2) The child is no longer eligible for adoption assistance.

(3) The prospective adoptive parent or adoptive parent of the child no longer provides support for the child.

(4) The adoptive parent of the child is no longer legally responsible for the support of the child.

(5) The prospective adoptive parent or adoptive parent of the child requests termination of adoption assistance.

(6) The prospective adoptive parent or adoptive parent of the child fails to provide the information required under section 2825(a) (relating to changed circumstances).

§ 2827. Administrative appeal.

(a) Grounds for appeal.--The prospective adoptive parent or adoptive parent of the child has the right to request a hearing with the department to appeal the following actions of the county agency:

(1) A determination that the child is not eligible for adoption assistance.

(2) A denial of adoption assistance in whole or in part.

(3) A denial of increased adoption assistance.

(4) A reduction of adoption assistance.

(5) A suspension of adoption assistance.

(6) A termination of adoption assistance.

(7) A failure to notify the prospective adoptive parent or adoptive parent of the availability of adoption

1 assistance.

2 (8) A delay in the execution of an adoption assistance
3 agreement under section 2823(c)(2) (relating to adoption
4 assistance agreement).

5 (b) Procedure.--An appeal must be filed with the department
6 within 30 days of an action under subsection (a). The petitioner
7 is deemed to have won the appeal if the department does not take
8 final administrative action within 90 days of the appeal. The
9 county agency shall comply with the terms of the adoption
10 assistance agreement within 60 days after a successful appeal.

11 (c) Attorney fees and expenses.--Reasonable attorney fees
12 and expenses shall be awarded to a petitioner who prevails in an
13 appeal.

14 § 2828. Special rule regarding child support.

15 If a child who is eligible for adoption assistance is placed
16 in substitute care and an adoptive parent of the child is
17 obligated to pay child support on behalf of the child, the
18 amount of the child support obligation may not exceed the amount
19 of the maintenance payment determined under section 2812(e)
20 (relating to maintenance payments).

21 Section 3. Section 5103 of Title 23 is amended to read:

22 § 5103. Acknowledgment and claim of paternity.

23 [(a) Acknowledgment of paternity.--The father of a child
24 born to an unmarried woman may file with the Department of
25 Public Welfare, on forms prescribed by the department, an
26 acknowledgment of paternity of the child which shall include the
27 consent of the mother of the child, supported by her witnessed
28 statement subject to 18 Pa.C.S. § 4904 (relating to unsworn
29 falsification to authorities). In such case, the father shall
30 have all the rights and duties as to the child which he would

1 have had if he had been married to the mother at the time of the
2 birth of the child, and the child shall have all the rights and
3 duties as to the father which the child would have had if the
4 father had been married to the mother at the time of birth. The
5 hospital or other person accepting an acknowledgment of
6 paternity shall provide written and oral notice, which may be
7 through the use of video or audio equipment, to the birth mother
8 and birth father of the alternatives to, the legal consequences
9 of and the rights and responsibilities that arise from, signing
10 the acknowledgment.

11 (b) Claim of paternity.--If the mother of the child fails or
12 refuses to join in the acknowledgment of paternity provided for
13 in subsection (a), the Department of Public Welfare shall index
14 it as a claim of paternity. The filing and indexing of a claim
15 of paternity shall not confer upon the putative father any
16 rights as to the child except that the putative father shall be
17 entitled to notice of any proceeding brought to terminate any
18 parental rights as to the child.

19 (c) Duty of hospital or birthing center.--Upon the birth of
20 a child to an unmarried woman, an agent of the hospital or
21 birthing center where the birth occurred shall:

22 (1) Provide the newborn's birth parents with an
23 opportunity to complete an acknowledgment of paternity. The
24 completed, signed and witnessed acknowledgment shall be sent
25 to the Department of Public Welfare. A copy shall be given to
26 each of the birth parents. This acknowledgment shall contain:

27 (i) A signed, witnessed statement subject to 18
28 Pa.C.S. § 4904 (relating to unsworn falsification to
29 authorities) by the birth mother consenting to the
30 acknowledgment of paternity.

1 (ii) A signed, witnessed statement subject to 18
2 Pa.C.S. § 4904 by the birth father acknowledging his
3 paternity.

4 (iii) A written explanation of the parental duties
5 and parental rights which arise from signing such a
6 statement.

7 (iv) The Social Security numbers and addresses of
8 both birth parents.

9 (2) Provide written information, furnished by the
10 department to the birth mother and birth father, which
11 explains the benefits of having the child's paternity
12 established, the availability of paternity establishment
13 services and the availability of child support enforcement
14 agencies.

15 (d) Conclusive evidence.--Notwithstanding any other
16 provision of law, an acknowledgment of paternity shall
17 constitute conclusive evidence of paternity without further
18 judicial ratification in any action to establish support. The
19 court shall give full faith and credit to an acknowledgment of
20 paternity signed in another state according to its procedures.

21 (e) Transfer.--The Department of Health shall transfer to
22 the Department of Public Welfare all acknowledgments or claims
23 of paternity filed with the Department of Health under prior
24 statutes.

25 (f) Certifications.--The Department of Public Welfare shall
26 provide necessary certifications under Part III (relating to
27 adoption) as to whether any acknowledgment or claim of paternity
28 has been filed in regard to any child who is a prospective
29 adoptive child.

30 (g) Rescission.--

(1) Notwithstanding any other provision of law, a signed, voluntary, witnessed acknowledgment of paternity subject to 18 Pa.C.S. § 4904 shall be considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within the earlier of the following:

(i) sixty days; or

(ii) the date of an administrative or judicial proceeding relating to the child, including, but not limited to, a domestic relations section conference or a proceeding to establish a support order in which the signatory is a party.

(2) After the expiration of the 60 days, an acknowledgment of paternity may be challenged in court only on the basis of fraud, duress or material mistake of fact, which must be established by the challenger through clear and convincing evidence. An order for support shall not be suspended during the period of challenge except for good cause shown.

(h) Penalties for noncompliance.--The department may impose a civil penalty not to exceed \$500 per day upon a hospital or birthing center which is not in compliance with the provisions of this section. A penalty under this subsection is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(i) Status of father.--The name of the father shall be included on the record of birth of the child of unmarried parents only if one of the following applies:

(1) The father and mother have signed a voluntary

1 acknowledgment of paternity.

2 (2) A court or administrative agency of competent
3 jurisdiction has issued an adjudication of paternity.]

4 (a) Acknowledgment of paternity.--

5 (1) An acknowledgment of paternity with respect to a
6 child born to an unmarried woman may be filed with the
7 Department of Public Welfare on a form prescribed by the
8 department.

9 (2) An acknowledgment of paternity must include the
10 following:

11 (i) The child's name, gender, date of birth, place
12 of birth and Social Security number, if available.

13 (ii) The birth father's name, address, date of
14 birth, place of birth and Social Security number.

15 (iii) The birth mother's name, address, date of
16 birth, place of birth and Social Security number.

17 (iv) A witnessed statement in which the birth father
18 acknowledges his paternity. The statement must be signed
19 and dated by the birth father and is subject to 18
20 Pa.C.S. § 4904 (relating to unsworn falsification to
21 authorities).

22 (v) A witnessed statement in which the birth mother
23 consents to the acknowledgment of paternity. The
24 statement must be signed and dated by the birth mother
25 and is subject to 18 Pa.C.S. § 4904.

26 (vi) A written explanation of the parental rights
27 and duties that arise from the acknowledgment of
28 paternity.

29 (vii) Any other information the Department of Public
30 Welfare requires.

1 (3) If an acknowledgment of paternity is filed:

2 (i) the birth father has all the rights and duties
3 with respect to the child which he would have had if he
4 had been married to the birth mother when the child was
5 born; and

6 (ii) the child has all the rights and duties with
7 respect to the birth father which the child would have
8 had if the birth father had been married to the birth
9 mother when the child was born.

10 (4) Notwithstanding any other provision of law, an
11 acknowledgment of paternity constitutes conclusive evidence
12 of paternity without further judicial ratification in an
13 action for support. The court shall give full faith and
14 credit to an acknowledgment of paternity signed in another
15 state according to its procedures.

16 (5) Notwithstanding any other provision of law, an
17 acknowledgment of paternity shall be considered a legal
18 finding of paternity.

19 (6) A birth father or birth mother may rescind an
20 acknowledgment of paternity before the earlier of the
21 following dates:

22 (i) the 60th day after the acknowledgment is filed;
23 or

24 (ii) the date of an administrative or a judicial
25 proceeding relating to the child, including, but not
26 limited to, a domestic relations section conference or a
27 proceeding to establish a support order in which the
28 rescinding birth parent is a party.

29 (7) If a birth father or birth mother does not rescind
30 an acknowledgment of paternity under paragraph (6), the

1 validity of the acknowledgment may be challenged only on the
2 basis of fraud, duress or material mistake of fact, which
3 must be proven by clear and convincing evidence. Except for
4 good cause shown, an order for support may not be suspended
5 while the validity of the acknowledgment is being challenged.

6 (8) The birth father and birth mother shall be given a
7 copy of the completed acknowledgment of paternity.

8 (b) Claim of paternity.--

9 (1) If the birth mother of a child fails or refuses to
10 join in the acknowledgment of paternity under subsection (a),
11 a man claiming to be the father of the child may file a claim
12 of paternity with the Department of Public Welfare on a form
13 prescribed by the department.

14 (2) The filing of a claim of paternity does not confer
15 upon the man filing the claim any parental rights with
16 respect to the child, except that he is entitled to notice of
17 a proceeding for termination of parental rights under Chapter
18 22 (relating to termination of parental rights) with respect
19 to the child.

20 (3) A claim of paternity may be filed before or after
21 the birth of the child.

22 (4) A claim of paternity must include the following:

23 (i) The name, gender, date of birth, place of birth
24 and Social Security number of the child, if known by the
25 man filing the claim.

26 (ii) The name, address, date of birth, place of
27 birth and Social Security number of the man filing the
28 claim.

29 (iii) The name, address, date of birth, place of
30 birth and Social Security number of the birth mother, if

1 known by the man filing the claim.

2 (iv) A witnessed statement in which the man filing
3 the claim claims to be the father of the child. The
4 statement must be signed and dated by the man filing the
5 claim and is subject to 18 Pa.C.S. § 4904.

6 (v) A written explanation of the parental rights and
7 duties that arise upon a determination of paternity.

8 (vi) Any other information the Department of Public
9 Welfare requires.

10 (5) The man filing the claim of paternity shall be given
11 a copy of the completed claim of paternity.

12 (c) Update of information.--A birth father under subsection
13 (a) or a man filing a claim of paternity under subsection (b) is
14 responsible for updating the information filed with his
15 acknowledgment of paternity or claim of paternity. The
16 Department of Public Welfare does not have an independent
17 obligation to update the information in the registries for
18 acknowledgments of paternity and claims of paternity.

19 (d) Duties of hospital or birthing center.--Upon the birth
20 of a child to an unmarried woman, an agent of the hospital or
21 birthing center where the child was born shall perform the
22 following duties:

23 (1) Provide and explain the informational materials
24 developed under subsection (f)(1) to the birth father and
25 birth mother.

26 (2) Provide the birth father and birth mother with an
27 opportunity to complete an acknowledgment of paternity.

28 (3) Provide a copy of the completed acknowledgment of
29 paternity to the birth father and birth mother.

30 (4) Send each completed acknowledgment of paternity to

1 the Department of Public Welfare.

2 (e) Penalties for noncompliance.--The Department of Public
3 Welfare may impose a civil penalty not to exceed \$500 per day
4 upon a hospital or birthing center which is not in compliance
5 with the provisions of subsection (d). A penalty under this
6 subsection is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to
7 practice and procedure of Commonwealth agencies) and Ch. 7
8 Subch. A (relating to judicial review of Commonwealth agency
9 action).

10 (f) Duties of Department of Public Welfare.--The Department
11 of Public Welfare shall perform the following duties:

12 (1) Develop written informational material regarding the
13 following:

14 (i) The benefits of establishing a child's
15 paternity.

16 (ii) The alternatives to and legal consequences of
17 signing an acknowledgment of paternity.

18 (iii) The parental rights and duties that arise from
19 an acknowledgment of paternity.

20 (iv) The availability of paternity establishment
21 services.

22 (v) The availability of child support enforcement
23 agencies.

24 (vi) The availability and purpose of filing a claim
25 of paternity.

26 (2) Distribute the informational materials developed
27 under paragraph (1) to hospitals and birthing centers and to
28 any person upon request.

29 (3) Publicize the availability and purpose of filing
30 acknowledgments of paternity and claims of paternity.

1 (4) Develop an acknowledgment of paternity form and a
2 claim of paternity form and distribute the forms to hospitals
3 and birthing centers and to any person upon request.

4 (5) Maintain a registry for acknowledgments of
5 paternity, which shall be indexed by the following:

6 (i) Name of the child.

7 (ii) Date of birth of the child.

8 (iii) Name of the birth father.

9 (iv) Name of the birth mother.

10 (6) Maintain a registry for claims of paternity, which
11 shall be indexed by the following:

12 (i) Name of the child.

13 (ii) Date of birth or anticipated date of birth of
14 the child.

15 (iii) Name of the man filing the claim.

16 (iv) Name of the birth mother.

17 (7) Provide certifications under Chapter 22 regarding
18 whether an acknowledgment of paternity or a claim of
19 paternity has been filed with respect to the child in a
20 proceeding to terminate parental rights.

21 (g) Status of father.--The name of the father shall be
22 included on the record of birth of a child born to an unmarried
23 woman only if one of the following applies:

24 (1) The birth father and birth mother have signed an
25 acknowledgment of paternity.

26 (2) A court or an administrative agency of competent
27 jurisdiction has issued an adjudication of paternity.

28 Section 4. If the decree of termination of parental rights
29 occurs before the effective date of this act and the adoption
30 decree occurs after the effective date of this act, the court

1 shall send a birth parent a list of the rights and duties set
2 forth in 23 Pa.C.S. § 2204(a).

3 Section 5. Sections 771, 772, 773 and 774 of the act of June
4 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, are
5 repealed.

6 Section 6. This act shall apply as follows:

7 (1) This act shall apply to all proceedings for the
8 termination of parental rights initiated on or after the
9 effective date of this act. A proceeding for the termination
10 of parental rights initiated under the provisions repealed by
11 this act shall be concluded under those provisions.

12 (2) This act shall apply to all adoption proceedings
13 initiated on or after the effective date of this act.
14 Adoption proceedings initiated under the provisions repealed
15 by this act shall be concluded under those provisions.

16 (3) The addition of 23 Pa.C.S. § 2402 shall apply to all
17 expenses and costs incurred on or after the effective date of
18 this act. If an expense or cost is incurred before the
19 effective date of this act, the provisions repealed by this
20 act shall govern.

21 (4) The addition of 23 Pa.C.S. § 2535 shall apply to all
22 adoption decrees entered on or after the effective date of
23 this act.

24 (5) The addition of 23 Pa.C.S. Ch. 28 shall apply to all
25 children who are eligible to receive adoption assistance on
26 or after the effective date of this act and all children who
27 were receiving adoption assistance before the effective date
28 of this act.

29 Section 7. This act shall take effect in six months.