

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 61 Session of 2017

INTRODUCED BY LEWIS, DEAN, IRVIN, D. MILLER, PICKETT, WATSON, A. HARRIS, HELM, GILLEN, ZIMMERMAN, WARD, JAMES, PHILLIPS-HILL, GODSHALL, B. MILLER, PETRI, GABLER, TOOHL, KORTZ, JOZWIAK, DUSH AND KINSEY, JANUARY 23, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 20, 2018

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in petition for adoption, further <--
3 providing for consents necessary to adoption. IN ADOPTION, <--
4 FURTHER PROVIDING FOR REPORT OF INTENTION TO ADOPT, FOR
5 CONSENTS NECESSARY TO ADOPTION AND FOR NOTICE OF HEARING.

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

8 Section 1. Section 2711(d)(2) of Title 23 of the <--
9 Pennsylvania Consolidated Statutes is amended to read:

10 § 2711. Consents necessary to adoption.

11 \* \* \*

12 (d) Contents of consent.

13 \* \* \*

14 SECTION 1. SECTIONS 2531(B)(6), 2711(C) AND (D) AND 2721 OF <--
15 TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED
16 TO READ:

17 § 2531. REPORT OF INTENTION TO ADOPT.

18 \* \* \*

1 (B) CONTENTS.--THE REPORT SHALL SET FORTH:

2 \* \* \*

3 (6) THE NAME, ADDRESS AND SIGNATURE OF THE PERSON OR  
4 PERSONS MAKING THE REPORT. IMMEDIATELY ABOVE THE SIGNATURE OF  
5 THE PERSON OR PERSONS INTENDING TO ADOPT THE CHILD SHALL  
6 APPEAR THE FOLLOWING STATEMENT:

7 I ACKNOWLEDGE THAT I HAVE BEEN ADVISED OR KNOW AND  
8 UNDERSTAND THAT THE BIRTH FATHER OR PUTATIVE FATHER MAY  
9 REVOKE THE CONSENT TO THE ADOPTION OF THIS CHILD WITHIN  
10 [30 DAYS] 14 DAYS AFTER THE LATER OF THE BIRTH OF THE  
11 CHILD OR THE DATE HE HAS EXECUTED THE CONSENT TO AN  
12 ADOPTION AND THAT THE BIRTH MOTHER MAY REVOKE THE CONSENT  
13 TO AN ADOPTION OF THIS CHILD WITHIN [30 DAYS] 14 DAYS  
14 AFTER THE DATE SHE HAS EXECUTED THE CONSENT.

15 \* \* \*

16 § 2711. CONSENTS NECESSARY TO ADOPTION.

17 \* \* \*

18 (C) VALIDITY OF CONSENT.--NO CONSENT SHALL BE VALID IF IT  
19 WAS EXECUTED PRIOR TO OR WITHIN 72 HOURS AFTER THE BIRTH OF THE  
20 CHILD[. A], EXCEPT THAT THE BIRTH FATHER OR A PUTATIVE FATHER  
21 MAY EXECUTE A CONSENT OR DENIAL OF PATERNITY AT ANY TIME AFTER  
22 RECEIVING NOTICE OF THE EXPECTED OR ACTUAL BIRTH OF THE CHILD.  
23 ANY CONSENT GIVEN OUTSIDE THIS COMMONWEALTH SHALL BE VALID FOR  
24 PURPOSES OF THIS SECTION IF IT WAS GIVEN IN ACCORDANCE WITH THE  
25 LAWS OF THE JURISDICTION WHERE IT WAS EXECUTED. A CONSENT TO AN  
26 ADOPTION MAY ONLY BE REVOKED AS SET FORTH IN THIS SUBSECTION.  
27 THE REVOCATION OF A CONSENT SHALL BE IN WRITING AND SHALL BE  
28 SERVED UPON THE AGENCY OR ADULT TO WHOM THE CHILD WAS  
29 RELINQUISHED. THE FOLLOWING APPLY:

30 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3):

1 (I) FOR A CONSENT TO AN ADOPTION EXECUTED BY A BIRTH  
2 FATHER OR A PUTATIVE FATHER, THE CONSENT IS IRREVOCABLE  
3 MORE THAN [30 DAYS] 14 DAYS AFTER THE BIRTH OF THE CHILD  
4 OR THE EXECUTION OF THE CONSENT, WHICHEVER OCCURS LATER.

5 (II) FOR A CONSENT TO AN ADOPTION EXECUTED BY A  
6 BIRTH MOTHER, THE CONSENT IS IRREVOCABLE MORE THAN [30  
7 DAYS] 14 DAYS AFTER THE EXECUTION OF THE CONSENT.

8 (2) AN INDIVIDUAL MAY NOT WAIVE THE REVOCATION PERIOD  
9 UNDER PARAGRAPH (1).

10 (3) NOTWITHSTANDING PARAGRAPH (1), THE FOLLOWING APPLY:

11 (I) AN INDIVIDUAL WHO EXECUTED A CONSENT TO AN  
12 ADOPTION MAY CHALLENGE THE VALIDITY OF THE CONSENT ONLY  
13 BY FILING A PETITION ALLEGING FRAUD OR DURESS [WITHIN THE  
14 EARLIER OF THE FOLLOWING TIME FRAMES:

15 (A) SIXTY DAYS AFTER THE BIRTH OF THE CHILD OR  
16 THE EXECUTION OF THE CONSENT, WHICHEVER OCCURS LATER.

17 (B) THIRTY DAYS AFTER THE ENTRY OF THE ADOPTION  
18 DECREE.] WITHIN 30 DAYS AFTER THE BIRTH OF THE CHILD  
19 OR THE EXECUTION OF THE CONSENT, WHICHEVER OCCURS  
20 LATER, AND PRIOR TO THE TERMINATION OF PARENTAL  
21 RIGHTS.

22 (II) A CONSENT TO AN ADOPTION MAY BE INVALIDATED  
23 ONLY IF THE ALLEGED FRAUD OR DURESS UNDER SUBPARAGRAPH  
24 (I) IS PROVEN BY:

25 (A) A PREPONDERANCE OF THE EVIDENCE IN THE CASE  
26 OF CONSENT BY A PERSON 21 YEARS OF AGE OR YOUNGER; OR

27 (B) CLEAR AND CONVINCING EVIDENCE IN ALL OTHER  
28 CASES.

29 (4) ONCE THE INDIVIDUAL'S PARENTAL RIGHTS ARE TERMINATED  
30 AND THE INDIVIDUAL HAS EXECUTED A CONSENT TO AN ADOPTION, THE

1 INDIVIDUAL HAS NO FURTHER STANDING TO CONTEST THE ADOPTION OR  
2 TO REVOKE THE INDIVIDUAL'S CONSENT.

3 (D) CONTENTS OF CONSENT.--

4 (1) THE CONSENT OF A PARENT OF AN ADOPTEE UNDER 18 YEARS  
5 OF AGE SHALL SET FORTH THE NAME, AGE AND MARITAL STATUS OF  
6 THE PARENT, THE RELATIONSHIP OF THE CONSENTER TO THE CHILD,  
7 THE NAME OF THE OTHER PARENT OR PARENTS OF THE CHILD AND THE  
8 FOLLOWING:

9 I HEREBY VOLUNTARILY AND UNCONDITIONALLY CONSENT TO  
10 THE ADOPTION OF THE ABOVE NAMED CHILD.

11 I UNDERSTAND THAT BY SIGNING THIS CONSENT I INDICATE  
12 MY INTENT TO PERMANENTLY GIVE UP ALL RIGHTS TO THIS  
13 CHILD.

14 I UNDERSTAND SUCH CHILD WILL BE PLACED FOR ADOPTION.

15 I UNDERSTAND I MAY REVOKE THIS CONSENT TO PERMANENTLY  
16 GIVE UP ALL RIGHTS TO THIS CHILD BY PLACING THE  
17 REVOCATION IN WRITING AND SERVING IT UPON THE AGENCY OR  
18 ADULT TO WHOM THE CHILD WAS RELINQUISHED.

19 IF I AM THE BIRTH FATHER OR PUTATIVE FATHER OF THE  
20 CHILD, I UNDERSTAND THAT THIS CONSENT TO AN ADOPTION IS  
21 IRREVOCABLE UNLESS I REVOKE IT WITHIN [30 DAYS] 14 DAYS  
22 AFTER EITHER THE BIRTH OF THE CHILD OR MY EXECUTION OF  
23 THE CONSENT, WHICHEVER OCCURS LATER, BY DELIVERING A  
24 WRITTEN REVOCATION TO (INSERT THE NAME AND ADDRESS OF THE  
25 AGENCY COORDINATING THE ADOPTION) OR (INSERT THE NAME AND  
26 ADDRESS OF AN ATTORNEY WHO REPRESENTS THE INDIVIDUAL  
27 RELINQUISHING PARENTAL RIGHTS OR PROSPECTIVE ADOPTIVE  
28 PARENT OF THE CHILD) OR (INSERT THE COURT OF THE COUNTY  
29 IN WHICH THE VOLUNTARY RELINQUISHMENT FORM WAS OR WILL BE  
30 FILED) .

1 IF I AM THE BIRTH MOTHER OF THE CHILD, I UNDERSTAND  
2 THAT THIS CONSENT TO AN ADOPTION IS IRREVOCABLE UNLESS I  
3 REVOKE IT WITHIN [30 DAYS] 14 DAYS AFTER EXECUTING IT BY  
4 DELIVERING A WRITTEN REVOCATION TO (INSERT THE NAME AND  
5 ADDRESS OF THE AGENCY COORDINATING THE ADOPTION) OR  
6 (INSERT THE NAME AND ADDRESS OF AN ATTORNEY WHO  
7 REPRESENTS THE INDIVIDUAL RELINQUISHING PARENTAL RIGHTS  
8 OR PROSPECTIVE ADOPTIVE PARENT OF THE CHILD) OR (INSERT  
9 THE COURT OF THE COUNTY IN WHICH THE VOLUNTARY  
10 RELINQUISHMENT FORM WAS OR WILL BE FILED).

11 I HAVE READ AND UNDERSTAND THE ABOVE AND I AM SIGNING  
12 IT AS A FREE AND VOLUNTARY ACT.

13 (2) The consent shall include the date and place of its  
14 execution and names and addresses and signatures of at least  
15 two persons who witnessed its execution and their  
16 relationship to the consenter. The consent of an incarcerated  
17 parent of an adoptee may be witnessed by a correctional  
18 facility employee.

19 § 2721. NOTICE OF HEARING. <--

20 THE COURT SHALL FIX A TIME AND PLACE FOR HEARING. NOTICE OF  
21 THE HEARING SHALL BE GIVEN TO ALL PERSONS WHOSE CONSENTS ARE  
22 REQUIRED AND TO SUCH OTHER PERSONS AS THE COURT SHALL DIRECT.  
23 NOTICE TO THE PARENT OR PARENTS OF THE ADOPTEE[, IF REQUIRED,  
24 MAY BE GIVEN BY THE INTERMEDIARY OR SOMEONE ACTING ON HIS  
25 BEHALF.] IS NOT REQUIRED IF THE PARENTS HAVE CONSENTED TO THE  
26 ADOPTION AND PARENTAL RIGHTS HAVE BEEN TERMINATED. NOTICE SHALL  
27 BE BY PERSONAL SERVICE OR BY REGISTERED MAIL TO THE LAST KNOWN  
28 ADDRESS OF THE PERSON TO BE NOTIFIED OR IN SUCH OTHER MANNER AS  
29 THE COURT SHALL DIRECT.

30 Section 2. This act shall take effect ~~in 60 days.~~ AS <--

1 FOLLOWS:

2 (1) THE AMENDMENT OF 23 PA.C.S. §§ 2531(B)(6), 2711(C)  
3 AND (D)(1) AND 2721 SHALL TAKE EFFECT IN ONE YEAR.

4 (2) THE AMENDMENT OF 23 PA.C.S. § 2711(D)(2) SHALL TAKE  
5 EFFECT IN 60 DAYS.

6 (3) This section shall take effect immediately.