



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 56

PRINTERS NO. 189

PRIME SPONSOR: Watson

COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund	\$0	\$0

SUMMARY: House Bill 56, Printer's Number 189, amends Title 23 (Domestic Relations) by repealing Section 2505 (Counseling) and replacing it with Section 2506, entitled Adoption-related counseling services. This legislation is effective in 60 days.

ANALYSIS: This bill provides access to adoption-related counseling services to birth parents who are considering relinquishing their parental rights and placing their child for adoption, or who have relinquished parental rights and have consented to placing their child for adoption. Under current law, birth parents may only apply for counseling after executing a consent to adoption. With this legislation, birth parents may apply for counseling services prior to executing a consent to adoption.

HB 56 stipulates the purpose of the counseling is to provide birth parents with assistance in understanding the adoption process, the birth parents' rights and obligations, the consequences of a decision to relinquish parental rights, and alternatives to relinquishment and adoption.

The bill also articulates the right of a birth parent, presumptive father, putative father, or an agency or attorney acting on behalf of them, to apply for counseling services if they are considering relinquishing parental rights or placing a child for adoption, or if they have relinquished parental rights and have consented to placing their child for adoption.

HB 56 maintains the requirement for the court to compile a list of qualified counselors and counseling service providers available in the county and surrounding area, and distribute this list to each adoption agency within the county, each health care provider of obstetrical or maternity care within the county, and any person upon request.

The Department of Human Services (DHS) must provide notice of the availability of this list to any person filing either an acknowledgment of paternity or a claim of paternity.

If a birth parent, presumptive father or putative father decides to receive counseling, that individual must contact the court for a referral authorizing counseling. The court shall provide

the individual with a referral within three days of receiving the request and advise the individual of the procedures to obtain counseling services.

HB 56 also maintains the requirement for counties to establish a counseling fund to pay for counseling services provided to individuals who are unable to pay for those services. This segregated fund shall be funded by a \$75 filing fee that accompanies each report of intention to adopt that is filed. The court may reduce or waive the filing fee in cases of demonstrated financial hardship and no filing fee is required for the adoption of a special-needs child who would be eligible for adoption assistance pursuant to DHS regulations.

FISCAL IMPACT: Enactment of this legislation will have no fiscal impact on Commonwealth funds. The requirement for DHS to provide notice of the list of qualified counselors and counseling service providers to any person filing either an acknowledgment of paternity or a claim of paternity should be accomplished within existing administrative funding.

PREPARED BY: Ann Bertolino
House Appropriations Committee (R)

DATE: March 13, 2017

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.