

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 120

PRINTER NO. 86

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 28, 2019

PRIME SPONSOR

Senator DiSanto

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 120 amends the Adoption Act under Part III of Title 23 (Domestic Relations) to expedite the procedures for the relinquishment or termination of parental rights in the course of the legal process to adopt a child in Pennsylvania.

The bill defines:

- “denial of paternity” as the written statement of a putative father declaring all of the following: the individual is not the father of the child, the individual does not acknowledge paternity of the child and a court has not determined that the individual is the father of the child;
- “household” as a group of people who reside together in the same housing unit; and
- “putative father” as an alleged birth father of a child conceived or born out of wedlock whose parental status has not been legally established.

The bill requires the court to set a hearing date no more than 30 days after the birth parent(s) file a petition voluntarily relinquishing their parental rights pursuant to sections 2501 (relating to relinquishment to agency) and 2502 (relating to relinquishment to adult intending to adopt child), unless the birth parent(s) request a later date, in which case the hearing shall be scheduled no later than 40 days after the filing of the petition.

The bill requires the birth parent, putative father and the parent or guardian of a petitioner who has not reached the age of 18 to be provided notice of the hearing. The notice shall state that parental rights may be terminated if any of the following apply:

- The birth parent or putative father fails to file a written objection; and
- The birth parent or putative father fails to appear at the hearing for the purpose of objecting to the termination.

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

If the putative father is provided notice of the hearing, the court may terminate his parental rights whether or not he filed a claim of paternity if he fails to either file a written objection to termination or to appear at the hearing.

Senate Bill 120 expands the list of convictions for which the rights of a parent may be terminated to include the offenses of rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, or a felony or misdemeanor conviction of indecent assault.

The bill provides that the court shall determine whether a diligent search has been made to identify a birth parent or putative father for purposes of providing notice in a proceeding. The legislation specifies six criteria to determine whether a diligent search has been attempted and stipulates that search inquiries which are not answered within 45 days shall be considered answered as having no record, unless the court determines otherwise. If the court determines that an unsuccessful diligent search has been made, notice of the proceeding may be made by publication.

The bill clarifies that consent to adoption is not valid if executed prior to or within 72 hours after the birth of the child, except that the birth father or putative father may execute a consent or a denial of paternity at any time after receiving notice of the expected or actual birth of the child. If the consent is executed prior to the birth, the child shall be named "Baby (mother's last name)."

The bill provides that a birth parent or putative father who has consented to an adoption may waive notice to all legal proceedings concerning the child. The bill retains the existing requirement that the birth mother, father or putative father who has executed a waiver of further notice shall be provided with the advisement, required by section 2504 (d) of their continuing right to file personal and medical history pursuant to Subchapter B of Chapter 29 (relating to records and access to information).

The bill repeals section 2712 which eliminates the requirement for a consent to adoption to contain a statement noting that the consent has been voluntarily executed without the disclosure of the names of the adopting parents.

This act shall take effect in 60 days.

FISCAL IMPACT:

Senate Bill 120 will have no fiscal impact. This legislation could result in fewer appeals by biological parents challenging the validity of consents, which would decrease the possibility to disrupt adoptions and necessitate children being placed back in foster care.