
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 594 Session of
2011

INTRODUCED BY BISHOP, JOHNSON, WHEATLEY, VULAKOVICH, BROWNLEE,
V. BROWN, BOBACK, CALTAGIRONE, MURT AND CRUZ,
FEBRUARY 10, 2011

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 10, 2011

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, extensively revising provisions on
3 adoption; and making repeals.

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

6 Section 1. The definitions of "agency," "intermediary,"
7 "medical history information" and "parent" in section 2102 of
8 Title 23 of the Pennsylvania Consolidated Statutes are amended
9 and the section is amended by adding definitions to read:

10 § 2102. Definitions.

11 The following words and phrases when used in this part shall
12 have, unless the context clearly indicates otherwise, the
13 meanings given to them in this section:

14 * * *

15 "Adoption-related counseling services." Services offered by
16 an agency approved by the Department of Public Welfare, which,
17 at a minimum, provide a birth parent with assistance in
18 understanding the adoption process, the birth parents' rights

1 and obligations, the consequences of a decision to relinquish
2 parental rights or to consent to an adoption and the
3 alternatives to a relinquishment, consent or adoption.

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

5 "Agency." [Any incorporated or unincorporated] An agency
6 operated by a public or private organization, corporation,
7 society, institution or [other] entity, [public or voluntary,]
8 which [may receive or provide for the care of children,
9 supervised by the Department of Public Welfare and providing]
10 provides adoption services in accordance with standards
11 established by the [department.] Department of Public Welfare.
12 The term includes a county agency.

13 "Birth sibling." A biological sibling or the half sibling of
14 the adoptee.

15 "Child." An individual under 18 years of age.

16 * * *

17 "County agency." The county children and youth social
18 service agency established under section 405 of the act of June
19 24, 1937 (P.L.2017, No.396), known as the County Institution
20 District Law, or its successor, and supervised by the Department
21 of Public Welfare under Article IX of the act of June 13, 1967
22 (P.L.31, No.21), known as the Public Welfare Code.

23 * * *

24 "Department." The Department of Public Welfare of the
25 Commonwealth.

26 "Family profile." An agency's formal assessment of the
27 capacity and readiness of a prospective adoptive parent to adopt
28 a child, conducted in accordance with the provisions of this
29 part.

30 "Intermediary." Any person [or persons] or agency acting

1 between the [parent or] parents and the proposed adoptive
2 [parent or] parents in arranging an adoption placement.

3 "Medical history information." Medical records and other
4 information concerning an adoptee or an adoptee's [natural]
5 birth family [which] that is relevant to the [adoptee's] present
6 or future health care or medical treatment of the adoptee or the
7 adoptee's birth family. The term includes, but is not limited
8 to:

9 (1) [otherwise] Otherwise confidential or privileged
10 information [provided that identifying contents have been
11 removed pursuant to section 2909 (relating to medical history
12 information); and

13 (2) information], if identifying information has been
14 removed under section 2925 (relating to providing information
15 from registry).

16 (2) Information about the [natural] birth parents [which
17 may be relevant to] of a child that may concern a potential
18 hereditary or congenital medical problem.

19 * * *

20 "Parent." [Includes adoptive parent.] The birth parent or
21 adoptive parent of the adoptee.

22 "Presumptive father." The husband of the birth mother, or an
23 individual who was her husband at any time within one year of
24 the birth of the child, who is not necessarily the birth father
25 of the child.

26 "Putative father." An alleged birth father of a child
27 conceived or born out of wedlock.

28 "Stepparent." The husband or wife of a parent who is not the
29 birth or adoptive parent of the child.

30 Section 2. Sections 2302(1), 2313 and 2501(a) of Title 23

1 are amended to read:

2 § 2302. Venue.

3 Proceedings for voluntary relinquishment, involuntary
4 termination and adoption may be brought in the court of the
5 county:

6 (1) Where the parent [or parents or], the adoptee or the
7 person [or persons] who [have] has filed a report of
8 intention to adopt required by section 2531 (relating to
9 report of intention to adopt) [reside] resides.

10 * * *

11 § 2313. Representation.

12 (a) Child.--The court shall appoint [counsel] a guardian ad
13 litem who is an attorney-at-law to represent the legal and best
14 interests of the child in an involuntary termination proceeding
15 when the proceeding is being contested by one or both of the
16 parents. The court may appoint [counsel or] a guardian ad litem
17 who is an attorney-at-law to represent any child who has not
18 reached the age of 18 years and is subject to any other
19 proceeding under this part whenever it is in the best interests
20 of the child. No attorney or law firm shall represent both the
21 child and the adopting parent [or parents].

22 (a.1) Parent.--

23 (1) The court shall appoint counsel for a parent whose
24 rights are subject to termination in an involuntary
25 termination proceeding if, upon petition of the parent, the
26 court determines that the parent is unable to pay for counsel
27 or if payment would result in substantial financial hardship.

28 (2) The court shall appoint counsel for a parent who is
29 under 18 years of age and whose consent is required under
30 section 2711 (relating to consents necessary to adoption) if

1 the court determines that the parent is unable to pay for
2 counsel or if payment would result in substantial financial
3 hardship.

4 (b) Payment of costs.--[The] For counsel appointed under
5 subsection (a.1), the county of residence of the parent for whom
6 counsel is appointed shall be responsible for the payment of
7 attorney costs. Except as set forth in subsection (c)(2), the
8 court[, in its discretion,] may order [all or part] that the
9 adopting parent pay up to 50% of the costs [attendant to a
10 proceeding under this part to be paid by the county wherein the
11 case is heard, the adopting parents or apportioned to both,
12 provided that if the adopting parents shall be ordered to bear
13 all or a portion of the costs of this part that:

14 (1) the court may direct] of the appointment of a
15 guardian ad litem, commensurate with the ability to pay
16 without causing financial hardship and that the payment [of
17 the fees or a portion thereof may be paid by] be made
18 according to a court ordered schedule [of payments extending
19 beyond the date of the involuntary termination hearing; and

20 (2) the fee shall not exceed \$150]. The remaining costs
21 for a guardian ad litem shall be paid by the county where the
22 action is heard.

23 (c) Exceptions.--

24 (1) An adopting parent shall not be responsible for
25 costs related to court-appointed counsel under subsection
26 (a.1).

27 (2) An adopting parent who is adopting a special needs
28 child eligible for adoption assistance under regulations of
29 the department shall not be responsible for payment of costs
30 under subsection (b).

1 § 2501. Relinquishment to agency.

2 (a) Petition.--When any child under the age of 18 years has
3 been in the care of an agency for a minimum period of three days
4 or, whether or not the agency has the physical care of the
5 child, the agency has received a written notice of the present
6 intent to transfer to it custody of the child, executed by the
7 birth parent, the birth parent [or parents] of the child may
8 petition the court for permission to relinquish forever all
9 parental rights and duties with respect to their child. The
10 petition must include an acknowledgment in writing by the birth
11 parent of all of the following:

12 (1) Adoption-related counseling services have been
13 offered to the birth parent.

14 (2) If the birth parent requested adoption-related
15 counseling services, whether the adoption-related counseling
16 services have been provided.

17 (3) If adoption-related counseling services were
18 provided, the name and address of the agency which provided
19 them.

20 * * *

21 Section 3. Section 2502(a) of Title 23 is amended and the
22 section is amended by adding a subsection to read:

23 § 2502. Relinquishment to adult intending to adopt child.

24 (a) Petition.--When any child under the age of 18 years has
25 been for a minimum period of three days in the exclusive care of
26 an adult or adults who have filed a report of intention to adopt
27 required by section 2531 (relating to report of intention to
28 adopt), the parent [or parents] of the child may petition the
29 court for permission to relinquish forever all parental rights
30 to [their] the child. The petition must include an

1 acknowledgment in writing by the birth parent of all of the
2 following:

3 (1) Adoption-related counseling services have been
4 offered to the birth parent.

5 (2) If the birth parent requested adoption-related
6 counseling services, whether the adoption-related counseling
7 services have been provided.

8 (3) If adoption-related counseling services were
9 provided, the name and address of the agency which provided
10 them.

11 * * *

12 (c) Written authorization.--If a parent or guardian has
13 relinquished a child under this section, the parent or guardian
14 shall furnish to the prospective adoptive parent a signed
15 writing stating that the relinquishment is for the purpose of
16 adoption and authorizes the prospective adoptive parent to
17 provide support and medical and other care for the child until
18 the adoption is finalized.

19 Section 4. Title 23 is amended by adding a section to read:
20 § 2502.1. Agency requirements for abandoned child.

21 (a) Designation of adoptive parent.--Within 30 days after an
22 agency obtains custody of a child found under such circumstances
23 that the identities or whereabouts of the birth parents are
24 unknown, the agency shall make all reasonable efforts to
25 identify and designate a prospective adoptive parent.

26 (b) Diligent search.--The agency shall commence a search for
27 the birth parents of the abandoned child under section 2511(a)
28 (4) (relating to grounds for involuntary termination). The
29 search shall be completed within 75 days after the agency
30 obtains custody of the child.

1 (c) Termination petition.--If the requirements of this
2 section and section 2511(a)(4) are met, the agency shall file a
3 petition for termination of parental rights within 120 days
4 after the date on which the child was found.

5 (d) Hearing.--A hearing on a petition under this section
6 shall be conducted by the court on an expedited basis.

7 (e) Report of intention to adopt.--The agency shall assist
8 the prospective adoptive parent with the filing of the report
9 under section 2531 (relating to report of intention to adopt).

10 Section 5. Section 2503 heading and (b)(3), (c), (d) and (e)
11 of Title 23, amended October 27, 2010 (P.L. , No.101), are
12 amended and the section is amended by adding a subsection to
13 read:

14 § 2503. [Hearing] Voluntary relinquishment hearing.

15 * * *

16 (a.1) Custody of child.--During the pendency of a proceeding
17 under this section, unless the court directs otherwise, custody
18 of the child shall remain with the individual or agency that had
19 custody at the time the petition was filed.

20 (b) Notice.--

21 * * *

22 (3) The [copy of the notice which is given to the]
23 putative father shall [state that his rights may also be
24 subject to termination pursuant to subsection (d) if he fails
25 to file either an acknowledgment of paternity or claim of
26 paternity pursuant to section 5103 (relating to
27 acknowledgment and claim of paternity) and fails to either
28 appear at the hearing for the purpose of objecting to the
29 termination of his rights or file a written objection to such
30 termination with the court prior to the hearing.] receive

1 notice in the form provided in section 2513(b) (relating to
2 hearing). If the identity or whereabouts of the putative
3 father is unknown, notice shall be given under section
4 2514(b) (relating to notice if putative father or his
5 whereabouts unknown). Notice under this paragraph shall state
6 that the putative father's rights may also be terminated
7 under subsection (d) if any of the following apply:

8 (i) He fails to file with the court prior to the
9 hearing a written objection to the termination.

10 (ii) He fails to appear at the hearing for the
11 purpose of objecting to the termination of his rights.

12 (iii) The court determines, after a hearing, that he
13 has failed to:

14 (A) provide substantial financial support for
15 the child; or

16 (B) make substantial and ongoing provision for
17 the child's care.

18 (c) Decree.--

19 (1) After a hearing, which shall be private, the court
20 may enter a decree of termination of parental rights [in the
21 case of their relinquishment to an adult or a decree of
22 termination of parental rights and duties, including the
23 obligation of support, in the case of their relinquishment to
24 an agency].

25 (2) Subject to paragraph (3), a decree of termination of
26 parental rights terminates forever all the subject parent's
27 parental rights and duties with respect to the child,
28 including the obligation of support.

29 (3) A decree of termination of parental rights does not
30 extinguish the duty of a parent to pay arrearages for child

1 support.

2 (d) [Putative father.--] Termination of putative father's
3 parental rights.--If a putative father [will not file a petition
4 to voluntarily relinquish his parental rights pursuant to
5 section 2501 (relating to relinquishment to agency) or 2502
6 (relating to relinquishment to adult intending to adopt child),]
7 has been given notice of the hearing being held pursuant to this
8 section [and], the court may enter a decree terminating his
9 parental rights, whether or not the putative father has filed an
10 acknowledgment of paternity or claim of paternity under section
11 5103 (relating to acknowledgment and claim of paternity), if any
12 of the following paragraphs apply:

13 (1) The putative father fails to [either]:

14 (i) file a written objection to the termination with
15 the court prior to the hearing; or

16 (ii) appear at that hearing for the purpose of
17 objecting to termination of his parental rights [or file
18 a written objection to such termination with the court
19 prior to the hearing and has not filed an acknowledgment
20 of paternity or claim of paternity pursuant to section
21 5103, the court may enter a decree terminating the
22 parental rights of the putative father pursuant to
23 subsection (c)].

24 (2) The court determines, after a hearing, that the
25 putative father has failed to:

26 (i) provide substantial financial support for the
27 child; or

28 (ii) make substantial and ongoing provision for the
29 child's care.

30 (e) Right to file personal and medical history

1 information.--At the time the decree of termination is
2 transmitted to the parent whose rights are terminated, the court
3 shall advise that parent, in writing, of his or her continuing
4 right to place and update personal and medical history
5 information, whether or not the medical condition is in
6 existence or discoverable at the time of adoption, on file with
7 the court, with the Department of Health and with the
8 [Department of Public Welfare] department pursuant to Subchapter
9 B of Chapter 29 (relating to records and access to information).

10 Section 6. Section 2504 of Title 23, amended October 27,
11 2010 (P.L. , No.101), is repealed:

12 [§ 2504. Alternative procedure for relinquishment.

13 (a) Petition to confirm consent to adoption.--If the parent
14 or parents of the child have executed consents to an adoption,
15 upon petition by the intermediary or, where is no intermediary,
16 by the adoptive parent, the court shall hold a hearing for the
17 purpose of confirming a consent to an adoption upon expiration
18 of the time periods under section 2711 (relating to consents
19 necessary to adoption). The original consent or consents to the
20 adoption shall be attached to the petition.

21 (b) Hearing.--Upon presentation of a petition filed pursuant
22 to this section, the court shall fix a time for a hearing which
23 shall not be less than ten days after filing of the petition.

24 Notice of the hearing shall be by personal service or by
25 registered mail or by such other means as the court may require
26 upon the consenter and shall be in the form provided in section
27 2513(b) (relating to hearing). Notice of the hearing shall be
28 given to the other parent or parents, to the putative father
29 whose parental rights could be terminated pursuant to subsection
30 (c) and to the parents or guardian of a consenting parent who

1 has not reached 18 years of age. The notice shall state that the
2 consenting parent's or putative father's rights may be
3 terminated as a result of the hearing. After hearing, which
4 shall be private, the court may enter a decree of termination of
5 parental rights in the case of a relinquishment to an adult or a
6 decree of termination of parental rights and duties, including
7 the obligation of support, in the case of a relinquishment to an
8 agency.

9 (c) Putative father.--If a putative father will not execute
10 a consent to an adoption as required by section 2711, has been
11 given notice of the hearing being held pursuant to this section
12 and fails to either appear at that hearing for the purpose of
13 objecting to termination of his parental rights or file a
14 written objection to such termination with the court prior to
15 the hearing and has not filed an acknowledgment of paternity or
16 claim of paternity pursuant to section 5103 (relating to
17 acknowledgment and claim of paternity), the court may enter a
18 decree terminating the parental rights of the putative father
19 pursuant to subsection (b).

20 (d) Right to file personal and medical history
21 information.--At the time the decree of termination is
22 transmitted to the parent, the court shall also advise, in
23 writing, the parent whose rights have been terminated of his or
24 her continuing right to place and update personal and medical
25 history information, whether or not the medical condition is in
26 existence or discoverable at the time of adoption, on file with
27 the court and with the Department of Public Welfare pursuant to
28 Subchapter B of Chapter 29 (relating to records and access to
29 information).]

30 Section 7. Sections 2504.1 and 2505 of Title 23 are amended

1 to read:

2 § 2504.1. Confidentiality.

3 The court shall take such steps as are reasonably necessary
4 to assure that the identity of the adoptive parent [or parents]
5 is not disclosed without [their] that parent's consent in any
6 proceeding under this subchapter or Subchapter B (relating to
7 involuntary termination). The Supreme Court may prescribe
8 uniform rules under this section relating to such
9 confidentiality.

10 § 2505. [Counseling] Adoption-related counseling services.

11 (a) [List of counselors] Information.--Any hospital or other
12 facility providing maternity care shall provide a list of
13 [available counselors and] agencies approved to provide
14 adoption-related counseling services compiled pursuant to
15 subsection (b) to its maternity patients who are known to be
16 considering relinquishment or termination of parental rights or
17 consent to adoption pursuant to this part[.] and information
18 about the counseling fund and how to access it for patients who
19 are unable to pay for counseling. The patient shall sign an
20 acknowledgment of receipt of such list prior to discharge, a
21 copy of which receipt shall be provided to the patient.

22 (b) Compilation of list.--The [court] department shall
23 compile a list, on a county-by-county basis, of [qualified
24 counselors and] agencies approved by the department to provide
25 adoption-related counseling services [(including all adoption
26 agencies)] which are available to [counsel natural] birth
27 parents [within the county] who are contemplating relinquishment
28 or termination of parental rights or consent to adoption, who
29 have filed a petition to relinquish parental rights or who have
30 executed a consent to an adoption, pursuant to this part. Such

1 list shall be distributed to every court of common pleas,
2 agency, hospital or [other] facility providing maternity care
3 within the county [and]. The department shall [be made] make the
4 list available upon request to any [intermediary or licensed
5 health care professional] person.

6 (c) Court determination and referral.--Prior to entering a
7 decree of termination of parental rights pursuant to section
8 2503 (relating to voluntary relinquishment hearing) or [2504]
9 2711.1 (relating to [alternative procedure for relinquishment),
10 if the parent whose rights are to be terminated is present in
11 court,] termination of parental rights pursuant to consent), the
12 court shall [inquire] determine whether [he or she] the birth
13 parent has [received] been offered adoption-related counseling
14 [concerning the termination and the alternatives thereto from an
15 agency or from a qualified counselor listed by a court pursuant
16 to subsection (b)] services. If the birth parent has not
17 [received such] been offered adoption-related counseling
18 services, the court [may, with the parent's consent, refer]
19 shall provide the birth parent [to an agency or qualified
20 counselor listed by a court] with the list compiled pursuant to
21 subsection (b) [for the purpose of receiving such counseling].
22 In no event shall the court delay the completion of any hearing
23 pursuant to section 2503 or [2504] 2711.1 for more than 15 days
24 in order [to provide] for the birth parent to obtain such
25 counseling.

26 (d) Application for counseling.--[Any parent who has filed]
27 Any of the following may apply to a county agency for referral
28 to an agency listed under subsection (b) for the purpose of
29 receiving adoption-related counseling services paid from funds
30 under subsection (e):

1 (1) A birth parent, or an intermediary acting on behalf
2 of the birth parent, who is contemplating:

3 (i) relinquishment of parental rights; or

4 (ii) execution of a consent to adoption.

5 (2) A birth parent, or an intermediary acting on behalf
6 of the birth parent, who has not been offered adoption-
7 related counseling services and has:

8 (i) filed a petition to relinquish [his or her]
9 parental rights[,]; or [has]

10 (ii) executed a consent to adoption.[, and is in
11 need of counseling concerning the relinquishment or
12 consent, and the alternatives thereto, may apply to the
13 court for referral to an agency or qualified counselor
14 listed by a court pursuant to subsection (b) for the
15 purpose of receiving such counseling. The court, in its
16 discretion, may make such a referral where it is
17 satisfied that this counseling would be of benefit to the
18 parent.]

19 (d.1) County agency.--

20 (1) Within three business days of receiving the
21 application under subsection (d), the county agency must
22 notify the applicant of approval or disapproval of the
23 application. Disapproval must be in writing and include the
24 reason. Failure to comply with this paragraph shall be deemed
25 approval of the application.

26 (2) Upon notification that the applicant is approved,
27 the county agency shall advise the applicant of procedures to
28 obtain adoption-related counseling services.

29 (3) The frequency of adoption-related counseling
30 services shall be determined by the county in accordance with

1 regulations promulgated by the department, which take into
2 account the needs of the parent.

3 (e) [Counseling fund] Funds.--

4 (1) Except as [hereinafter] provided in paragraph (2),
5 each report of intention to adopt filed pursuant to section
6 2531 (relating to report of intention to adopt) shall be
7 accompanied by a filing fee in the amount of \$75 which shall
8 be [paid into a segregated fund established by] transferred
9 to the [county] agency to pay for adoption-related services.
10 The county may also make supplemental appropriations to the
11 fund. All costs of adoption-related counseling services
12 provided pursuant to subsection (c) or (d) to individuals who
13 are unable to pay for such counseling shall be paid from the
14 fund. Costs related to adoption-related counseling services
15 for a birth parent whose child is adjudicated dependent shall
16 be considered a reimbursable expenditure of the county agency
17 as an adoption service, with reimbursement to the county
18 agency by the department of the reasonable costs, under
19 section 704.1(a)(6) of the act of June 13, 1967 (P.L.31,
20 No.21), known as the Public Welfare Code.

21 (2) No filing fee may be exacted under this subsection
22 with respect to the adoption of a special needs child who
23 would be eligible for adoption assistance pursuant to
24 regulations promulgated by the [Department of Public Welfare]
25 department. In addition, the court may reduce or waive the
26 fee in cases of demonstrated financial hardship.

27 (3) On an annual basis, the county agency shall report
28 to the department all of the following:

29 (i) The amount of money made available to the county
30 agency through filing fees established in paragraph (1)

1 and other sources of funding for adoption-related
2 counseling services.

3 (ii) The number of requests to the county agency for
4 referral to adoption-related counseling services.

5 (iii) The amount paid by the county agency for
6 adoption-related counseling services.

7 (iv) The estimated per-parent cost of adoption-
8 related counseling services.

9 Section 8. Section 2511(a)(2), (3), (4), (6) and (7), (b)
10 and (c) of Title 23, amended October 27, 2010 (P.L. , No.101),
11 are amended and subsection (a) is amended by adding paragraphs
12 to read:

13 § 2511. Grounds for involuntary termination.

14 (a) General rule.--The rights of a parent in regard to a
15 child may be terminated after a petition filed on any of the
16 following grounds:

17 * * *

18 (2) The repeated and continued incapacity, abuse,
19 neglect or refusal of the parent has caused the child to be
20 without essential parental care, control or subsistence
21 necessary for his physical or mental well-being and the
22 conditions and causes of the incapacity, abuse, neglect or
23 refusal cannot or will not be remedied by the parent within a
24 reasonable period of time.

25 (3) The parent is the presumptive but not the [natural]
26 birth father of the child.

27 (4) The child was abandoned and is in the custody of an
28 agency, [having been found under such circumstances that] the
29 identity or whereabouts of the parent is unknown and cannot
30 be ascertained by diligent search and the parent does not

1 claim the child within three months after the child is found.

2 * * *

3 (6) In the case of a newborn child, the parent knows or
4 has reason to know of the child's birth, does not reside with
5 the child, [has not married the child's other parent,] has
6 failed for a period of four months immediately preceding the
7 filing of the petition to make reasonable efforts to maintain
8 substantial and continuing contact with the child and has
9 failed during the same four-month period to provide
10 substantial financial support for the child.

11 (7) The parent is the [father of a child conceived as a
12 result] perpetrator of a rape or sexual assault or of incest,
13 which resulted in the conception of the child.

14 * * *

15 (10) The identity or whereabouts of the putative father
16 of the child is unknown and notice has been provided under
17 section 2514 (relating to notice if putative father or his
18 whereabouts unknown).

19 (11) The parent has engaged in repeated and continued
20 abuse or neglect of the child, the child's sibling or another
21 child residing in the child's household.

22 (12) The child, the child's sibling or another child
23 residing in the child's household has been the victim of any
24 of the following by the parent whose rights are to be
25 involuntarily terminated:

26 (i) Serious bodily injury, as defined in section
27 6303(a) (relating to definitions).

28 (ii) An offense under 18 Pa.C.S. Ch. 25 (relating to
29 criminal homicide).

30 (iii) Indecent contact, as defined in 18 Pa.C.S. §

1 3101 (relating to definitions).

2 (iv) An offense under any of the following
3 provisions of 18 Pa.C.S. (relating to crimes and
4 offenses):

5 Section 3121(a) (relating to rape).

6 Section 3122.1 (relating to statutory sexual
7 assault).

8 Section 3123 (relating to involuntary deviate
9 sexual intercourse).

10 Section 3124.1 (relating to sexual assault).

11 Section 3125 (relating to aggravated indecent
12 assault).

13 Section 3126 (relating to indecent assault).

14 Section 4302 (relating to incest).

15 Section 6312 (relating to sexual abuse of
16 children).

17 Section 6320 (relating to sexual exploitation of
18 children).

19 (v) An offense in another jurisdiction similar to an
20 offense listed in this paragraph.

21 (b) Other considerations.--The court in terminating the
22 rights of a parent shall give primary consideration to the
23 developmental, physical and emotional needs and welfare of the
24 child. The rights of a parent shall not be terminated solely on
25 the basis of environmental factors such as inadequate housing,
26 furnishings, income, clothing and medical care if found to be
27 beyond the control of the parent. With respect to any petition
28 filed pursuant to subsection (a) [(1), (6) or (8)], the court
29 shall not consider any efforts by the parent to remedy the
30 conditions described therein which are first initiated

1 subsequent to the giving of notice of the filing of the
2 petition.

3 (c) Right to file personal and medical history
4 information.--At the time the decree of termination is
5 transmitted to the parent whose rights have been terminated, the
6 court shall advise the parent, in writing, of his or her
7 continuing right to place and update personal and medical
8 history information, whether or not the medical condition is in
9 existence or discoverable at the time of adoption, on file with
10 the court, the Department of Health and [with] the [Department
11 of Public Welfare] department pursuant to Subchapter B of
12 Chapter 29 (relating to records and access to information).

13 Section 9. Section 2512(c) of Title 23 is amended to read:
14 § 2512. Petition for involuntary termination.

15 * * *

16 [(c) Father not identified.--If the petition does not
17 identify the father of the child, it shall state whether a claim
18 of paternity has been filed under section 8303 (relating to
19 claim of paternity).]

20 Section 10. Section 2513(b), (c) and (d) of Title 23 are
21 amended and the section is amended by adding a subsection to
22 read:

23 § 2513. Hearing.

24 * * *

25 (a.1) Custody of child.--During the pendency of a proceeding
26 under this section, unless the court directs otherwise, custody
27 of the child shall remain with the individual or agency that had
28 custody at the time the petition was filed.

29 (b) Notice.--At least ten days' notice shall be given to the
30 parent [or parents], putative father, or parent of a minor

1 parent whose rights are to be terminated, by personal service or
2 by registered mail to his or their last known address or by such
3 other means as the court may require. A copy of the notice shall
4 be given in the same manner to the other parent, putative father
5 or parent or guardian of a minor parent whose rights are to be
6 terminated. A putative father shall include one who has filed a
7 claim of paternity as provided in section 5103 (relating to
8 acknowledgment and claim of paternity) prior to the institution
9 of proceedings. The notice shall state the following:

10 ["]A petition has been filed asking the court to put an
11 end to all rights you have to your child (insert name of
12 child). The court has set a hearing to consider ending your
13 rights to your child. That hearing will be held in (insert
14 place, giving reference to exact room and building number or
15 designation) on (insert date) at (insert time). You are
16 warned that even if you fail to appear at the scheduled
17 hearing, the hearing will go on without you and your rights
18 to your child may be ended by the court without [your] you
19 being present. You have a right to be represented at the
20 hearing by a lawyer. You should take this paper to your
21 lawyer at once. If you do not have a lawyer or cannot afford
22 one, go to or telephone the office set forth below to find
23 out where you can get legal help.

24 (Name).....
25 (Address).....
26
27 (Telephone number).....["]

28 (c) Mother competent witness on paternity issue.--The
29 [natural] birth mother shall be a competent witness as to
30 whether the presumptive or putative father is the [natural]

1 birth father of the child.

2 (d) Decree.--

3 (1) After hearing, which may be private, the court shall
4 make a finding relative to the pertinent provisions of
5 section 2511 (relating to grounds for involuntary
6 termination) [and upon such]. Upon a finding by clear and
7 convincing evidence of a ground under section 2511, the court
8 may enter a decree of termination of parental rights.

9 (2) Subject to paragraph (3), a decree of termination of
10 parental rights terminates forever all the subject parent's
11 parental rights and duties with respect to the child,
12 including the obligation of support.

13 (3) A decree of termination of parental rights does not
14 extinguish the duty of a parent to pay arrearages for child
15 support.

16 Section 11. Title 23 is amended by adding a section to read:
17 § 2514. Notice if putative father or his whereabouts unknown.

18 (a) Reasonable efforts.--

19 (1) A petitioner under sections 2501 (relating to
20 relinquishment to agency), 2502 (relating to relinquishment
21 to adult intending to adopt child), 2512 (relating to
22 petition for involuntary termination) and 2711.1 (relating to
23 termination of parental rights pursuant to consent) must
24 establish that reasonable efforts were made to identify or
25 locate a putative father for the purpose of providing notice
26 in a proceeding under this part.

27 (2) In determining whether the petitioner's efforts to
28 provide notice were sufficient under this part, the court
29 shall consider all of the following:

30 (i) The extent to which inquiries were made as to

1 whether:

2 (A) The birth mother was married or cohabitating
3 with a man at the probable time of conception of the
4 child.

5 (B) The birth mother has received payments or
6 promises of support, other than from a governmental
7 agency, with respect to the child or because of her
8 pregnancy.

9 (C) The birth mother has named any individual as
10 the father on the birth certificate of the child or
11 in connection with applying for or receiving public
12 assistance.

13 (D) An individual has formally or informally
14 acknowledged or claimed paternity of the child in a
15 jurisdiction in which the birth mother resided during
16 or since her pregnancy or in which the child has
17 resided or resides at the time of the inquiry.

18 (ii) Documentation that notice has been sent
19 unsuccessfully to the identified putative father at his
20 last known address.

21 (iii) Documentation that inquiry regarding the last
22 known address or residence of the putative father was
23 made to the following entities if applicable:

24 (A) Local post office.

25 (B) State agency with jurisdiction over drivers'
26 licenses.

27 (C) State agency with jurisdiction over public
28 assistance.

29 (D) State or local voter registration agency.

30 (E) State and local probation and parole

1 offices.

2 (b) Notice by publication.--If the petitioner can establish
3 that reasonable but unsuccessful efforts were made to identify
4 or locate a putative father, notice of the proceeding may be
5 given to the putative father by publication one time in both a
6 newspaper of general circulation and in the county legal journal
7 at least ten days before the date of the hearing. Proof of
8 publication of the notice provided under this subsection must be
9 submitted to the court.

10 (c) Affidavit of service.--At the hearing on a petition to
11 terminate the parental rights of a putative father whose
12 identity or whereabouts are unknown, the petitioner must submit
13 to the court an affidavit of the reasonable efforts made to
14 identify or locate a putative father for the purpose of
15 providing notice of the proceedings.

16 (d) Determination by the court.--A specific finding must be
17 made by the court that reasonable efforts were made by the
18 petitioner under subsection (a) (1), including publication of
19 notice required under subsection (b), and that the putative
20 father is unknown or cannot be located for the purpose of
21 providing notice.

22 Section 12. Sections 2530 and 2531(b) of Title 23 are
23 amended to read:

24 § 2530. [Home study and preplacement report] Family profile.

25 (a) General rule.--No [intermediary shall place a] child may
26 be placed in the physical care or custody of a prospective
27 adoptive parent [or parents] unless a [home study] family
28 profile containing a favorable recommendation for placement of a
29 child with the prospective parent [or parents] has been
30 completed within three years prior thereto and which has been

1 supplemented within one year prior thereto. The [home study]
2 family profile shall be conducted by a [local public child-care
3 agency,] county agency or an adoption agency [or a licensed
4 social worker designated by the court to perform such study].
5 The family profile is not required if a parent or guardian
6 places a child directly with a relative of the child, as
7 identified in section 2531(c) (relating to report of intention
8 to adopt) for purposes of adoption.

9 (b) [Preplacement report.--A preplacement report shall be
10 prepared by the agency or person conducting the home study.]

11 Contents.--

12 (1) The [preplacement report] family profile shall set
13 forth all pertinent information relating to the parental
14 fitness of the adopting [parents as parents] parent.

15 (2) The [preplacement report] family profile shall be
16 based upon a study which shall include an investigation of
17 the home environment, family life, parenting skills, age,
18 physical and mental health, social, cultural and religious
19 background, facilities and resources of the adoptive
20 [parents] parent and [their] that parent's ability to manage
21 [their] resources. The [preplacement report] family profile
22 shall also include the information required by section
23 6344(b) (relating to information relating to prospective
24 child-care personnel), as well as a report of Federal
25 criminal history record information.

26 (3) The [preplacement report] family profile shall
27 include a determination regarding the parental fitness of the
28 adopting [parents as parents] parent.

29 (4) The [preplacement report] family profile shall be
30 dated and verified.

1 (5) The family profile shall be based on a personal
2 interview with the petitioner in the petitioner's residence.

3 (c) Interim placement.--Where a [home study] family profile
4 required under this section is in process, but not yet
5 completed, [an intermediary may place] a child may be placed in
6 the physical care or custody of a prospective adoptive parent
7 [or parents] if all of the following conditions are met:

8 (1) The [intermediary] agency preparing the family
9 profile has no reason to believe that the prospective
10 adoptive parent [or parents] would not receive a favorable
11 recommendation for placement as a result of the [home study]
12 family profile.

13 (2) The [individual or] agency [conducting] preparing
14 the [home study] family profile assents to the interim
15 placement.

16 (3) The [intermediary] agency immediately notifies the
17 court of the interim placement and [the identity of the
18 individual or agency conducting the home study] that it is
19 preparing the family profile. If at any time prior to the
20 completion of the [home study] family profile, the court is
21 notified by the [individual or] agency [conducting] preparing
22 the [home study] family profile that it withdraws its assent
23 to the interim placement, the court may order the placement
24 of the child in temporary foster care with an agency until a
25 favorable recommendation for placement is received.

26 § 2531. Report of intention to adopt.

27 * * *

28 (b) Contents.--The report shall set forth:

29 (1) The circumstances surrounding the persons receiving
30 or retaining custody or physical care of the child, including

1 the date upon which a [preplacement investigation] family
2 profile was concluded.

3 (2) The name, sex, racial background, age, date and
4 place of birth and religious affiliation of the child.

5 (3) The name and address of the intermediary.

6 (4) An itemized accounting of moneys and consideration
7 paid or to be paid to the intermediary.

8 (5) Whether the parent [or parents] whose parental
9 rights are to be terminated [have received] has received
10 adoption-related counseling with respect to the termination
11 and the alternatives thereto. If so, the report shall state
12 the dates on which the counseling was provided and the name
13 and address of the [counselor or] agency which provided the
14 counseling.

15 (6) The name, address and signature of the person or
16 persons making the report. Immediately above the signature of
17 the person or persons intending to adopt the child shall
18 appear the following statement:

19 I acknowledge that I have been advised or know and
20 understand that the birth father or putative father may
21 revoke the consent to the adoption of this child within
22 30 days after the later of the birth of the child or the
23 date he has executed the consent to an adoption and that
24 the birth mother may revoke the consent to an adoption of
25 this child within 30 days after the date she has executed
26 the consent.

27 (7) A copy of the [preplacement report prepared pursuant
28 to section 2530 (relating to home study and preplacement
29 report).] family profile. The copy of the family profile must
30 be provided to the court within 30 days of filing the report.

- 1 (8) Either:
2 (i) a copy of the medical and personal history of
3 the birth parents; or
4 (ii) the reason that the copy under subparagraph (i)
5 has not been obtained.

6 When a person receives or retains custody or physical care of a
7 child from an agency, the report shall set forth only the name
8 and address of the agency, the circumstances surrounding such
9 person receiving or retaining custody or physical care of the
10 child and a copy of the [preplacement report] family profile
11 prepared pursuant to section 2530 (relating to family profile).

12 * * *

13 Section 13. Title 23 is amended by adding a section to read:

14 § 2531.1. Criminal and child abuse background checks for
15 stepparent or relative adoptions.

16 The criminal and child abuse history record information
17 required under section 2530(b)(2) (relating to family profile)
18 must be obtained for any prospective adoptive parent who is a
19 stepparent or other relative of the adoptee. This information
20 must be attached to the petition for adoption.

21 Section 14. Section 2533(a), (b)(3) and (12) and (d)
22 introductory paragraph, (1) and (3) of Title 23 are amended and
23 subsections (b) and (d) are amended by adding paragraphs to
24 read:

25 § 2533. Report of intermediary.

26 (a) General rule.--Within six months after filing the report
27 of intention to adopt, the intermediary who or which arranged
28 the adoption placement of any child under the age of 18 years
29 shall make a written report under oath to the court in which the
30 petition for adoption will be filed and shall thereupon

1 forthwith notify in writing the adopting parent [or parents] of
2 the fact that the report has been filed and the date thereof.

3 (b) Contents.--The report shall set forth:

4 * * *

5 (3) The date of the placement of the child with the
6 adopting parent [or parents].

7 * * *

8 (12) A statement:

9 (i) that personal and medical history information
10 was obtained [and if not obtained, a statement]; or

11 (ii) of the reason [therefor.] that the information
12 under subparagraph (i) was not obtained.

13 (13) A list of the dates of supervision of the adoptive
14 placement by the supervising agency.

15 * * *

16 (d) Permissible reimbursement of expenses.--Payments made by
17 the adoptive [parents] parent to an intermediary or a third
18 party for reimbursement of the following expenses, calculated
19 without regard to the income of the adoptive [parents] parent,
20 are permissible and are not in violation of 18 Pa.C.S. § 4305
21 (relating to dealing in infant children):

22 (1) Medical [and], hospital, nursing, pharmaceutical,
23 travel or other similar expenses incurred by the [natural
24 mother for prenatal care and those medical and hospital
25 expenses incurred by the natural] birth mother [and] or her
26 child incident to birth or any illness of the child.

27 * * *

28 (3) Reasonable expenses incurred by the agency or a
29 third party for adjustment counseling and training services
30 provided to the adoptive parents [and for home studies], for

1 family profiles or investigations.

2 * * *

3 (5) Expenses for adoption-related counseling services
4 for a birth parent and for counseling services for the child
5 for a reasonable time before and after the child's placement
6 for adoption.

7 (6) Living expenses of a birth mother, which are limited
8 to food, clothing and shelter, for a reasonable time before
9 the birth of her child and for not more than six weeks after
10 the birth.

11 (7) Foster care expenses for a child who is not in the
12 custody of a county agency.

13 (8) Expenses for legal services performed for a birth
14 parent who consents to the adoption of a child or
15 relinquishes the child to an agency.

16 (9) Expenses for any other service the court finds to be
17 reasonably necessary.

18 Section 15. Section 2534 of Title 23 is amended by adding
19 paragraphs to read:

20 § 2534. Exhibits.

21 The report of the intermediary shall have attached to it the
22 following exhibits:

23 * * *

24 (4) A copy of the supervisory reports prepared by the
25 supervising agency.

26 (5) If obtained, a copy of the medical and personal
27 history information of the birth parents.

28 Section 16. Section 2535(a) of Title 23 is amended to read:
29 § 2535. Investigation.

30 (a) General rule.--When a report required by section 2531

1 (relating to report of intention to adopt) has been filed, the
2 court shall cause an investigation to be made and a report to be
3 filed by a [local public child care] county agency[, a voluntary
4 child care] or an adoption agency with its consent [or an
5 appropriate person designated by the court]. In lieu of the
6 investigation, the court may accept an investigation made by the
7 agency which placed the child and the report of investigation in
8 such cases may be incorporated into the report of the
9 intermediary required by section 2533 (relating to report of
10 intermediary).

11 * * *

12 Section 17. Title 23 is amended by adding a section to read:
13 § 2536. Postplacement supervision.

14 An agency supervising an adoption shall conduct postplacement
15 supervision, consisting of a minimum of three visits to the
16 adoptive home.

17 Section 18. Subchapter E heading of Chapter 25 and sections
18 2551, 2552, 2553, 2554, 2555, 2556 and 2558(2) of Title 23 are
19 amended to read:

20 SUBCHAPTER E

21 PENNSYLVANIA ADOPTION [COOPERATIVE EXCHANGE] REGISTRY

22 § 2551. Definitions.

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

26 ["Department." The Department of Public Welfare of the
27 Commonwealth.]

28 "[PACE] PAR." The Pennsylvania Adoption [Cooperative
29 Exchange] Registry established in section 2552 (relating to
30 Pennsylvania Adoption Registry).

1 § 2552. Pennsylvania Adoption [Cooperative Exchange] Registry.

2 There shall be a Pennsylvania Adoption [Cooperative Exchange]
3 Registry in the Office of Children, Youth and Families of the
4 [Department of Public Welfare] department.

5 § 2553. Registration of children.

6 (a) Mandatory registration.--[PACE] PAR shall register and
7 be responsible for the review and referral of children for whom
8 parental rights have been terminated for [90] 30 days and for
9 whom no report of intention to adopt has been filed in the court
10 of common pleas.

11 (b) Optional registration.--[PACE may also]

12 (1) PAR may register children [where] if:

13 (i) restoration to the biological family is neither
14 possible nor appropriate[,];

15 (ii) a petition to terminate parental rights has
16 been filed; and

17 (iii) adoption is planned pending identification of
18 an adoptive parent [or parents. However, information].

19 (2) PAR may register children with a court-approved goal
20 of adoption if:

21 (i) the court-approved goal of adoption has not been
22 appealed within 30 days; and

23 (ii) a petition to terminate parental rights has not
24 been filed.

25 (3) Information about these children shall not be
26 publicized without prior approval by the department, which
27 shall ensure the anonymity of these children until such time
28 as parental rights are terminated.

29 (c) Children excluded from registration.--A child for whom
30 termination of parental rights is being appealed in a court

1 shall not be registered with [PACE] PAR as available for
2 adoption. Identifying information of such children shall be
3 forwarded to [PACE] PAR by the agency, with reference to the
4 specific reason for which the child is not to be placed on the
5 listing service.

6 § 2554. Responsibilities of [PACE] PAR.

7 [PACE] PAR shall be responsible for the following:

8 (1) Registration of adoptive parent applicants who have
9 been approved by agencies.

10 (2) Accumulation and dissemination of statistical
11 information regarding all children registered with [PACE]
12 PAR.

13 (3) Creation and administration of a public information
14 program designed to inform potential adoptive parents of the
15 need for adoptive homes for children registered with [PACE]
16 PAR.

17 (4) Preparation and distribution of a photographic
18 listing service on children registered with [PACE] PAR.

19 (5) Preparation of annual [reports] report concerning
20 functions of [PACE] PAR regarding the children and the
21 prospective parents listed with [PACE] it. The [reports]
22 report shall be submitted annually by May 1 to the [Health
23 and Welfare and Judiciary Committees] Governor and the
24 appropriate standing committees of the Senate and of the
25 House of Representatives[, to the Public Health and Welfare
26 and Judiciary Committees of the Senate and to the Governor].
27 The report shall include program and fiscal information
28 regarding PAR and additional Commonwealth and local
29 initiatives involving the recruitment of families interested
30 in adopting a child with special needs. As used in this

1 paragraph, the term "child with special needs" means an
2 "eligible child," as defined in section 772 of the act of
3 June 13, 1967 (P.L.31, No.21), known as the Public Welfare
4 Code.

5 (6) Coordination of its functions with other state,
6 regional and national adoption exchanges.

7 § 2555. Responsibilities of [public and private] agencies.

8 [All public and licensed private child service agencies] An
9 agency shall register with PAR all children [with PACE] for whom
10 parental rights have been terminated for [90] 30 days and for
11 whom no report of intention to adopt has been filed in the court
12 of common pleas. [A public or licensed private] An agency may
13 register other children as set forth in section 2553(b)
14 (relating to registration of children). An agency shall advise
15 prospective adopting parents of the existence of PAR.

16 § 2556. Related activities of agencies unaffected.

17 This subchapter shall not be construed to limit or delay
18 actions by agencies [or institutions] to arrange for adoptions
19 or other related matters on their own initiative and shall not
20 alter or restrict the duties, authority and confidentiality of
21 the agencies [and institutions] in those matters.

22 § 2558. Retroactive application of subchapter.

23 This subchapter shall apply retroactively to all children for
24 whom:

25 * * *

26 (2) Restoration to the [biological] birth family is
27 neither possible nor appropriate, a petition to terminate
28 parental rights has been filed and adoption is planned
29 pending identification of an adoptive parent [or parents].

30 Section 19. Section 2701(1), (2) and (4) of Title 23 are

1 amended and the section is amended by adding paragraphs to read:

2 § 2701. Contents of petition for adoption.

3 A petition for adoption shall set forth:

4 (1) The full name, residence, marital status, age,
5 occupation, religious affiliation and racial background of
6 the adopting parent [or parents] and [their] the
7 relationship, if any, to the adoptee.

8 (2) That the reports under sections 2530 (relating to
9 [home study and preplacement report] family profile), 2531
10 (relating to report of intention to adopt) and 2533 (relating
11 to report of intermediary) have been filed, if required.

12 (2.1) That the criminal and child abuse history record
13 information required by sections 2530(b)(2) and 2531.1
14 (relating to criminal and child abuse background checks for
15 stepparent or relative adoptions), has been filed with the
16 court.

17 * * *

18 (4) The full name of the adoptee and the fact and length
19 of time of the residence of the adoptee with the adopting
20 parent [or parents].

21 * * *

22 (10) That an investigation required under section 2535
23 (relating to investigation) has been completed.

24 (11) Either:

25 (i) that the medical history and personal history of
26 the birth parents have been obtained; or

27 (ii) the reason that the information under
28 subparagraph (i) has not been obtained.

29 (12) The dates of the supervision of the adoptive
30 placement.

1 Section 20. Section 2702 of Title 23 is amended by adding
2 paragraphs to read:

3 § 2702. Exhibits.

4 The petition shall have attached to it the following
5 exhibits:

6 * * *

7 (3) Any report of investigation required under section
8 2535 (relating to investigation).

9 (4) If obtained, the personal history and medical
10 history of the birth parents.

11 (5) A copy of the postplacement supervisory reports.

12 Section 21. Section 2711(b) and (d) of Title 23 are amended
13 and the section is amended by adding subsections to read:

14 § 2711. Consents necessary to adoption.

15 * * *

16 (b) Husband of [natural] birth mother.--The consent of the
17 [husband of the mother] presumptive father shall not be
18 necessary if, after notice to [the husband, it is proved to the
19 satisfaction of] him, the court finds, by clear and convincing
20 evidence, including testimony of the [natural] birth mother,
21 that the [husband of the natural mother] presumptive father is
22 not the [natural] birth father of the child. [Absent such proof,
23 the consent of a former husband of the natural mother shall be
24 required if he was the husband of the natural mother at any time
25 within one year prior to the birth of the adoptee.]

26 * * *

27 (c.1) Consent from another jurisdiction.--The validity and
28 revocability of a consent to adoption or a similar document
29 executed outside this Commonwealth shall be determined by the
30 law of the jurisdiction in which the document was executed.

1 (d) Contents of consent.--

2 (1) [The] Unless a parent consents to an adoption by the
3 parent's spouse, the consent of a parent of an adoptee under
4 18 years of age shall set forth the name, age and marital
5 status of the parent, the relationship of the consenter to
6 the child, the name of the other parent [or parents] of the
7 child and the following:

8 I hereby voluntarily and unconditionally consent to
9 the adoption of the above named child.

10 I understand that by signing this consent I indicate
11 my intent to permanently give up all rights to this
12 child.

13 I understand such child will be placed for adoption.

14 I understand that I have a right to consult an
15 attorney who is not the attorney for the adopting
16 parents. I understand that if I am under 18 years of age,
17 I must be represented by an attorney.

18 I have been informed of the meaning and consequences
19 of adoption.

20 I have been offered adoption-related counseling
21 services.

22 I understand the consequences of misidentifying the
23 other birth parent of the child.

24 I understand that I have the right to place personal
25 and medical history information on file with the court,
26 the Department of Health and the Department of Public
27 Welfare under 23 Pa.C.S. Ch. 29 Subch. B (relating to
28 records and access to information).

29 I understand I may revoke this consent to permanently
30 give up all rights to this child by placing the

1 revocation in writing and [serving] delivering it [upon]
2 to the agency or adult to whom the child was
3 relinquished.

4 If I am the birth father or putative father of the
5 child, I understand that this consent to an adoption is
6 irrevocable unless I revoke it within 30 days after
7 either the birth of the child or my execution of the
8 consent, whichever occurs later, by delivering a written
9 revocation to (insert the name and address of the agency
10 coordinating the adoption) or (insert the name and
11 address of an attorney who represents the individual
12 relinquishing parental rights or prospective adoptive
13 parent of the child) or (insert the court of the county
14 in which the voluntary relinquishment form was or will be
15 filed).

16 If I am the birth mother of the child, I understand
17 that this consent to an adoption is irrevocable unless I
18 revoke it within 30 days after executing it by delivering
19 a written revocation to (insert the name and address of
20 the agency coordinating the adoption) or (insert the name
21 and address of an attorney who represents the individual
22 relinquishing parental rights or prospective adoptive
23 parent of the child) or (insert the court of the county
24 in which the voluntary relinquishment form was or will be
25 filed).

26 I have read and understand the above and I am signing
27 it as a free and voluntary act.

28 (2) The consent shall include the date and place of its
29 execution and names and addresses and signatures of at least
30 two persons who witnessed its execution and their

1 relationship to the consenter.

2 (3) A consent to a proposed adoption may identify the
3 adopting parent.

4 (4) If a parent executing the consent is a minor, the
5 consent must state that the parent has been:

6 (i) represented by an attorney who is not
7 representing an adoptive parent; and

8 (ii) advised of the parent's legal rights.

9 (5) The consent must state that the parent has been
10 informed of the right to have an attorney who is not
11 representing an adoptive parent.

12 (6) The consent shall not be valid unless the parent
13 provides a written acknowledgment that adoption-related
14 counseling services have been offered. If counseling services
15 have been provided, the name and address of the agency which
16 provided the counseling must be set forth in the consent.

17 (e) Information.--Before executing a consent, a parent must
18 be informed of the meaning and consequences of adoption, the
19 consequences of misidentifying the other birth parent and the
20 right to place personal and medical history information on file
21 with the court, the Department of Health and the department
22 under Subchapter B of Chapter 29.

23 Section 22. Title 23 is amended by adding a section to read:
24 § 2711.1. Termination of parental rights pursuant to consent.

25 (a) Petition.--

26 (1) If the parent of the child executes a consent to
27 adoption under section 2711 (relating to consents necessary
28 to adoption) and the time periods under section 2711(c) have
29 expired, the intermediary may petition the court to hold a
30 hearing for the purpose of determining whether the consent is

1 valid under section 2711, and to terminate parental rights
2 pursuant to the consent. In the case where there is no
3 intermediary, the adopting parent may file the petition.

4 (2) The original consent, and any other documentation
5 which demonstrates the validity of the consent, must be
6 attached to the petition.

7 (b) Hearing.--

8 (1) Upon presentation of a petition under subsection
9 (a), the court shall fix a time for a hearing not less than
10 ten days after filing of the petition.

11 (2) Notice of the hearing must be by personal service or
12 by registered mail to the last known address or by such other
13 means as the court may require upon the individual who
14 executed the consent and must be in the following form:

15 A petition has been filed asking the court to
16 determine the validity of the consent to adoption that
17 you signed regarding your child (name of child). If the
18 court determines that your consent to the adoption of
19 your child is valid, your rights as a parent to your
20 child shall be terminated. The hearing will be held in
21 (insert place, giving reference to exact room and
22 building number or designation) on (insert date) at
23 (insert time). You are not required to attend the
24 hearing. You should take this paper to your lawyer at
25 once. If you do not have a lawyer or cannot afford one,
26 go to or telephone the office set forth below to find out
27 where you can get legal help.

28 (Name).....

29 (Address).....

30

1 (Telephone number).....

2 (3) Notice of the hearing must be given to the other
3 parent, to the putative father and to the parent or guardian
4 of a consenting parent who has not reached 18 years of age.

5 (4) The notice which is given to the putative father
6 must state that his rights may also be subject to termination
7 under subsection (d) if he fails to file a written objection
8 to the termination with the court prior to the hearing or
9 fails to appear at the hearing for the purpose of objecting
10 to the termination of his rights. If the identity or
11 whereabouts of the putative father are unknown, notice must
12 be given under section 2514 (relating to notice if putative
13 father or his whereabouts unknown).

14 (c) Custody of child.--During the pendency of a proceeding
15 under this section, unless the court directs otherwise, custody
16 of the child shall remain with the individual or agency that had
17 custody at the time the petition was filed.

18 (d) Termination of parental rights of putative father.--If a
19 putative father has been given notice of the hearing being held
20 under this section, the court may enter a decree terminating his
21 parental rights whether or not he has filed an acknowledgment of
22 paternity or claim of paternity under section 5103 (relating to
23 acknowledgment and claim of paternity), if any of the following
24 paragraphs apply:

25 (1) The putative father fails to:

26 (i) file a written objection to the termination of
27 his parental rights with the court prior to the hearing;
28 or

29 (ii) appear at the hearing for the purpose of
30 objecting to such termination.

1 (2) The court determines, after a hearing, that the
2 putative father has failed to:

3 (i) provide substantial financial support for the
4 child; or

5 (ii) make substantial and ongoing provision for the
6 child's care.

7 (e) Right to file personal and medical history
8 information.--At the time the decree of termination is
9 transmitted to the parent, the court shall, in writing, advise
10 the parent whose rights have been terminated of the parent's
11 continuing right to place and update personal and medical
12 history information, on file with the court, the Department of
13 Health and the department under Subchapter B of Chapter 29
14 (relating to records and access to information).

15 Section 23. Section 2712 of Title 23 is repealed:

16 [§ 2712. Consents not naming adopting parents.

17 A consent to a proposed adoption meeting all the requirements
18 of this part but which does not name or otherwise identify the
19 adopting parent or parents shall be valid if it contains a
20 statement that it is voluntarily executed without disclosure of
21 the name or other identification of the adopting parent or
22 parents.]

23 Section 24. Title 23 is amended by adding a section to read:

24 § 2715. Judicial set-aside.

25 A consent which is otherwise irrevocable under section 2711
26 (relating to consents necessary to adoption) or a decree
27 terminating parental rights under section 2711.1 (relating to
28 termination of parental rights pursuant to consent) shall be set
29 aside by the court, before a decree of adoption is entered,
30 under any of the following circumstances:

1 (1) It is proven by clear and convincing evidence that
2 the consent was obtained by fraud or duress.

3 (2) The parental rights of the other birth parent have
4 not been terminated, except for an adoption by a stepparent.

5 (3) A prospective adoptive parent named in the consent
6 fails to file a petition for adoption.

7 (4) The petition for adoption filed by a prospective
8 parent named in the consent is denied or withdrawn.

9 Section 25. Sections 2721, 2722, 2723, 2724(b) and 2725 of
10 Title 23 are amended to read:

11 § 2721. Notice of adoption hearing.

12 The court shall fix a time and place for the adoption
13 hearing. Notice of the hearing shall be given to all persons
14 whose consents are required and to such other persons as the
15 court shall direct. Notice to the parent [or parents] of the
16 adoptee, if required, may be given by the intermediary or
17 someone acting on his behalf. Notice shall be by personal
18 service or by registered mail to the last known address of the
19 person to be notified or in such other manner as the court shall
20 direct.

21 § 2722. Place of adoption hearing.

22 The adoption hearing shall be private [or in open court as
23 the court deems appropriate].

24 § 2723. Attendance at adoption hearing.

25 The adopting parent [or parents] and the adoptee must appear
26 at and, if required, testify at the adoption hearing under oath
27 unless the court determines their presence is unnecessary. In
28 addition, the court may require the appearance and testimony of
29 all persons whose consents are required by this part and
30 representatives of agencies or individuals who have acted as an

1 intermediary if their appearance or testimony would be necessary
2 or helpful to the court.

3 § 2724. Testimony and investigation.

4 * * *

5 (b) Investigation.--The court may request that an
6 investigation be made by a [person or public] county agency or,
7 with its consent, [a voluntary] an adoption agency,
8 [specifically] designated by the court to verify the statements
9 of the petition and such other facts that will give the court
10 full knowledge of the desirability of the proposed adoption, [or
11 the court may rely in whole or in part upon a report] unless an
12 earlier investigation has been made under section 2535 (relating
13 to investigation). In any case, the age, sex, health, social and
14 economic status or racial, ethnic or religious background of the
15 child or adopting [parents] parent shall not preclude an
16 adoption but the court shall decide its desirability on the
17 basis of the physical, mental and emotional needs and welfare of
18 the child.

19 * * *

20 § 2725. Religious belief.

21 The intermediary may honor the preference of the [natural]
22 birth parents as to the religious faith in which the adoptive
23 parents intend to rear the adopted child. No person shall be
24 denied the benefits of this part because of a religious belief
25 in the use of spiritual means or prayer for healing.

26 Section 26. Section 2732 of Title 23, added October 27, 2010
27 (P.L. , No.101), is amended to read:

28 § 2732. Definitions.

29 The following words and phrases when used in this subchapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 ["Agency." A public or private entity, including a county
3 agency, that:

4 (1) is licensed, supervised or regulated by the
5 Department of Public Welfare; and

6 (2) provides adoption services.]

7 "Agreement." A voluntary written agreement between an
8 adoptive parent and a birth relative that is approved by a court
9 and provides for continuing contact or communication between the
10 child and the birth relative or between the adoptive parent and
11 the birth relative as provided under this subchapter.

12 "Birth relative." A parent, grandparent, stepparent,
13 sibling, uncle or aunt of the child's birth family, whether the
14 relationship is by blood, marriage or adoption.

15 ["Child." An individual who is under 18 years of age.

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

22 "Department." The Department of Public Welfare of the
23 Commonwealth.]

24 Section 27. Sections 2901, 2902, 2904, 2906, 2907 and 2910
25 of Title 23 are amended to read:

26 § 2901. Time of entry of decree of adoption.

27 Unless the court for cause shown determines otherwise, no
28 decree of adoption shall be entered unless the [natural parent
29 or] parents' rights have been terminated, the investigation
30 required by section 2535 (relating to investigation) or 2724(b)

1 (relating to testimony and investigation) has been completed,
2 the report of the intermediary has been filed pursuant to
3 section 2533 (relating to report of intermediary) and all other
4 legal requirements have been met. If all legal requirements have
5 been met, the court may enter a decree of adoption at any time.
6 § 2902. Requirements and form of decree of adoption.

7 (a) General rule.--If satisfied that the statements made in
8 the adoption petition are true, that the needs and welfare of
9 the person proposed to be adopted will be promoted by the
10 adoption and that all requirements of this part have been met,
11 the court shall enter a decree so finding and directing that the
12 person proposed to be adopted shall have all the rights of a
13 child and heir of the adopting parent [or parents] and shall be
14 subject to the duties of a child to [him or them] the adopting
15 parent.

16 (b) Withdrawal or dismissal of petition.--In any case in
17 which the adoption petition is withdrawn or dismissed, the court
18 shall enter an appropriate order in regard to the custody of the
19 child.

20 (c) Finality.--

21 (1) A decree or order issued under this part may not be
22 set aside, vacated, annulled or reversed upon application of
23 a person who waived notice or who was properly served with
24 notice under this part and failed to respond or appear or to
25 file an answer within the time allowed.

26 (2) A decree of adoption or other order issued under
27 this part is not subject to a challenge filed more than 60
28 days after the decree or order is issued.

29 § 2904. Name of adoptee.

30 [If requested by the petitioners, the] The decree [may

1 provide that the adoptee] shall [assume] state the name [of the
2 adopting parent or parents and any given first or middle names
3 that may be chosen] by which the adoptee is to be known from the
4 date of the decree.

5 § 2906. Docket entries.

6 Upon the filing of any decree under this part, the clerk
7 shall enter on the docket an entry showing the date of the
8 decree. Information identifying the [natural] birth parents
9 shall not be entered on the docket.

10 § 2907. Certificate of adoption.

11 The clerk shall issue to the adopting parent [or parents] a
12 certificate reciting that the court has granted the adoption.
13 The certificate shall not disclose the name of any [natural]
14 birth parent or the original name of the person adopted. The
15 certificate shall be accepted in any legal proceedings in this
16 Commonwealth as evidence of the fact that the adoption has been
17 granted.

18 § 2910. Penalty for unauthorized disclosure.

19 Any officer or employee of the court, other than a judge
20 thereof, the Department of Health, the [Department of Public
21 Welfare] department or any agency who willfully discloses
22 impounded or otherwise confidential information relating to an
23 adoption, other than as expressly authorized and provided in
24 this chapter, commits a misdemeanor of the third degree.

25 Section 28. The definitions of "department" and "medical
26 history information" in section 2911 of Title 23, added October
27 27, 2010 (P.L. , No.101), are amended to read:

28 § 2911. Definitions.

29 The following words and phrases when used in this subchapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 ["Department." The Department of Public Welfare of the
4 Commonwealth.

5 "Medical history information." Medical records and other
6 information concerning an adoptee or an adoptee's birth family
7 that is relevant to the present or future health care or medical
8 treatment of the adoptee or the adoptee's birth family. The term
9 includes, but is not limited to, the following:

10 (1) Otherwise confidential or privileged information, if
11 identifying information has been removed under section 2925
12 (relating to providing information from registry).

13 (2) Information about the birth parents of a child that
14 may concern a potential hereditary or congenital medical
15 problem.]

16 * * *

17 Section 29. The amendment, addition or repeal of the
18 following provisions of Title 23 shall apply to actions
19 initiated on or after the effective date of this section:

20 (1) Section 2102.

21 (2) Section 2313.

22 (3) Section 2501(a).

23 (4) Section 2502(a) and (c).

24 (5) Section 2503(b) (3), (c) and (d).

25 (6) Section 2504.

26 (7) Section 2505(c) and (d.1).

27 (8) Section 2511(a) (2), (3), (4), (6), (7), (10), (11)
28 and (12).

29 (9) Section 2512(c).

30 (10) Section 2513(c) and (d).

- 1 (11) Section 2514.
 - 2 (12) Section 2531(b).
 - 3 (13) Section 2535(a).
 - 4 (14) Section 2701(2), (2.1) and (10).
 - 5 (15) Section 2702(3).
 - 6 (16) Section 2711(b), (c.1), (d) and (e).
 - 7 (17) Section 2711.1.
 - 8 (18) Section 2712.
 - 9 (19) Section 2715.
 - 10 (20) Section 2724(b).
 - 11 (21) Section 2901.
 - 12 (22) Section 2902(c).
- 13 Section 30. This act shall take effect as follows:
- 14 (1) The following provisions shall take effect
 - 15 immediately:
 - 16 (i) Section 29 of this act.
 - 17 (ii) This section.
 - 18 (2) The remainder of this act shall take effect in 60
 - 19 days.