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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1789

Session of  
1981

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INTRODUCED BY HAGARTY, CORNELL, REBER, NOYE, NAHILL, COCHRAN,  
HORGOS, SPENCER, CAWLEY, PRATT, DAIKELER, SAURMAN, BROWN,  
MICOZZIE, KOWALYSHYN, SHOWERS, MAIALE, FREIND, VROON, MORRIS,  
J. L. WRIGHT, SALVATORE, WILSON, KUKOVICH, SIEMINSKI, SNYDER,  
ARTY, GALLAGHER AND CORDISCO, AUGUST 17, 1981

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SENATOR GEKAS, JUDICIARY, IN SENATE, AS AMENDED, MAY 3, 1982

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for adoption.

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

5 Section 1. Section 2102 of Title 23, act of November 25,  
6 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated  
7 Statutes, is amended by adding a definition to read:

8 § 2102. Definitions.

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

12 \* \* \*

13 "Medical history information." Medical records and other  
14 information concerning an adoptee or an adoptee's natural family  
15 which is relevant to the adoptee's present or future health care  
16 or medical treatment. The term includes otherwise confidential

1 or privileged information provided that identifying contents  
2 have been removed pursuant to section 2909 (relating to medical  
3 history information).

4 \* \* \*

5 Section 2. Section 2502(a) of Title 23 is amended to read:

6 § 2502. Relinquishment to adult intending to adopt child.

7 (a) Petition.--When any child under the age of 18 years has  
8 been for a minimum period of [30] 20 days in the exclusive care  
9 of an adult or adults who have filed a report of intention to  
10 adopt required by section 2531 (relating to report of intention  
11 to adopt), the parent or parents of the child may petition the  
12 court for permission to relinquish forever all parental rights  
13 to their child.

14 \* \* \*

15 Section 3. Section 2503(b) of Title 23 is amended and a  
16 subsection is added to read:

17 § 2503. Hearing.

18 \* \* \*

19 (b) Notice.--Notice to the petitioner shall be in the form  
20 provided in section 2513(b) (relating to hearing). Notice of the  
21 hearing shall be given to the other parent, to the putative  
22 father whose parental rights could be terminated pursuant to  
23 subsection (d) and to the parents or guardian of a petitioner  
24 who has not reached 18 years of age.

25 \* \* \*

26 (d) Putative father.--If a putative father will not file a  
27 petition to voluntarily relinquish his parental rights pursuant  
28 to section 2501 (relating to relinquishment to agency) or 2502  
29 (relating to relinquishment to adult intending to adopt child)  
30 and has not filed an acknowledgment of paternity or claim of

1 paternity pursuant to section 8302 (relating to acknowledgment  
2 of paternity) or 8303 (relating to claim of paternity), the  
3 court may enter a decree terminating the parental rights of the  
4 putative father pursuant to subsection (c).

5 Section 4. Title 23 is amended by adding sections to read:

6 § 2504. Alternative procedure for relinquishment.

7 (a) Petition to confirm consent to adoption.--If the parent  
8 or parents of the child have executed consents to an adoption as  
9 required by section 2711 (relating to consents necessary to  
10 adoption) but have failed for a period of 40 days after  
11 executing the consent to file or proceed with the petition for  
12 voluntary relinquishment of parental rights provided for in this  
13 subchapter, the intermediary may petition the court to hold a  
14 hearing for the purpose of confirming the intention of the  
15 parent or parents to voluntarily relinquish their rights and  
16 duties as evidenced by the consent or consents to the adoption,  
17 the original of which shall be attached to the petition. In the  
18 case where there is no intermediary, the adoptive parent or  
19 parents may file the petition.

20 (b) Hearing.--Upon presentation of a petition filed pursuant  
21 to this section, the court shall fix a time for a hearing which  
22 shall not be less than ten days after filing of the petition.  
23 Notice of the hearing shall be served BY PERSONAL SERVICE OR by <—  
24 registered mail or by such other means as the court may require  
25 upon the consenter and shall be in the form provided in section  
26 2513(b) (relating to hearing). Notice of the hearing shall be  
27 given to the other parent or parents, to the putative father  
28 whose parental rights could be terminated pursuant to subsection  
29 (c) and to the parents or guardian of a consenting parent who  
30 has not reached 18 years of age. After hearing, which shall be

1 private, the court may enter a decree of termination of parental  
2 rights in the case of a relinquishment to an adult or a decree  
3 of termination of parental rights and duties, including the  
4 obligation of support, in the case of a relinquishment to an  
5 agency.

6 (c) Putative father.--If a putative father will not execute  
7 a consent to an adoption as required by section 2711 and has not  
8 filed an acknowledgment of paternity or claim of paternity  
9 pursuant to section 8302 (relating to acknowledgment of  
10 paternity) or 8303 (relating to claim of paternity), the court  
11 may enter a decree terminating the parental rights of the  
12 putative father pursuant to subsection (b).

13 § 2505. Counseling.

14 (a) List of counselors.--Any hospital or other facility  
15 providing maternity care shall provide a list of available  
16 counselors and counseling services compiled pursuant to  
17 subsection (b) to maternity patients who are known to be  
18 considering relinquishment or termination of parental rights  
19 pursuant to this part.

20 (b) Compilation of list.--The court shall compile a list of  
21 counselors and counseling services which are available to  
22 counsel natural parents who are contemplating relinquishment or  
23 termination of parental rights pursuant to this part. Such list  
24 shall be made available upon request to any agency,  
25 intermediary, hospital or other facility providing maternity  
26 care.

27 Section 5. Sections 2513(b) and 2531(b) of Title 23 are  
28 amended to read:

29 § 2513. Hearing.

30 \* \* \*

1 (b) Notice.--At least ten days' notice shall be given to the  
2 parent or parents, putative parent, or parent of a minor parent  
3 whose rights are to be terminated, by PERSONAL SERVICE OR BY <—  
4 registered mail to his or their last known address or by such  
5 other means as the court may require. A putative parent shall  
6 include one who has filed a claim of paternity as provided in  
7 section 8303 (relating to claim of paternity) prior to the  
8 institution of proceedings. The notice shall state the  
9 following:

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

28 (Name).....  
29 (Address).....  
30 .....

1 (Telephone number)....."

2 \* \* \*

3 § 2531. Report of intention to adopt.

4 \* \* \*

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

6 (1) The circumstances surrounding the persons receiving  
7 or retaining custody or physical care of the child.

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

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

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

13 (5) The name [and], address and signature of the person  
14 or persons making the report. Immediately above the signature  
15 of the person or persons intending to adopt the child shall  
16 appear the following statement:

17 I acknowledge that I have been advised or know and  
18 understand that the natural parent may revoke the consent  
19 to the adoption of this child until a court has entered a  
20 decree terminating the parental rights and, unless a  
21 decree terminating parental rights has been entered, the  
22 natural parent may revoke the consent until a court  
23 enters the final adoption decree.

24 When a person receives or retains custody or physical care of a  
25 child from an agency the report shall set forth only the name  
26 and address of the agency and the circumstances surrounding such  
27 person receiving or retaining custody or physical care of the  
28 child.

29 \* \* \*

30 Section 6. Section 2533(b) of Title 23 is amended and a

1 subsection is added to read:

2 § 2533. Report of intermediary.

3 \* \* \*

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

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

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

8 (3) The date of the placement of the child with the  
9 adopting parent or parents.

10 (4) The name, racial background, age, marital status as  
11 of the time of birth of the child and during one year prior  
12 thereto, and religious affiliation of the parents of the  
13 child.

14 (5) Identification of proceedings in which any decree of  
15 termination of parental rights, or parental rights and  
16 duties, with respect to the child was entered.

17 (6) The residence of the parents or parent of the child,  
18 if there has been no such decree of termination.

19 (7) A statement that all consents required by section  
20 2711 (relating to consents necessary to adoption) are  
21 attached as exhibits or the basis upon which the consents are  
22 not required.

23 (8) An itemized accounting of moneys and consideration  
24 paid or to be paid to or received by the intermediary or to  
25 or by any other person or persons to the knowledge of the  
26 intermediary by reason of the adoption placement.

27 (9) A full description and statement of the value of all  
28 property owned or possessed by the child.

29 (10) A statement that no provision of any statute  
30 regulating the interstate placement of children has been

1 violated with respect to the placement of the child.

2 (11) If no birth certificate or certification of  
3 registration of birth can be obtained, a statement of the  
4 reason therefor.

5 (12) A statement that medical history information was  
6 obtained and if not obtained, a statement of the reason  
7 therefor.

8 (c) Appropriate relief.--The court may provide appropriate  
9 relief where it finds that the moneys or consideration reported  
10 or reportable pursuant to subsection (b)(8) are excessive.

11 Section 7. Section 2901 of Title 23 is amended to read:

12 § 2901. Time of entry of decree of adoption.

13 Unless the court for cause shown determines otherwise, no  
14 decree of adoption shall be entered unless the [adoptee has  
15 resided with the petitioner for at least six months prior  
16 thereto or, in lieu of such residence, the adoptee is at least  
17 18 years of age or is related by blood or marriage to the  
18 petitioner] natural parent or parents' rights have been  
19 terminated, the investigation required by section 2535 (relating  
20 to investigation) has been completed, the report of the  
21 intermediary has been filed pursuant to section 2533 (relating  
22 to report of intermediary) and all other legal requirements have  
23 been met. If all legal requirements have been met, the court may  
24 enter a decree of adoption at any time.

25 Section 8. Section 2711 of Title 23 is amended by adding  
26 subsections to read:

27 § 2711. Consents necessary to adoption.

28 \* \* \*

29 (c) Validity of consent.--No consent shall be valid if it  
30 was executed prior to or within 72 hours after the birth of the



1 child. Any consent given outside this Commonwealth shall be  
2 valid for purposes of this section if it was given in accordance  
3 with the laws of the jurisdiction where it was executed. A  
4 consent to an adoption may only be revoked prior to the earlier  
5 of either the entry of a decree of termination of parental  
6 rights or the entry of a decree of adoption. The revocation of a  
7 consent shall be in writing and shall be served upon the agency  
8 or adult to whom the child was relinquished.

9 (d) Contents of consent.--

10 (1) The consent of a parent of an adoptee under 18 years  
11 of age shall set forth the name, ~~address~~, age and marital <—  
12 status of the parent, the relationship of the consenter to  
13 the child, the name ~~and address~~ of the other parent or <—  
14 parents of the child and the following:

15 I hereby voluntarily and unconditionally consent to  
16 the adoption of the above named child.

17 I understand that by signing this consent I indicate  
18 my intent to permanently give up all rights to this  
19 child.

20 I understand such child will be placed for adoption.

21 I understand I may not revoke this consent after a  
22 court has entered a decree confirming this consent or  
23 otherwise terminating my parental rights to this child.  
24 Even if a decree has not been entered terminating my  
25 parental rights I may not revoke this consent after a  
26 decree of adoption of this child is entered.

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

29 (2) The consent shall include the date and place of its  
30 execution and names and addresses and signatures of at least

1     two persons who witnessed its execution and their  
2     relationship to the consenter.

3     Section 9. Title 23 is amended by adding a section to read:

4     § 2909. Medical history information.

5     (a) Delivery of information.--Medical history information  
6     shall, where practicable, be delivered by the attending  
7     physician or other designated person to the intermediary who  
8     shall deliver such information to the adopting parents or their  
9     physician. In cases where there is no intermediary, medical  
10    history information shall be delivered directly to the adopting  
11    parents or their physician.

12    (b) Editing of information.--In all cases, medical history  
13    information shall be edited before delivery so as to remove any  
14    contents which would identify the adoptee's natural family.

15    (c) Regulations.--The Pennsylvania Department of Health  
16    shall implement the provisions of this section by regulation.

17    Section 10. Except for the provisions of 23 Pa.C.S. § 2909  
18    which shall take effect in one year, this act shall take effect  
19    in 60 days.