
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1789

Session of
1981

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, MAY 26, 1982

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

1 or medical treatment. The term includes otherwise confidential
2 or privileged information provided that identifying contents
3 have been removed pursuant to section 2909 (relating to medical
4 history information).

5 * * *

6 ~~Section 2. Section 2502(a) of Title 23 is amended to read:~~ <—
7 ~~§ 2502. Relinquishment to adult intending to adopt child.~~

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

15 * * *

16 SECTION 2. SECTION 2313 OF TITLE 23 IS AMENDED TO READ: <—
17 § 2313. REPRESENTATION FOR CHILD.

18 [THE COURT SHALL APPOINT COUNSEL TO REPRESENT THE CHILD IN AN
19 INVOLUNTARY TERMINATION PROCEEDING AND AT ANYTIME MAY APPOINT
20 COUNSEL OR A GUARDIAN AD LITEM FOR A CHILD WHO HAS NOT REACHED
21 THE AGE OF 18 YEARS.]

22 (A) GENERAL RULE.--THE COURT MAY APPOINT COUNSEL OR A
23 GUARDIAN AD LITEM TO REPRESENT ANY CHILD WHO HAS NOT REACHED THE
24 AGE OF 18 YEARS AND IS SUBJECT TO ANY PROCEEDING UNDER THIS PART
25 WHENEVER IT IS IN THE BEST INTERESTS OF THE CHILD. NO ATTORNEY
26 OR LAW FIRM SHALL REPRESENT BOTH THE CHILD AND THE ADOPTING
27 PARENT OR PARENTS.

28 (B) PAYMENT OF COSTS.--THE COSTS FOR COUNSEL APPOINTED ON
29 BEHALF OF THE CHILD SHALL BE BORNE BY THE ADOPTING PARENTS
30 EXCEPT THAT, FOR CAUSE SHOWN, THE COURT MAY ORDER ALL OR A PART

1 OF THE COSTS ATTENDANT TO A PROCEEDING UNDER THIS PART TO BE
2 PAID BY THE COUNTY WHEREIN THE CASE IS HEARD. CAUSE SHOWN SHALL
3 CONSIST OF EITHER A SHOWING THAT THE PRESENT CASE IS A
4 SUBSIDIZED ADOPTION OR A SHOWING, TO THE COURT'S SATISFACTION,
5 THAT THE ADOPTING PARENTS CAN QUALIFY FOR ASSISTANCE AS A RESULT
6 OF AN IN FORMA PAUPERIS AFFIDAVIT.

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

9 § 2503. Hearing.

10 * * *

11 (b) Notice.--Notice to the petitioner shall be in the form
12 provided in section 2513(b) (relating to hearing). Notice of the
13 hearing shall be given to the other parent, to the putative
14 father whose parental rights could be terminated pursuant to
15 subsection (d) and to the parents or guardian of a petitioner
16 who has not reached 18 years of age.

17 * * *

18 (d) Putative father.--If a putative father will not file a
19 petition to voluntarily relinquish his parental rights pursuant
20 to section 2501 (relating to relinquishment to agency) or 2502
21 (relating to relinquishment to adult intending to adopt child)
22 and has not filed an acknowledgment of paternity or claim of
23 paternity pursuant to section 8302 (relating to acknowledgment
24 of paternity) or 8303 (relating to claim of paternity), the
25 court may enter a decree terminating the parental rights of the
26 putative father pursuant to subsection (c).

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

28 § 2504. Alternative procedure for relinquishment.

29 (a) Petition to confirm consent to adoption.--If the parent
30 or parents of the child have executed consents to an adoption as

1 required by section 2711 (relating to consents necessary to
2 adoption) but have failed for a period of 40 days after
3 executing the consent to file or proceed with the petition for
4 voluntary relinquishment of parental rights provided for in this
5 subchapter, the intermediary may petition the court to hold a
6 hearing for the purpose of confirming the intention of the
7 parent or parents to voluntarily relinquish their rights and
8 duties as evidenced by the consent or consents to the adoption,
9 the original of which shall be attached to the petition. In the
10 case where there is no intermediary, the adoptive parent or
11 parents may file the petition.

12 (b) Hearing.--Upon presentation of a petition filed pursuant
13 to this section, the court shall fix a time for a hearing which
14 shall not be less than ten days after filing of the petition.
15 Notice of the hearing shall be served BY PERSONAL SERVICE OR by <—
16 registered mail or by such other means as the court may require
17 upon the consenter and shall be in the form provided in section
18 2513(b) (relating to hearing). Notice of the hearing shall be
19 given to the other parent or parents, to the putative father
20 whose parental rights could be terminated pursuant to subsection
21 (c) and to the parents or guardian of a consenting parent who
22 has not reached 18 years of age. After hearing, which shall be
23 private, the court may enter a decree of termination of parental
24 rights in the case of a relinquishment to an adult or a decree
25 of termination of parental rights and duties, including the
26 obligation of support, in the case of a relinquishment to an
27 agency.

28 (c) Putative father.--If a putative father will not execute
29 a consent to an adoption as required by section 2711 and has not
30 filed an acknowledgment of paternity or claim of paternity

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

5 § 2505. Counseling.

6 (a) List of counselors.--Any hospital or other facility
7 providing maternity care shall provide a list of available
8 counselors and counseling services compiled pursuant to
9 subsection (b) to maternity patients who are known to be
10 considering relinquishment or termination of parental rights
11 pursuant to this part.

12 (b) Compilation of list.--The court shall compile a list of
13 QUALIFIED counselors and counseling services (INCLUDING ADOPTION <—
14 AGENCIES) which are available to counsel natural parents who are
15 contemplating relinquishment or termination of parental rights
16 pursuant to this part. Such list shall be made available upon
17 request to any agency, intermediary, hospital or other facility
18 providing maternity care.

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

21 § 2513. Hearing.

22 * * *

23 (b) Notice.--At least ten days' notice shall be given to the
24 parent or parents, putative parent, or parent of a minor parent
25 whose rights are to be terminated, by PERSONAL SERVICE OR BY <—
26 registered mail to his or their last known address or by such
27 other means as the court may require. A putative parent shall
28 include one who has filed a claim of paternity as provided in
29 section 8303 (relating to claim of paternity) prior to the
30 institution of proceedings. The notice shall state the

1 following:

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

20 (Name).....

21 (Address).....

22

23 (Telephone number)....."

24 * * *

25 § 2531. Report of intention to adopt.

26 * * *

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

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

30 (2) The name, sex, racial background, age, date and

1 place of birth and religious affiliation of the child.

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

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

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

9 I acknowledge that I have been advised or know and
10 understand that the natural parent may revoke the consent
11 to the adoption of this child until a court has entered a
12 decree terminating the parental rights and, unless a
13 decree terminating parental rights has been entered, the
14 natural parent may revoke the consent until a court
15 enters the final adoption decree.

16 When a person receives or retains custody or physical care of a
17 child from an agency the report shall set forth only the name
18 and address of the agency and the circumstances surrounding such
19 person receiving or retaining custody or physical care of the
20 child.

21 * * *

22 Section 6. Section 2533(b) of Title 23 is amended and a
23 subsection is added to read:

24 § 2533. Report of intermediary.

25 * * *

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

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

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

30 (3) The date of the placement of the child with the

1 adopting parent or parents.

2 (4) The name, racial background, age, marital status as
3 of the time of birth of the child and during one year prior
4 thereto, and religious affiliation of the parents of the
5 child.

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

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

11 (7) A statement that all consents required by section
12 2711 (relating to consents necessary to adoption) are
13 attached as exhibits or the basis upon which the consents are
14 not required.

15 (8) An itemized accounting of moneys and consideration
16 paid or to be paid to or received by the intermediary or to
17 or by any other person or persons to the knowledge of the
18 intermediary by reason of the adoption placement.

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

21 (10) A statement that no provision of any statute
22 regulating the interstate placement of children has been
23 violated with respect to the placement of the child.

24 (11) If no birth certificate or certification of
25 registration of birth can be obtained, a statement of the
26 reason therefor.

27 (12) A statement that medical history information was
28 obtained and if not obtained, a statement of the reason
29 therefor.

30 (c) Appropriate relief.--The court may provide appropriate

1 relief where it finds that the moneys or consideration reported
2 or reportable pursuant to subsection (b)(8) are excessive.

3 Section 7. Section 2711 of Title 23 is amended by adding
4 subsections to read:

5 § 2711. Consents necessary to adoption.

6 * * *

7 (c) Validity of consent.--No consent shall be valid if it
8 was executed prior to or within 72 hours after the birth of the
9 child. Any consent given outside this Commonwealth shall be
10 valid for purposes of this section if it was given in accordance
11 with the laws of the jurisdiction where it was executed. A
12 consent to an adoption may only be revoked prior to the earlier
13 of either the entry of a decree of termination of parental
14 rights or the entry of a decree of adoption. The revocation of a
15 consent shall be in writing and shall be served upon the agency
16 or adult to whom the child was relinquished.

17 (d) Contents of consent.--

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

23 I hereby voluntarily and unconditionally consent to
24 the adoption of the above named child.

25 I understand that by signing this consent I indicate
26 my intent to permanently give up all rights to this
27 child.

28 I understand such child will be placed for adoption.

29 I understand I may not revoke this consent after a
30 court has entered a decree confirming this consent or

1 otherwise terminating my parental rights to this child.
2 Even if a decree has not been entered terminating my
3 parental rights I may not revoke this consent after a
4 decree of adoption of this child is entered.

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

7 (2) The consent shall include the date and place of its
8 execution and names and addresses and signatures of at least
9 two persons who witnessed its execution and their
10 relationship to the consenter.

11 Section 8. 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 9. Title 23 is amended by adding a section to read:

26 § 2909. Medical history information.

27 (a) Delivery of information.--Medical history information
28 shall, where practicable, be delivered by the attending
29 physician or other designated person to the intermediary who
30 shall deliver such information to the adopting parents or their

1 physician. In cases where there is no intermediary, medical
2 history information shall be delivered directly to the adopting
3 parents or their physician.

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

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

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