

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 58

Session of
1983

INTRODUCED BY MILLER, JANUARY 25, 1983

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 14, 1984

AN ACT

1 Creating the Pennsylvania Adoption Cooperative Exchange;
2 prescribing responsibilities; requiring certain agencies to
3 cooperate with the exchange; and providing for regulations
4 and staff.

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

7 ~~Section 1. Short title.~~

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8 ~~This act shall be known and may be cited as the Pennsylvania~~
9 ~~Adoption Cooperative Exchange Act.~~

10 ~~Section 2. Creation of Pennsylvania Adoption Cooperative~~
11 ~~Exchange.~~

12 ~~There is hereby created within the Office of Children and~~
13 ~~Youth of the Department of Public Welfare a Pennsylvania~~
14 ~~Adoption Cooperative Exchange, referred to in this act as~~
15 ~~"PACE."~~

16 ~~Section 3. Responsibilities and duties.~~

17 ~~PACE shall be responsible for:~~

18 ~~(1) The registration, review and referral of children~~

1 ~~for whom parental rights have been terminated. Children for~~
2 ~~whom parental rights have not been terminated, but for whom~~
3 ~~adoption is planned pending the identification of an adoptive~~
4 ~~family may also be registered with PACE as available for~~
5 ~~adoption, however information about these children shall not~~
6 ~~be publicized without prior approval by the Office of~~
7 ~~Children, Youth and Families of the Department of Public~~
8 ~~Welfare.~~

9 ~~(2) The accumulation and dissemination of information~~
10 ~~regarding all children for whom parental rights have been~~
11 ~~terminated in this Commonwealth.~~

12 ~~(3) The creation and administration of a public~~
13 ~~information program designed to inform potential adoptive~~
14 ~~parents of the need for adoptive homes for children~~
15 ~~registered with PACE.~~

16 ~~(4) The preparation and distribution of a photographic~~
17 ~~listing service on children registered with PACE. A child 12~~
18 ~~years or older who will not consent to adoption, or a child~~
19 ~~for whom termination of parental rights is being appealed in~~
20 ~~a court, shall not be registered with PACE as available for~~
21 ~~adoption. Identifying information of such children shall be~~
22 ~~forwarded to PACE by the agency, with reference to the~~
23 ~~specific reason for which the child is not to be placed on~~
24 ~~the listing service.~~

25 ~~(5) The preparation of periodic reports concerning~~
26 ~~functions of PACE regarding the children and the prospective~~
27 ~~parents listed with PACE. Such reports shall be submitted to~~
28 ~~the House of Representatives Health and Welfare and Judiciary~~
29 ~~Committees, and also to the Senate Public Health and Welfare~~
30 ~~and Judiciary Committees, as well as to the Governor and the~~

1 ~~Secretary of the Department of Public Welfare.~~

2 ~~(6) The coordination of its functions with other state,~~
3 ~~regional and national adoption exchanges.~~

4 ~~Section 4. Public and private agencies cooperation.~~

5 ~~All public and licensed private child service agencies shall~~
6 ~~register all children with PACE for whom parental rights have~~
7 ~~been terminated for 90 days and for whom no report of intention~~
8 ~~to adopt has been filed in the court of common pleas. Any public~~
9 ~~and licensed private agencies may register other children as set~~
10 ~~forth in section 3(1).~~

11 ~~Section 5. Related agencies activities.~~

12 ~~This act shall not be construed to limit or delay actions by~~
13 ~~agencies or institutions to arrange for adoptions or other~~
14 ~~related matters on their own initiative. They shall not alter or~~
15 ~~restrict the duties, authority and confidentiality of the~~
16 ~~agencies and institutions in those matters.~~

17 ~~Section 6. Regulations and staff.~~

18 ~~The Department of Public Welfare shall promulgate necessary~~
19 ~~regulations and shall hire the staff which is necessary to~~
20 ~~implement this act.~~

21 ~~Section 7. Retroactive application of act.~~

22 ~~This act shall apply retroactively to all children for whom~~
23 ~~parental rights have been terminated for 90 days and for whom no~~
24 ~~report of intention to adopt has been filed in the court of~~
25 ~~common pleas. It shall also apply to all children for whom~~
26 ~~parental rights have not been terminated but for whom adoption~~
27 ~~is planned pending the identification of an adoptive family.~~
28 ~~Children for whom parental rights have not been terminated who~~
29 ~~are referred to PACE shall be registered. PACE shall not~~
30 ~~publicize the availability of these children until parental~~

1 ~~rights have been terminated without prior approval by the Office~~
2 ~~of Children, Youth and Families of the Department of Public~~
3 ~~Welfare.~~

4 ~~Section 8. Effective date.~~

5 ~~This act shall take effect in 60 days.~~

6 SECTION 1. SHORT TITLE. ←

7 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE PENNSYLVANIA
8 ADOPTION COOPERATIVE EXCHANGE ACT.

9 SECTION 2. CREATION OF PENNSYLVANIA ADOPTION COOPERATIVE
10 EXCHANGE.

11 THERE IS HEREBY CREATED WITHIN THE OFFICE OF CHILDREN, YOUTH
12 AND FAMILIES OF THE DEPARTMENT OF PUBLIC WELFARE A PENNSYLVANIA
13 ADOPTION COOPERATIVE EXCHANGE, REFERRED TO IN THIS ACT AS PACE.

14 SECTION 3. RESPONSIBILITIES AND DUTIES OF PACE.

15 (A) MANDATORY REGISTRATION.--PACE SHALL REGISTER AND BE
16 RESPONSIBLE FOR THE REVIEW AND REFERRAL OF CHILDREN FOR WHOM
17 PARENTAL RIGHTS HAVE BEEN TERMINATED FOR 90 DAYS AND FOR WHOM NO
18 REPORT OF INTENTION TO ADOPT HAS BEEN FILED IN THE COURT OF
19 COMMON PLEAS.

20 (B) OPTIONAL REGISTRATION.--PACE MAY ALSO REGISTER CHILDREN
21 WHERE RESTORATION TO THE BIOLOGICAL FAMILY IS NEITHER POSSIBLE
22 NOR APPROPRIATE, A PETITION TO TERMINATE PARENTAL RIGHTS HAS
23 BEEN FILED AND ADOPTION IS PLANNED PENDING IDENTIFICATION OF AN
24 ADOPTIVE PARENT OR PARENTS. HOWEVER, INFORMATION ABOUT THESE
25 CHILDREN SHALL NOT BE PUBLICIZED WITHOUT PRIOR APPROVAL BY THE
26 OFFICE OF CHILDREN, YOUTH AND FAMILIES OF THE DEPARTMENT OF
27 PUBLIC WELFARE, WHICH SHALL ENSURE THE ANONYMITY OF THESE
28 CHILDREN UNTIL SUCH TIME 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 AS AVAILABLE FOR ADOPTION.
2 IDENTIFYING INFORMATION OF SUCH CHILDREN SHALL BE FORWARDED TO
3 PACE BY THE AGENCY, WITH REFERENCE TO THE SPECIFIC REASON FOR
4 WHICH THE CHILD IS NOT TO BE PLACED ON THE LISTING SERVICE.

5 (D) INFORMATION AND REPORTING RESPONSIBILITIES OF PACE.--
6 PACE SHALL BE RESPONSIBLE FOR THE FOLLOWING:

7 (1) THE REGISTRATION OF ADOPTIVE PARENT APPLICANTS WHO
8 HAVE BEEN APPROVED BY AGENCIES.

9 (2) THE ACCUMULATION AND DISSEMINATION OF STATISTICAL
10 INFORMATION REGARDING ALL CHILDREN REGISTERED WITH PACE.

11 (3) THE CREATION AND ADMINISTRATION OF A PUBLIC
12 INFORMATION PROGRAM DESIGNED TO INFORM POTENTIAL ADOPTIVE
13 PARENTS OF THE NEED FOR ADOPTIVE HOMES FOR CHILDREN
14 REGISTERED WITH PACE.

15 (4) THE PREPARATION AND DISTRIBUTION OF A PHOTOGRAPHIC
16 LISTING SERVICE ON CHILDREN REGISTERED WITH PACE.

17 (5) THE PREPARATION OF ANNUAL REPORTS CONCERNING
18 FUNCTIONS OF PACE REGARDING THE CHILDREN AND THE PROSPECTIVE
19 PARENTS LISTED WITH PACE. SUCH REPORTS SHALL BE SUBMITTED
20 ANNUALLY TO THE HEALTH AND WELFARE AND JUDICIARY COMMITTEES
21 OF THE HOUSE OF REPRESENTATIVES, AND ALSO TO THE SENATE
22 PUBLIC HEALTH AND WELFARE AND JUDICIARY COMMITTEES, AS WELL
23 AS TO THE GOVERNOR.

24 (6) THE COORDINATION OF ITS FUNCTIONS WITH OTHER STATE,
25 REGIONAL AND NATIONAL ADOPTION EXCHANGES.

26 SECTION 4. RESPONSIBILITIES OF PUBLIC AND PRIVATE AGENCIES.

27 ALL PUBLIC AND LICENSED PRIVATE CHILD SERVICE AGENCIES SHALL
28 REGISTER ALL CHILDREN WITH PACE FOR WHOM PARENTAL RIGHTS HAVE
29 BEEN TERMINATED FOR 90 DAYS AND FOR WHOM NO REPORT OF INTENTION
30 TO ADOPT HAS BEEN FILED IN THE COURT OF COMMON PLEAS. ANY PUBLIC

1 AND LICENSED PRIVATE AGENCIES MAY REGISTER OTHER CHILDREN AS SET
2 FORTH IN SECTION 3(B).

3 SECTION 5. RELATED AGENCIES ACTIVITIES.

4 THIS ACT SHALL NOT BE CONSTRUED TO LIMIT OR DELAY ACTIONS BY
5 AGENCIES OR INSTITUTIONS TO ARRANGE FOR ADOPTIONS OR OTHER
6 RELATED MATTERS ON THEIR OWN INITIATIVE. THIS ACT SHALL NOT
7 ALTER OR RESTRICT THE DUTIES, AUTHORITY AND CONFIDENTIALITY OF
8 THE AGENCIES AND INSTITUTIONS IN THOSE MATTERS.

9 SECTION 6. REGULATIONS AND STAFF.

10 THE DEPARTMENT OF PUBLIC WELFARE SHALL PROMULGATE NECESSARY
11 REGULATIONS AND SHALL HIRE THE STAFF WHICH IS NECESSARY TO
12 IMPLEMENT THIS ACT.

13 SECTION 7. RETROACTIVE APPLICATION OF ACT.

14 THIS ACT SHALL APPLY RETROACTIVELY TO ALL CHILDREN FOR WHOM:

15 (1) PARENTAL RIGHTS HAVE BEEN TERMINATED AND FOR WHOM NO
16 REPORT OF INTENTION TO ADOPT HAS BEEN FILED IN THE COURT OF
17 COMMON PLEAS.

18 (2) RESTORATION TO THE BIOLOGICAL FAMILY IS NEITHER
19 POSSIBLE NOR APPROPRIATE, A PETITION TO TERMINATE PARENTAL
20 RIGHTS HAS BEEN FILED AND ADOPTION IS PLANNED PENDING
21 IDENTIFICATION OF AN ADOPTIVE PARENT OR PARENTS.

22 SECTION 8. EFFECTIVE DATE.

23 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.