
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1102 Session of
1997

INTRODUCED BY SCHWARTZ, PUNT, HELFRICK, WILLIAMS, AFFLERBACH,
COSTA, GREENLEAF AND KUKOVICH, SEPTEMBER 17, 1997

REFERRED TO JUDICIARY, SEPTEMBER 17, 1997

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for effect of decree
3 of termination, for contents of petition for adoption and for
4 requirements and form of a decree of adoption.

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

7 Section 1. Section 2521(a) of Title 23 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 2521. Effect of decree of termination.

10 (a) Adoption proceeding rights extinguished.--A decree
11 terminating all rights of a parent or a decree terminating all
12 rights and duties of a parent entered by a court of competent
13 jurisdiction shall extinguish the power or the right of the
14 parent to object to or receive notice of adoption proceedings.
15 In an adoption proceeding of any child who has been adjudicated
16 dependent or who is in any type of foster care, however, any
17 birth relative, including a birth parent, who is specified in a
18 written agreement for contact which has been submitted to the

1 court in accordance with section 2902(c) (relating to
2 requirements and form of decree of adoption) shall be provided
3 with adequate notice of any hearing on and the final disposition
4 of any issue relating to this written agreement.

5 * * *

6 Section 2. Section 2701 of Title 23 is amended by adding a
7 paragraph to read:

8 § 2701. Contents of petition for adoption.

9 A petition for adoption shall set forth:

10 * * *

11 (10) If there is an existing written agreement
12 permitting contact between the child who is the subject of
13 the adoption and any birth relative of that child, as set
14 forth in section 2902(c) (relating to requirements and form
15 of decree of adoption), the original copy of the written
16 agreement submitted in accordance with section 2902(c)(2).

17 Section 3. Section 2902 of Title 23 is amended by adding a
18 subsection to read:

19 § 2902. Requirements and form of decree of adoption.

20 * * *

21 (c) Agreement regarding contact.--

22 (1) If the child has been adjudicated dependent or is in
23 any type of foster care, if the court determines it is in the
24 best interests of the child sought to be adopted, if the
25 adoptive parents consent, and, with the consent of the child
26 sought to be adopted if the child is 12 years of age or
27 older, an order of adoption may be entered providing for
28 contact between the child and one or more birth relatives
29 with whom the child has an existing beneficial relationship
30 following the finalization of the adoption. The contact shall

1 include, but not be limited to, visitation and/or exchange of
2 communication between the child and his or her birth
3 relative.

4 (2) The adoptive parents and the birth relatives who are
5 to be afforded the contact described in paragraph (1) shall
6 submit a written agreement either to the court which is
7 considering the petition for termination of parental rights
8 if the written agreement is filed at the same time the
9 petition is filed or to the court which is considering the
10 petition for adoption if the agreement is filed prior to the
11 court's final decree. The court shall receive recommendations
12 from the child's guardian ad litem, counsel and other child
13 welfare professionals, and if it deems necessary may order an
14 evaluation by a licensed child welfare agency or by other
15 psychological or psychiatric professionals. The licensed
16 child welfare agency shall issue a report in writing to the
17 court on the possible effect the proposed agreement will have
18 on the best interests of the child. The court, when
19 considering this written agreement, shall review the reports
20 and recommendations and hold a hearing or otherwise receive
21 evidence for the record and shall incorporate the agreement
22 into the order of adoption if it deems the order to be in the
23 child's best interests.

24 (3) If the court hearing the petition for termination of
25 parental rights is different from the court hearing the
26 petition for adoption, the second court may modify any such
27 written agreement incorporated into the other court's order
28 only if additional evidence is presented which shows the
29 agreement is no longer in the best interests of the child.

30 (4) The court entering the adoption decree shall retain

1 jurisdiction of the child after the adoption is final for the
2 sole purpose of hearing petitions brought to modify an
3 adoption agreement entered into under this subsection. The
4 court shall not grant any petition to modify the agreement
5 unless subsequent evidence is presented to show that the
6 modification is in the best interests of the child and is
7 based on changed circumstances. The court hearing a petition
8 to modify the agreement shall hold a hearing or otherwise
9 receive evidence for the record. The court shall not grant
10 any petition to increase the amount of contact under the
11 agreement unless the other party to the agreement consents to
12 such a change. Every agreement shall contain a clause stating
13 that the parties to the agreement understand and intend that
14 any disagreement or litigation as to the issue of visitation
15 or other contact between the child and his or her birth
16 relatives after the adoption is final shall not affect either
17 the validity of the adoption or the custody of the child.

18 Section 4. This act shall take effect in 60 days.