
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 702 Session of
2007

INTRODUCED BY GREENLEAF, BOSCOLA, O'PAKE, WONDERLING AND FERLO,
MARCH 26, 2007

REFERRED TO JUDICIARY, MARCH 26, 2007

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. Part III of Title 23 of the Pennsylvania
6 Consolidated Statutes is repealed:

7 PART III

8 ADOPTION

9 Chapter

10 21. Preliminary Provisions

11 23. Jurisdiction and Parties

12 25. Proceedings Prior to Petition to Adopt

13 27. Petition for Adoption

14 29. Decrees and Records

15 CHAPTER 21

PRELIMINARY PROVISIONS

Sec.

2101. Short title of part.

2102. Definitions.

[§ 2101. Short title of part.

This part shall be known and may be cited as the "Adoption Act."

§ 2102. Definitions.

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

"Adoptee." An individual proposed to be adopted.

"Agency." Any incorporated or unincorporated organization, society, institution or other entity, public or voluntary, which may receive or provide for the care of children, supervised by the Department of Public Welfare and providing adoption services in accordance with standards established by the department.

"Clerk." The clerk of the division of the court of common pleas having jurisdiction over voluntary relinquishment, involuntary termination and adoption proceedings.

"Court." The court of common pleas.

"Intermediary." Any person or persons or agency acting between the parent or parents and the proposed adoptive parent or parents in arranging an adoption placement.

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

(1) otherwise confidential or privileged information provided that identifying contents have been removed pursuant

to section 2909 (relating to medical history information);
and

(2) information about the natural parents which may be
relevant to a potential hereditary or congenital medical
problem.

"Newborn child." A child who is six months of age or younger
at the time of the filing of any petition pursuant to Chapter 25
(relating to proceedings prior to petition to adopt).

"Parent." Includes adoptive parent.

CHAPTER 23

JURISDICTION AND PARTIES

Subchapter

A. Jurisdiction

B. Parties

SUBCHAPTER A

JURISDICTION

Sec.

2301. Court.

2302. Venue.

§ 2301. Court.

The court of common pleas of each county shall exercise
through the appropriate division original jurisdiction over
voluntary relinquishment, involuntary termination and adoption
proceedings.

§ 2302. Venue.

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

(1) Where the parent or parents or the adoptee or the
person or persons who have filed a report of intention to

1 adopt required by section 2531 (relating to report of
2 intention to adopt) reside.

3 (2) In which is located an office of an agency having
4 custody of the adoptee or in the county where the agency
5 having placed the adoptee is located.

6 (3) With leave of court, in which the adoptee formerly
7 resided.

8 SUBCHAPTER B

9 PARTIES

10 Sec.

11 2311. Who may be adopted.

12 2312. Who may adopt.

13 2313. Representation.

14 § 2311. Who may be adopted.

15 Any individual may be adopted, regardless of his age or
16 residence.

17 § 2312. Who may adopt.

18 Any individual may become an adopting parent.

19 § 2313. Representation.

20 (a) Child.--The court shall appoint counsel to represent the
21 child in an involuntary termination proceeding when the
22 proceeding is being contested by one or both of the parents. The
23 court may appoint counsel or a guardian ad litem to represent
24 any child who has not reached the age of 18 years and is subject
25 to any other proceeding under this part whenever it is in the
26 best interests of the child. No attorney or law firm shall
27 represent both the child and the adopting parent or parents.

28 (a.1) Parent.--The court shall appoint counsel for a parent
29 whose rights are subject to termination in an involuntary
30 termination proceeding if, upon petition of the parent, the

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

3 (b) Payment of costs.--The court, in its discretion, may
4 order all or part of the costs attendant to a proceeding under
5 this part to be paid by the county wherein the case is heard,
6 the adopting parents or apportioned to both, provided that if
7 the adopting parents shall be ordered to bear all or a portion
8 of the costs of this part that:

9 (1) the court may direct that the payment of the fees or
10 a portion thereof may be paid by a court ordered schedule of
11 payments extending beyond the date of the involuntary
12 termination hearing; and

13 (2) the fee shall not exceed \$150.

14 CHAPTER 25

15 PROCEEDINGS PRIOR TO PETITION TO ADOPT

16 Subchapter

17 A. Voluntary Relinquishment

18 B. Involuntary Termination

19 C. Decree of Termination

20 D. Reports and Investigation

21 E. Pennsylvania Adoption Cooperative Exchange

22 SUBCHAPTER A

23 VOLUNTARY RELINQUISHMENT

24 Sec.

25 2501. Relinquishment to agency.

26 2502. Relinquishment to adult intending to adopt child.

27 2503. Hearing.

28 2504. Alternative procedure for relinquishment.

29 2504.1. Confidentiality.

30 2505. Counseling.

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 parent, the parent or parents of the child may petition the
8 court for permission to relinquish forever all parental rights
9 and duties with respect to their child.

10 (b) Consents.--The written consent of a parent or guardian
11 of a petitioner who has not reached 18 years of age shall not be
12 required. The consent of the agency to accept custody of the
13 child until such time as the child is adopted shall be required.

14 § 2502. Relinquishment to adult intending to adopt child.

15 (a) Petition.--When any child under the age of 18 years has
16 been for a minimum period of three days in the exclusive care of
17 an adult or adults who have filed a report of intention to adopt
18 required by section 2531 (relating to report of intention to
19 adopt), the parent or parents of the child may petition the
20 court for permission to relinquish forever all parental rights
21 to their child.

22 (b) Consents.--The written consent of a parent or guardian
23 of a petitioner who has not reached 18 years of age shall not be
24 required. The adult or adults having care of the child shall
25 file a separate consent to accept custody of the child.

26 § 2503. Hearing.

27 (a) General rule.--Upon presentation of a petition prepared
28 pursuant to section 2501 (relating to relinquishment to agency)
29 or section 2502 (relating to relinquishment to adult intending
30 to adopt child), the court shall fix a time for hearing which

1 shall not be less than ten days after filing of the petition.

2 The petitioner must appear at the hearing.

3 (b) Notice.--

4 (1) At least ten days' notice of the hearing shall be
5 given to the petitioner, and a copy of the notice shall be
6 given to the other parent, to the putative father whose
7 parental rights could be terminated pursuant to subsection
8 (d) and to the parents or guardian of a petitioner who has
9 not reached 18 years of age.

10 (2) The notice to the petitioner shall state the
11 following:

12 "To: (insert petitioner's name)

13 A petition has been filed asking the court to put an
14 end to all rights you have to your child (insert name of
15 child). The court has set a hearing to consider ending
16 your rights to your child. That hearing will be held in
17 (insert place, giving reference to exact room and
18 building number or designation) on (insert date) at
19 (insert time). Your presence is required at the hearing.
20 You have a right to be represented at the hearing by a
21 lawyer. You should take this paper to your lawyer at
22 once. If you do not have a lawyer or cannot afford one,
23 go to or telephone the office set forth below to find out
24 where you can get legal help.

25 (Name).....

26 (Address).....

27

28 (Telephone number)....."

29 (3) The copy of the notice which is given to the
30 putative father shall state that his rights may also be

1 subject to termination pursuant to subsection (d) if he fails
2 to file either an acknowledgment of paternity or claim of
3 paternity pursuant to section 5103 (relating to
4 acknowledgment and claim of paternity) and fails to either
5 appear at the hearing for the purpose of objecting to the
6 termination of his rights or file a written objection to such
7 termination with the court prior to the hearing.

8 (c) Decree.--After hearing, which shall be private, the
9 court may enter a decree of termination of parental rights in
10 the case of their relinquishment to an adult or a decree of
11 termination of parental rights and duties, including the
12 obligation of support, in the case of their relinquishment to an
13 agency.

14 (d) Putative father.--If a putative father will not file a
15 petition to voluntarily relinquish his parental rights pursuant
16 to section 2501 (relating to relinquishment to agency) or 2502
17 (relating to relinquishment to adult intending to adopt child),
18 has been given notice of the hearing being held pursuant to this
19 section and fails to either appear at that hearing for the
20 purpose of objecting to termination of his parental rights or
21 file a written objection to such termination with the court
22 prior to the hearing and has not filed an acknowledgment of
23 paternity or claim of paternity pursuant to section 5103, the
24 court may enter a decree terminating the parental rights of the
25 putative father pursuant to subsection (c).

26 (e) Right to file personal and medical history
27 information.--At the time the decree of termination is
28 transmitted to the parent whose rights are terminated, the court
29 shall advise that parent, in writing, of his or her continuing
30 right to place and update personal and medical history

1 information, whether or not the medical condition is in
2 existence or discoverable at the time of adoption, on file with
3 the court and with the Department of Public Welfare pursuant to
4 section 2905(d) (relating to impounding of proceedings and
5 access to records).

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,
9 upon petition by the intermediary or, where there is no
10 intermediary, by the adoptive parent, the court shall hold a
11 hearing for the purpose of confirming a consent to an adoption
12 upon expiration of the time periods under section 2711 (relating
13 to consents necessary to adoption). The original consent or
14 consents to the adoption shall be attached to the petition.

15 (b) Hearing.--Upon presentation of a petition filed pursuant
16 to this section, the court shall fix a time for a hearing which
17 shall not be less than ten days after filing of the petition.
18 Notice of the hearing shall be by personal service or by
19 registered mail or by such other means as the court may require
20 upon the consenter and shall be in the form provided in section
21 2513(b) (relating to hearing). Notice of the hearing shall be
22 given to the other parent or parents, to the putative father
23 whose parental rights could be terminated pursuant to subsection
24 (c) and to the parents or guardian of a consenting parent who
25 has not reached 18 years of age. The notice shall state that the
26 consenting parent's or putative father's rights may be
27 terminated as a result of the hearing. After hearing, which
28 shall be private, the court may enter a decree of termination of
29 parental rights in the case of a relinquishment to an adult or a
30 decree of termination of parental rights and duties, including

1 the obligation of support, in the case of a relinquishment to an
2 agency.

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

14 (d) Right to file personal and medical history
15 information.--At the time the decree of termination is
16 transmitted to the parent, the court shall also advise, in
17 writing, the parent whose rights have been terminated of his or
18 her continuing right to place and update personal and medical
19 history information, whether or not the medical condition is in
20 existence or discoverable at the time of adoption, on file with
21 the court and with the Department of Public Welfare pursuant to
22 section 2905(d) (relating to impounding of proceedings and
23 access to records).

24 § 2504.1. Confidentiality.

25 The court shall take such steps as are reasonably necessary
26 to assure that the identity of the adoptive parent or parents is
27 not disclosed without their consent in any proceeding under this
28 subchapter or Subchapter B (relating to involuntary
29 termination). The Supreme Court may prescribe uniform rules
30 under this section relating to such confidentiality.

1 § 2505. Counseling.

2 (a) List of counselors.--Any hospital or other facility
3 providing maternity care shall provide a list of available
4 counselors and counseling services compiled pursuant to
5 subsection (b) to its maternity patients who are known to be
6 considering relinquishment or termination of parental rights
7 pursuant to this part. The patient shall sign an acknowledgment
8 of receipt of such list prior to discharge, a copy of which
9 receipt shall be provided to the patient.

10 (b) Compilation of list.--The court shall compile a list of
11 qualified counselors and counseling services (including all
12 adoption agencies) which are available to counsel natural
13 parents within the county who are contemplating relinquishment
14 or termination of parental rights pursuant to this part. Such
15 list shall be distributed to every agency, hospital or other
16 facility providing maternity care within the county and shall be
17 made available upon request to any intermediary or licensed
18 health care professional.

19 (c) Court referral.--Prior to entering a decree of
20 termination of parental rights pursuant to section 2503
21 (relating to hearing) or 2504 (relating to alternative procedure
22 for relinquishment), if the parent whose rights are to be
23 terminated is present in court, the court shall inquire whether
24 he or she has received counseling concerning the termination and
25 the alternatives thereto from an agency or from a qualified
26 counselor listed by a court pursuant to subsection (b). If the
27 parent has not received such counseling, the court may, with the
28 parent's consent, refer the parent to an agency or qualified
29 counselor listed by a court pursuant to subsection (b) for the
30 purpose of receiving such counseling. In no event shall the

1 court delay the completion of any hearing pursuant to section
2 2503 or 2504 for more than 15 days in order to provide for such
3 counseling.

4 (d) Application for counseling.--Any parent who has filed a
5 petition to relinquish his or her parental rights, or has
6 executed a consent to adoption, and is in need of counseling
7 concerning the relinquishment or consent, and the alternatives
8 thereto, may apply to the court for referral to an agency or
9 qualified counselor listed by a court pursuant to subsection (b)
10 for the purpose of receiving such counseling. The court, in its
11 discretion, may make such a referral where it is satisfied that
12 this counseling would be of benefit to the parent.

13 (e) Counseling fund.--Except as hereinafter provided, each
14 report of intention to adopt filed pursuant to section 2531
15 (relating to report of intention to adopt) shall be accompanied
16 by a filing fee in the amount of \$75 which shall be paid into a
17 segregated fund established by the county. The county may also
18 make supplemental appropriations to the fund. All costs of
19 counseling provided pursuant to subsection (c) or (d) to
20 individuals who are unable to pay for such counseling shall be
21 paid from the fund. No filing fee may be exacted under this
22 subsection with respect to the adoption of a special needs child
23 who would be eligible for adoption assistance pursuant to
24 regulations promulgated by the Department of Public Welfare. In
25 addition, the court may reduce or waive the fee in cases of
26 demonstrated financial hardship.

27 SUBCHAPTER B

28 INVOLUNTARY TERMINATION

29 Sec.

30 2511. Grounds for involuntary termination.

1 2512. Petition for involuntary termination.

2 2513. Hearing.

3 § 2511. Grounds for involuntary termination.

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

7 (1) The parent by conduct continuing for a period of at
8 least six months immediately preceding the filing of the
9 petition either has evidenced a settled purpose of
10 relinquishing parental claim to a child or has refused or
11 failed to perform parental duties.

12 (2) The repeated and continued incapacity, abuse,
13 neglect or refusal of the parent has caused the child to be
14 without essential parental care, control or subsistence
15 necessary for his physical or mental well-being and the
16 conditions and causes of the incapacity, abuse, neglect or
17 refusal cannot or will not be remedied by the parent.

18 (3) The parent is the presumptive but not the natural
19 father of the child.

20 (4) The child is in the custody of an agency, having
21 been found under such circumstances that the identity or
22 whereabouts of the parent is unknown and cannot be
23 ascertained by diligent search and the parent does not claim
24 the child within three months after the child is found.

25 (5) The child has been removed from the care of the
26 parent by the court or under a voluntary agreement with an
27 agency for a period of at least six months, the conditions
28 which led to the removal or placement of the child continue
29 to exist, the parent cannot or will not remedy those
30 conditions within a reasonable period of time, the services

1 or assistance reasonably available to the parent are not
2 likely to remedy the conditions which led to the removal or
3 placement of the child within a reasonable period of time and
4 termination of the parental rights would best serve the needs
5 and welfare of the child.

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

14 (7) The parent is the father of a child conceived as a
15 result of a rape or incest.

16 (8) The child has been removed from the care of the
17 parent by the court or under a voluntary agreement with an
18 agency, 12 months or more have elapsed from the date of
19 removal or placement, the conditions which led to the removal
20 or placement of the child continue to exist and termination
21 of parental rights would best serve the needs and welfare of
22 the child.

23 (9) The parent has been convicted of one of the
24 following in which the victim was a child of the parent:

25 (i) an offense under 18 Pa.C.S. Ch. 25 (relating to
26 criminal homicide);

27 (ii) a felony under 18 Pa.C.S. § 2702 (relating to
28 aggravated assault);

29 (iii) an offense in another jurisdiction equivalent
30 to an offense in subparagraph (i) or (ii); or

1 (iv) an attempt, solicitation or conspiracy to
2 commit an offense in subparagraph (i), (ii) or (iii).

3 (b) Other considerations.--The court in terminating the
4 rights of a parent shall give primary consideration to the
5 developmental, physical and emotional needs and welfare of the
6 child. The rights of a parent shall not be terminated solely on
7 the basis of environmental factors such as inadequate housing,
8 furnishings, income, clothing and medical care if found to be
9 beyond the control of the parent. With respect to any petition
10 filed pursuant to subsection (a)(1), (6) or (8), the court shall
11 not consider any efforts by the parent to remedy the conditions
12 described therein which are first initiated subsequent to the
13 giving of notice of the filing of the petition.

14 (c) Right to file personal and medical history
15 information.--At the time the decree of termination is
16 transmitted to the parent whose rights have been terminated, the
17 court shall advise the parent, in writing, of his or her
18 continuing right to place and update personal and medical
19 history information, whether or not the medical condition is in
20 existence or discoverable at the time of adoption, on file with
21 the court and with the Department of Public Welfare pursuant to
22 section 2905(d) (relating to impounding of proceedings and
23 access to records).

24 § 2512. Petition for involuntary termination.

25 (a) Who may file.--A petition to terminate parental rights
26 with respect to a child under the age of 18 years may be filed
27 by any of the following:

28 (1) Either parent when termination is sought with
29 respect to the other parent.

30 (2) An agency.

1 (3) The individual having custody or standing in loco
2 parentis to the child and who has filed a report of intention
3 to adopt required by section 2531 (relating to report of
4 intention to adopt).

5 (4) An attorney representing a child or a guardian ad
6 litem representing a child who has been adjudicated dependent
7 under 42 Pa.C.S. § 6341(c) (relating to adjudication).

8 (b) Contents.--The petition shall set forth specifically
9 those grounds and facts alleged as the basis for terminating
10 parental rights. The petition filed under this section shall
11 also contain an averment that the petitioner will assume custody
12 of the child until such time as the child is adopted. If the
13 petitioner is an agency it shall not be required to aver that an
14 adoption is presently contemplated nor that a person with a
15 present intention to adopt exists.

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 § 2513. Hearing.

21 (a) Time.--The court shall fix a time for hearing on a
22 petition filed under section 2512 (relating to petition for
23 involuntary termination) which shall be not less than ten days
24 after filing of the petition.

25 (b) Notice.--At least ten days' notice shall be given to the
26 parent or parents, putative father, or parent of a minor parent
27 whose rights are to be terminated, by personal service or by
28 registered mail to his or their last known address or by such
29 other means as the court may require. A copy of the notice shall
30 be given in the same manner to the other parent, putative father

1 or parent or guardian of a minor parent whose rights are to be
2 terminated. A putative father shall include one who has filed a
3 claim of paternity as provided in section 5103 (relating to
4 acknowledgment and claim of paternity) prior to the institution
5 of proceedings. The notice shall state the following:

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

20 (Name).....
21 (Address).....
22
23 (Telephone number)....."

24 (c) Mother competent witness on paternity issue.--The
25 natural mother shall be a competent witness as to whether the
26 presumptive or putative father is the natural father of the
27 child.

28 (d) Decree.--After hearing, which may be private, the court
29 shall make a finding relative to the pertinent provisions of
30 section 2511 (relating to grounds for involuntary termination)

1 and upon such finding may enter a decree of termination of
2 parental rights.

3 SUBCHAPTER C

4 DECREE OF TERMINATION

5 Sec.

6 2521. Effect of decree of termination.

7 § 2521. Effect of decree of termination.

8 (a) Adoption proceeding rights extinguished.--A decree
9 terminating all rights of a parent or a decree terminating all
10 rights and duties of a parent entered by a court of competent
11 jurisdiction shall extinguish the power or the right of the
12 parent to object to or receive notice of adoption proceedings.

13 (b) Award of custody.--The decree shall award custody of the
14 child to the agency or the person consenting to accept custody
15 under section 2501 (relating to relinquishment to agency) or
16 section 2502 (relating to relinquishment to adult intending to
17 adopt child) or the petitioner in the case of a proceeding under
18 section 2512 (relating to petition for involuntary termination).

19 (c) Authority of agency or person receiving custody.--An
20 agency or person receiving custody of a child shall stand in
21 loco parentis to the child and in such capacity shall have the
22 authority, inter alia, to consent to marriage, to enlistment in
23 the armed forces and to major medical, psychiatric and surgical
24 treatment and to exercise such other authority concerning the
25 child as a natural parent could exercise.

26 SUBCHAPTER D

27 REPORTS AND INVESTIGATION

28 Sec.

29 2530. Home study and preplacement report.

30 2531. Report of intention to adopt.

1 2532. Filing of report.

2 2533. Report of intermediary.

3 2534. Exhibits.

4 2535. Investigation.

5 § 2530. Home study and preplacement report.

6 (a) General rule.--No intermediary shall place a child in
7 the physical care or custody of a prospective adoptive parent or
8 parents unless a home study containing a favorable
9 recommendation for placement of a child with the prospective
10 parent or parents has been completed within three years prior
11 thereto and which has been supplemented within one year prior
12 thereto. The home study shall be conducted by a local public
13 child-care agency, an adoption agency or a licensed social
14 worker designated by the court to perform such study.

15 (b) Preplacement report.--A preplacement report shall be
16 prepared by the agency or person conducting the home study.

17 (1) The preplacement report shall set forth all
18 pertinent information relating to the fitness of the adopting
19 parents as parents.

20 (2) The preplacement report shall be based upon a study
21 which shall include an investigation of the home environment,
22 family life, parenting skills, age, physical and mental
23 health, social, cultural and religious background, facilities
24 and resources of the adoptive parents and their ability to
25 manage their resources. The preplacement report shall also
26 include the information required by section 6344(b) (relating
27 to information relating to prospective child-care personnel).

28 (3) The preplacement report shall include a
29 determination regarding the fitness of the adopting parents
30 as parents.

1 (4) The preplacement report shall be dated and verified.

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

7 (1) The intermediary has no reason to believe that the
8 prospective adoptive parent or parents would not receive a
9 favorable recommendation for placement as a result of the
10 home study.

11 (2) The individual or agency conducting the home study
12 assents to the interim placement.

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

22 § 2531. Report of intention to adopt.

23 (a) General rule.--Every person now having or hereafter
24 receiving or retaining custody or physical care of any child for
25 the purpose or with the intention of adopting a child under the
26 age of 18 years shall report to the court in which the petition
27 for adoption will be filed.

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 was
2 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 rights
9 are to be terminated have received counseling with respect to
10 the termination and the alternatives thereto. If so, the
11 report shall state the dates on which the counseling was
12 provided and the name and address of the counselor or agency
13 which provided the counseling.

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

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

26 (7) A copy of the preplacement report prepared pursuant
27 to section 2530 (relating to home study and preplacement
28 report).

29 When a person receives or retains custody or physical care of a
30 child from an agency, the report shall set forth only the name

1 and address of the agency, the circumstances surrounding such
2 person receiving or retaining custody or physical care of the
3 child and a copy of the preplacement report prepared pursuant to
4 section 2530.

5 (c) When report not required.--No report shall be required
6 when the child is the child, grandchild, stepchild, brother or
7 sister of the whole or half blood, or niece or nephew by blood,
8 marriage or adoption of the person receiving or retaining
9 custody or physical care.

10 § 2532. Filing of report.

11 The report required by section 2531 (relating to report of
12 intention to adopt) shall be filed within 30 days after the date
13 of receipt of the custody or physical care of the child.

14 § 2533. Report of intermediary.

15 (a) General rule.--Within six months after filing the report
16 of intention to adopt, the intermediary who or which arranged
17 the adoption placement of any child under the age of 18 years
18 shall make a written report under oath to the court in which the
19 petition for adoption will be filed and shall thereupon
20 forthwith notify in writing the adopting parent or parents of
21 the fact that the report has been filed and the date thereof.

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

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

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

26 (3) The date of the placement of the child with the
27 adopting parent or parents.

28 (4) The name, racial background, age, marital status as
29 of the time of birth of the child and during one year prior
30 thereto, and religious affiliation of the parents of the

1 child.

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

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

7 (7) A statement that all consents required by section
8 2711 (relating to consents necessary to adoption) are
9 attached as exhibits or the basis upon which the consents are
10 not required.

11 (8) An itemized accounting of moneys and consideration
12 paid or to be paid to or received by the intermediary or to
13 or by any other person or persons to the knowledge of the
14 intermediary by reason of the adoption placement.

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

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

20 (11) If no birth certificate or certification of
21 registration of birth can be obtained, a statement of the
22 reason therefor.

23 (12) A statement that medical history information was
24 obtained and if not obtained, a statement of the reason
25 therefor.

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

29 (d) Permissible reimbursement of expenses.--Payments made by
30 the adoptive parents to an intermediary or a third party for

1 reimbursement of the following expenses, calculated without
2 regard to the income of the adoptive parents, are permissible
3 and are not in violation of 18 Pa.C.S. § 4305 (relating to
4 dealing in infant children):

5 (1) Medical and hospital expenses incurred by the
6 natural mother for prenatal care and those medical and
7 hospital expenses incurred by the natural mother and child
8 incident to birth.

9 (2) Medical, hospital and foster care expenses incurred
10 on behalf of the child prior to the decree of adoption.

11 (3) Reasonable expenses incurred by the agency or a
12 third party for adjustment counseling and training services
13 provided to the adoptive parents and for home studies or
14 investigations.

15 (4) Reasonable administrative expenses incurred by the
16 agency, to include overhead costs and attorney fees.

17 § 2534. Exhibits.

18 The report of the intermediary shall have attached to it the
19 following exhibits:

20 (1) A birth certificate or certification of registration
21 of birth of the child if it can be obtained.

22 (2) All consents to adoption required by section 2711
23 (relating to consents necessary to adoption).

24 (3) A certified copy of any decree of termination of
25 parental rights or parental rights and duties made by a court
26 other than the court in which the petition for adoption will
27 be filed.

28 § 2535. Investigation.

29 (a) General rule.--When a report required by section 2531
30 (relating to report of intention to adopt) has been filed, the

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

9 (b) Matters covered.--The investigation shall cover all
10 pertinent information regarding the child's eligibility for
11 adoption and the suitability of the placement, including the
12 physical, mental and emotional needs and welfare of the child,
13 and the child's and the adopting parents' age, sex, health and
14 racial, ethnic and religious background.

15 (c) Payment of costs.--The court may establish the procedure
16 for the payment of investigation costs.

17 SUBCHAPTER E

18 PENNSYLVANIA ADOPTION COOPERATIVE EXCHANGE

19 Sec.

20 2551. Definitions.

21 2552. Pennsylvania Adoption Cooperative Exchange.

22 2553. Registration of children.

23 2554. Responsibilities of PACE.

24 2555. Responsibilities of public and private agencies.

25 2556. Related activities of agencies unaffected.

26 2557. Regulations and staff.

27 2558. Retroactive application of subchapter.

28 § 2551. 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 "Department." The Department of Public Welfare of the
3 Commonwealth.

4 "PACE." The Pennsylvania Adoption Cooperative Exchange.

5 § 2552. Pennsylvania Adoption Cooperative Exchange.

6 There shall be a Pennsylvania Adoption Cooperative Exchange
7 in the Office of Children, Youth and Families of the Department
8 of Public Welfare.

9 § 2553. Registration of children.

10 (a) Mandatory registration.--PACE shall register and be
11 responsible for the review and referral of children for whom
12 parental rights have been terminated for 90 days and for whom no
13 report of intention to adopt has been filed in the court of
14 common pleas.

15 (b) Optional registration.--PACE may also register children
16 where restoration to the biological family is neither possible
17 nor appropriate, a petition to terminate parental rights has
18 been filed and adoption is planned pending identification of an
19 adoptive parent or parents. However, information about these
20 children shall not be publicized without prior approval by the
21 department, which shall ensure the anonymity of these children
22 until such time as parental rights are terminated.

23 (c) Children excluded from registration.--A child for whom
24 termination of parental rights is being appealed in a court
25 shall not be registered with PACE as available for adoption.
26 Identifying information of such children shall be forwarded to
27 PACE by the agency, with reference to the specific reason for
28 which the child is not to be placed on the listing service.

29 § 2554. Responsibilities of PACE.

30 PACE shall be responsible for the following:

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

3 (2) Accumulation and dissemination of statistical
4 information regarding all children registered with PACE.

5 (3) Creation and administration of a public information
6 program designed to inform potential adoptive parents of the
7 need for adoptive homes for children registered with PACE.

8 (4) Preparation and distribution of a photographic
9 listing service on children registered with PACE.

10 (5) Preparation of annual reports concerning functions
11 of PACE regarding the children and the prospective parents
12 listed with PACE. The reports shall be submitted annually to
13 the Health and Welfare and Judiciary Committees of the House
14 of Representatives, to the Public Health and Welfare and
15 Judiciary Committees of the Senate and to the Governor.

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

18 § 2555. Responsibilities of public and private agencies.

19 All public and licensed private child service agencies shall
20 register all children with PACE for whom parental rights have
21 been terminated for 90 days and for whom no report of intention
22 to adopt has been filed in the court of common pleas. A public
23 or licensed private agency may register other children as set
24 forth in section 2553(b) (relating to registration of children).

25 § 2556. Related activities of agencies unaffected.

26 This subchapter shall not be construed to limit or delay
27 actions by agencies or institutions to arrange for adoptions or
28 other related matters on their own initiative and shall not
29 alter or restrict the duties, authority and confidentiality of
30 the agencies and institutions in those matters.

1 § 2557. Regulations and staff.

2 The department shall promulgate necessary regulations and
3 shall hire the staff which is necessary to implement this
4 subchapter.

5 § 2558. Retroactive application of subchapter.

6 This subchapter shall apply retroactively to all children for
7 whom:

8 (1) Parental rights have been terminated and for whom no
9 report of intention to adopt has been filed in the court of
10 common pleas.

11 (2) Restoration to the biological family is neither
12 possible nor appropriate, a petition to terminate parental
13 rights has been filed and adoption is planned pending
14 identification of an adoptive parent or parents.

15 CHAPTER 27

16 PETITION FOR ADOPTION

17 Subchapter

18 A. Petition

19 B. Consents

20 C. Hearings

21 SUBCHAPTER A

22 PETITION

23 Sec.

24 2701. Contents of petition for adoption.

25 2702. Exhibits.

26 § 2701. Contents of petition for adoption.

27 A petition for adoption shall set forth:

28 (1) The full name, residence, marital status, age,
29 occupation, religious affiliation and racial background of
30 the adopting parent or parents and their relationship, if

1 any, to the adoptee.

2 (2) That the reports under sections 2530 (relating to
3 home study and preplacement report), 2531 (relating to report
4 of intention to adopt) and 2533 (relating to report of
5 intermediary) have been filed, if required.

6 (3) The name and address of the intermediary, if any.

7 (4) The full name of the adoptee and the fact and length
8 of time of the residence of the adoptee with the adopting
9 parent or parents.

10 (5) If there is no intermediary or if no report of the
11 intermediary has been filed or if the adoptee is over the age
12 of 18 years, all vital statistics and other information
13 enumerated and required to be stated of record by section
14 2533, so far as applicable.

15 (6) If a change in name of the adoptee is desired, the
16 new name.

17 (7) That all consents required by section 2711 (relating
18 to consents necessary to adoption) are attached as exhibits
19 or the basis upon which such consents are not required.

20 (8) That it is the desire of the petitioner or the
21 petitioners that the relationship of parent and child be
22 established between the petitioner or petitioners and the
23 adoptee.

24 (9) If no birth certificate or certification of
25 registration of birth can be obtained, a statement of the
26 reason therefor and an allegation of the efforts made to
27 obtain the certificate with a request that the court
28 establish a date and place of birth at the adoption hearing
29 on the basis of the evidence presented.

30 § 2702. Exhibits.

1 The petition shall have attached to it the following
2 exhibits:

3 (1) The consent or consents required by section 2711
4 (relating to consents necessary to adoption).

5 (2) If not already filed with a report of an
6 intermediary, the exhibits enumerated in section 2534
7 (relating to exhibits).

8 SUBCHAPTER B

9 CONSENTS

10 Sec.

11 2711. Consents necessary to adoption.

12 2712. Consents not naming adopting parents.

13 2713. When other consents not required.

14 2714. When consent of parent not required.

15 § 2711. Consents necessary to adoption.

16 (a) General rule.--Except as otherwise provided in this
17 part, consent to an adoption shall be required of the following:

18 (1) The adoptee, if over 12 years of age.

19 (2) The spouse of the adopting parent, unless they join
20 in the adoption petition.

21 (3) The parents or surviving parent of an adoptee who
22 has not reached the age of 18 years.

23 (4) The guardian of an incapacitated adoptee.

24 (5) The guardian of the person of an adoptee under the
25 age of 18 years, if any there be, or of the person or persons
26 having the custody of the adoptee, if any such person can be
27 found, whenever the adoptee has no parent whose consent is
28 required.

29 (b) Husband of natural mother.--The consent of the husband
30 of the mother shall not be necessary if, after notice to the

1 husband, it is proved to the satisfaction of the court by
2 evidence, including testimony of the natural mother, that the
3 husband of the natural mother is not the natural father of the
4 child. Absent such proof, the consent of a former husband of the
5 natural mother shall be required if he was the husband of the
6 natural mother at any time within one year prior to the birth of
7 the adoptee.

8 (c) Validity of consent.--No consent shall be valid if it
9 was executed prior to or within 72 hours after the birth of the
10 child. A putative father may execute a consent at any time after
11 receiving notice of the expected or actual birth of the child.
12 Any consent given outside this Commonwealth shall be valid for
13 purposes of this section if it was given in accordance with the
14 laws of the jurisdiction where it was executed. A consent to an
15 adoption may only be revoked as set forth in this subsection.
16 The revocation of a consent shall be in writing and shall be
17 served upon the agency or adult to whom the child was
18 relinquished. The following apply:

19 (1) Except as otherwise provided in paragraph (3):

20 (i) For a consent to an adoption executed by a birth
21 father or a putative father, the consent is irrevocable
22 more than 30 days after the birth of the child or the
23 execution of the consent, whichever occurs later.

24 (ii) For a consent to an adoption executed by a
25 birth mother, the consent is irrevocable more than 30
26 days after the execution of the consent.

27 (2) An individual may not waive the revocation period
28 under paragraph (1).

29 (3) Notwithstanding paragraph (1), the following apply:

30 (i) An individual who executed a consent to an

1 adoption may challenge the validity of the consent only
2 by filing a petition alleging fraud or duress within the
3 earlier of the following time frames:

4 (A) Sixty days after the birth of the child or
5 the execution of the consent, whichever occurs later.

6 (B) Thirty days after the entry of the adoption
7 decree.

8 (ii) A consent to an adoption may be invalidated
9 only if the alleged fraud or duress under subparagraph
10 (i) is proven by:

11 (A) a preponderance of the evidence in the case
12 of consent by a person 21 years of age or younger; or

13 (B) clear and convincing evidence in all other
14 cases.

15 (d) Contents of consent.--

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

21 I hereby voluntarily and unconditionally consent to
22 the adoption of the above named child.

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

26 I understand such child will be placed for adoption.

27 I understand I may revoke this consent to permanently
28 give up all rights to this child by placing the
29 revocation in writing and serving it upon the agency or
30 adult to whom the child was relinquished.

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

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

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

25 (2) The consent shall include the date and place of its
26 execution and names and addresses and signatures of at least
27 two persons who witnessed its execution and their
28 relationship to the consenter.

29 § 2712. Consents not naming adopting parents.

30 A consent to a proposed adoption meeting all the requirements

1 of this part but which does not name or otherwise identify the
2 adopting parent or parents shall be valid if it contains a
3 statement that it is voluntarily executed without disclosure of
4 the name or other identification of the adopting parent or
5 parents.

6 § 2713. When other consents not required.

7 The court, in its discretion, may dispense with consents
8 other than that of the adoptee to a petition for adoption when:

9 (1) the adoptee is over 18 years of age; or

10 (2) the adoptee is under 18 years of age and has no
11 parent living whose consent is required.

12 § 2714. When consent of parent not required.

13 Consent of a parent to adoption shall not be required if a
14 decree of termination with regard to such parent has been
15 entered. When parental rights have not previously been
16 terminated, the court may find that consent of a parent of the
17 adoptee is not required if, after notice and hearing as
18 prescribed in section 2513 (relating to hearing), the court
19 finds that grounds exist for involuntary termination under
20 section 2511 (relating to grounds for involuntary termination).

21 SUBCHAPTER C

22 HEARINGS

23 Sec.

24 2721. Notice of hearing.

25 2722. Place of hearing.

26 2723. Attendance at hearing.

27 2724. Testimony and investigation.

28 2725. Religious belief.

29 § 2721. Notice of hearing.

30 The court shall fix a time and place for hearing. Notice of

1 the hearing shall be given to all persons whose consents are
2 required and to such other persons as the court shall direct.
3 Notice to the parent or parents of the adoptee, if required, may
4 be given by the intermediary or someone acting on his behalf.
5 Notice shall be by personal service or by registered mail to the
6 last known address of the person to be notified or in such other
7 manner as the court shall direct.

8 § 2722. Place of hearing.

9 The hearing shall be private or in open court as the court
10 deems appropriate.

11 § 2723. Attendance at hearing.

12 The adopting parent or parents and the adoptee must appear at
13 and, if required, testify at the hearing under oath unless the
14 court determines their presence is unnecessary. In addition, the
15 court may require the appearance and testimony of all persons
16 whose consents are required by this part and representatives of
17 agencies or individuals who have acted as an intermediary if
18 their appearance or testimony would be necessary or helpful to
19 the court.

20 § 2724. Testimony and investigation.

21 (a) Testimony.--The court shall hear testimony in support of
22 the petition and such additional testimony as it deems necessary
23 to inform it as to the desirability of the proposed adoption. It
24 shall require a disclosure of all moneys and consideration paid
25 or to be paid to any person or institution in connection with
26 the adoption.

27 (b) Investigation.--The court may request that an
28 investigation be made by a person or public agency or, with its
29 consent, a voluntary agency, specifically designated by the
30 court to verify the statements of the petition and such other

1 facts that will give the court full knowledge of the
2 desirability of the proposed adoption, or the court may rely in
3 whole or in part upon a report earlier made under section 2535
4 (relating to investigation). In any case, the age, sex, health,
5 social and economic status or racial, ethnic or religious
6 background of the child or adopting parents shall not preclude
7 an adoption but the court shall decide its desirability on the
8 basis of the physical, mental and emotional needs and welfare of
9 the child.

10 (c) Payment of investigation costs.--The court may establish
11 a procedure for the payment of investigation costs by the
12 petitioners or by such other persons as the court may direct.

13 § 2725. Religious belief.

14 The intermediary may honor the preference of the natural
15 parents as to the religious faith in which the adoptive parents
16 intend to rear the adopted child. No person shall be denied the
17 benefits of this part because of a religious belief in the use
18 of spiritual means or prayer for healing.

19 CHAPTER 29

20 DECREES AND RECORDS

21 Sec.

22 2901. Time of entry of decree of adoption.

23 2902. Requirements and form of decree of adoption.

24 2903. Retention of parental status.

25 2904. Name of adoptee.

26 2905. Impounding of proceedings and access to records.

27 2906. Docket entries.

28 2907. Certificate of adoption.

29 2908. Foreign decree of adoption.

30 2909. Medical history information.

1 2910. Penalty for unauthorized disclosure.

2 § 2901. Time of entry of decree of adoption.

3 Unless the court for cause shown determines otherwise, no
4 decree of adoption shall be entered unless the natural parent or
5 parents' rights have been terminated, the investigation required
6 by section 2535 (relating to investigation) has been completed,
7 the report of the intermediary has been filed pursuant to
8 section 2533 (relating to report of intermediary) and all other
9 legal requirements have been met. If all legal requirements have
10 been met, the court may enter a decree of adoption at any time.

11 § 2902. Requirements and form of decree of adoption.

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

20 (b) Withdrawal or dismissal of petition.--In any case in
21 which the petition is withdrawn or dismissed, the court shall
22 enter an appropriate order in regard to the custody of the
23 child.

24 § 2903. Retention of parental status.

25 Whenever a parent consents to the adoption of his child by
26 his spouse, the parent-child relationship between him and his
27 child shall remain whether or not he is one of the petitioners
28 in the adoption proceeding.

29 § 2904. Name of adoptee.

30 If requested by the petitioners, the decree may provide that

1 the adoptee shall assume the name of the adopting parent or
2 parents and any given first or middle names that may be chosen.
3 § 2905. Impounding of proceedings and access to records.

4 (a) General rule.--All petitions, exhibits, reports, notes
5 of testimony, decrees, and other papers pertaining to any
6 proceeding under this part or former statutes relating to
7 adoption shall be kept in the files of the court as a permanent
8 record thereof and withheld from inspection except on an order
9 of court granted upon cause shown or except as otherwise
10 provided in this section. In the case of an adult adoptee who is
11 assuming a name under section 2904 (relating to name of
12 adoptee), an order of court is not required for the court to
13 forward to the Pennsylvania State Police documentation in
14 accordance with 54 Pa.C.S. § 702 (relating to change by order of
15 court). Any report required to be filed under sections 2530
16 (relating to home study and preplacement report), 2531 (relating
17 to report of intention to adopt) and 2535 (relating to
18 investigation) shall be made available to parties to an adoption
19 proceeding only after all identifying names and addresses in the
20 report have been extirpated by the court.

21 (b) Petition to court for limited information.--Upon
22 petition by any adoptee at least 18 years of age or, if less
23 than 18, his adoptive parent or legal guardian to the court in
24 the judicial district in which the permanent records relating to
25 the adoption have been impounded, the court shall furnish to the
26 adoptee as much information concerning the adoptee's natural
27 parents as will not endanger the anonymity of the natural
28 parents. The information shall first be reviewed, in camera, by
29 the court to insure that no information is revealed which would
30 endanger the anonymity of the natural parents. The court shall,

1 upon motion of the adoptee, examine the entire record to
2 determine if any additional information can safely be revealed
3 without endangering the anonymity of the natural parents.

4 (c) Access to identity of natural parents.--

5 (1) Upon petition of an adoptee at least 18 years of age
6 or, if less than 18, his adoptive parent or legal guardian,
7 the court may also, through its designated agent, attempt to
8 contact the natural parents, if known, to obtain their
9 consent to release their identity and present place of
10 residence to the adoptee. The petition may state the reasons
11 why the adoptee desires to contact his natural parents, which
12 reasons shall be disclosed to the natural parents if
13 contacted. However, the court and its agents shall take care
14 that none but the natural parents themselves are informed of
15 the adoptee's existence and relationship to them. The court
16 may refuse to contact the natural parents if it believes
17 that, under the circumstances, there would be a substantial
18 risk that persons other than the natural parents would learn
19 of the adoptee's existence and relationship to the natural
20 parents. The court shall appoint either the county children
21 and youth agency, or a private agency which provides adoption
22 services in accordance with standards established by the
23 Department of Public Welfare, to contact the natural parents
24 as its designated agent.

25 (2) In addition to petitioning the court to contact the
26 natural parents, an adoptee at least 18 years of age or, if
27 less than 18, his adoptive parent or legal guardian may
28 request the agency that placed the adoptee to contact his
29 natural parents. If the agency agrees to attempt to contact
30 the natural parents, it shall do so pursuant to the same

1 safeguards provided for court inquiries in paragraph (1).

2 (3) If the court or an agency contacts the natural
3 parents of an adoptee pursuant to a petition or request made
4 under paragraph (1) or (2), except as hereinafter provided,
5 information relating to both natural parents shall only be
6 disclosed to the adoptee if both natural parents agree to the
7 disclosure. If both of the natural parents are deceased,
8 their identities may be disclosed. If one parent is deceased,
9 his or her identity may be disclosed. If only one parent
10 agrees to the disclosure, then only the information relating
11 to the agreeing parent shall be disclosed.

12 (4) The Department of Public Welfare may, by regulation,
13 prescribe procedures related to contact of natural parents by
14 designated agents of the court.

15 (d) Disclosure of information.--

16 (1) No disclosure of information shall be made by the
17 court, an agency, the Department of Health or any other
18 Commonwealth agency regarding the adopted person's original
19 certificate of birth or regarding the documents of proof on
20 which the amended certificate of birth is based or relating
21 in any way to the natural parents unless the disclosure is
22 made pursuant to the provisions of this section.

23 (2) Notwithstanding any other provision in this section
24 to the contrary, the natural parents may, at the time of the
25 termination of their parental rights pursuant to Chapter 25
26 (relating to proceedings prior to petition to adopt) or at
27 any time thereafter, place on file, with the court and with
28 the Department of Health, a consent form granting permission
29 for the court or the department to disclose the information
30 contained in the adoptee's original certificate of birth, or

1 any other identifying or nonidentifying information
2 pertaining to the natural parents, at any time after the
3 adoptee attains the age of 18 or, if less than 18, to his
4 adoptive parent or legal guardian. If both parents give their
5 consent, the information on the birth certificate may be
6 disclosed. If only one parent gives consent, only the
7 identity of the consenting parent shall be disclosed. The
8 natural parents shall be entitled to update those records, as
9 necessary, to reflect the natural parent's current address or
10 any other information pertaining to the natural parents. The
11 information may only be disclosed upon the request of the
12 adoptee or his adoptive parent or legal guardian, and the
13 consent of the natural parents may be withdrawn at any time
14 by filing a withdrawal of consent form with the court and the
15 department. The department shall prescribe by regulation the
16 procedure and forms to be utilized for the giving, updating
17 and withdrawal of the consent.

18 (3) An adoptee at least 18 years of age or, if less than
19 18 years of age, the parent or legal guardian of the adoptee
20 shall have access to any original or updated medical history
21 information on file with the court which entered the decree
22 of termination or the Department of Public Welfare. No
23 medical history information shall be released which would
24 endanger the anonymity of the natural parents.

25 § 2906. Docket entries.

26 Upon the filing of any decree under this part, the clerk
27 shall enter on the docket an entry showing the date of the
28 decree. Information identifying the natural parents shall not be
29 entered on the docket.

30 § 2907. Certificate of adoption.

1 The clerk shall issue to the adopting parent or parents a
2 certificate reciting that the court has granted the adoption.
3 The certificate shall not disclose the name of any natural
4 parent or the original name of the person adopted. The
5 certificate shall be accepted in any legal proceedings in this
6 Commonwealth as evidence of the fact that the adoption has been
7 granted.

8 § 2908. Foreign decree of adoption.

9 (a) Registration.--When a minor is adopted by a resident of
10 this Commonwealth and a final decree of adoption is made or
11 entered in conformity with the laws of a foreign country, the
12 adopting parent shall file a properly authenticated copy of the
13 foreign decree of adoption, a copy of the child's visa and
14 either the child's birth certificate or some form of birth
15 identification with the clerk of the court in the county of
16 residence of the parent. If the foreign decree of adoption is
17 not in English, the adopting parent shall also file a certified
18 English translation. If no birth certificate or birth
19 identification can be obtained, the adopting parent shall
20 include an affidavit stating the reason therefor.

21 (b) Foreign adoption registration form.--The court shall
22 develop a foreign adoption registration form and instructions
23 for its use. The adopting parent or parents shall sign the
24 foreign adoption registration form indicating that they have
25 read and understand the information provided.

26 (c) Contents of form.--

27 (1) The form shall include statements indicating that
28 the foreign adoption may not be a full and final adoption if:

29 (i) Both parents, or just the sole parent if only
30 one parent is adopting, were not present for the adoption

1 hearing in the foreign country.

2 (ii) The foreign court did not enter a final
3 adoption decree or its equivalent.

4 (iii) The child's visa is not the type that would
5 afford the child full United States citizenship.

6 (2) The form shall notify the adopting parent or parents
7 that an adoption decree may be obtained from the Commonwealth
8 if the documents filed in subsection (a) are reviewed by the
9 court and the court determines the foreign adoption was full
10 and final.

11 (3) At the time of filing, a copy of the foreign decree
12 of adoption and a certified English translation, if
13 necessary, the child's visa and either the child's birth
14 certificate or some form of birth identification shall be
15 attached to the foreign registration form and submitted to
16 the clerk of court.

17 (d) Foreign adoption review.--In cases where the court
18 determines the foreign adoption was full and final, the court
19 shall direct the clerk to enter upon the docket an entry showing
20 the foreign court identification of the proceedings in that
21 court and the date of the decree. The clerk shall issue to the
22 parent a certificate of adoption as defined in section 2907
23 (relating to certificate of adoption). The clerk shall also send
24 documentation to the Department of Health. No hearing shall be
25 required prior to the issuance of the certificate of adoption,
26 and the parent shall not be required to obtain counsel.

27 (e) Readoption.--The court shall develop a standard
28 petition, a standard court order and instructions for their use
29 for occasions when a child must be readopted to finalize the
30 adoption. The clerk shall provide the adopting parent with the

1 standardized information.

2 (f) Records.--All documents required in subsection (a) as
3 well as any other accompanying documents shall be kept in the
4 files of the court as a permanent record and shall be withheld
5 from inspection except on order of court granted upon cause
6 shown. Information identifying the birth parents of the adoptee
7 shall not be required. The clerk may charge a filing fee in
8 accordance with the court's regular fee schedule as approved by
9 the president judge.

10 § 2909. Medical history information.

11 (a) Delivery of information.--Prior to the finalization of
12 an adoption, medical history information shall, where
13 practicable, be delivered by the attending physician or other
14 designated person to the intermediary who shall deliver such
15 information to the adopting parents or their physician. In cases
16 where there is no intermediary, medical history information
17 shall be delivered directly to the adopting parents or their
18 physician.

19 (b) Editing of information.--Except as provided in section
20 2905 (relating to impounding of proceedings and access to
21 records), medical history information shall be edited before
22 delivery or release by the Department of Public Welfare so as to
23 remove any contents which would identify the adoptee's natural
24 family.

25 (c) Availability of information forms.--The Department of
26 Public Welfare shall, upon request, make available to courts,
27 adoption agencies and individuals medical history information
28 forms that enable parents whose rights have been terminated to
29 register and update medical history information with the
30 Department of Public Welfare and with the court which entered

1 the decree of termination.

2 (d) Regulations.--The Department of Public Welfare shall, in
3 consultation with the Department of Health, prescribe by
4 regulation the procedure to be utilized and to develop the
5 content of medical history information forms.

6 § 2910. Penalty for unauthorized disclosure.

7 Any officer or employee of the court, other than a judge
8 thereof, the Department of Health, the Department of Public
9 Welfare or any agency who willfully discloses impounded or
10 otherwise confidential information relating to an adoption,
11 other than as expressly authorized and provided in this chapter,
12 commits a misdemeanor of the third degree.]

13 Section 2. Title 23 is amended by adding a part to read:

14 PART III

15 ADOPTION

16 Chapter

17 21. General Provisions

18 22. Termination of Parental Rights

19 23. Proceedings Prior to Petition to Adopt

20 24. Adoption Proceedings

21 25. Records and Access to Information

22 CHAPTER 21

23 GENERAL PROVISIONS

24 Sec.

25 2101. Short title of part.

26 2102. Definitions.

27 2103. Jurisdiction.

28 2104. Venue.

29 2105. Who may be adopted.

30 2106. Representation.

1 2107. Religious belief.
2 2108. Governing law.
3 2109. Agreement for continuing contact.
4 2110. Data collection and reporting.
5 2111. Adoption of individual 18 years of age or older.
6 2112. Masters.
7 2113. Confidentiality.
8 2114. Penalty for unauthorized disclosure.
9 § 2101. Short title of part.

10 This part shall be known and may be cited as the Adoption
11 Act.

12 § 2102. Definitions.

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

16 "Adoptee." An individual who has been adopted.

17 "Adoption." The judicial act of creating the relationship of
18 parent and child if it did not exist previously.

19 "Adoption-related counseling services." Services offered by
20 an agency, approved by the Department of Public Welfare, that,
21 at a minimum, provide a parent or presumptive father or putative
22 father with assistance in understanding the adoption process,
23 the individual's rights and obligations, the consequences of a
24 decision to relinquish parental rights and the alternatives to
25 relinquishment and adoption.

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

27 "Agency." A public or private entity, including a county
28 agency that:

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

1 (2) provides adoption services.

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

3 "Clerk." The clerk of the division of the court of common
4 pleas that has jurisdiction over proceedings for termination of
5 parental rights and adoption proceedings.

6 "County agency." The county children and youth social
7 service agency established under section 405 of the act of June
8 24, 1937 (P.L.2017, No.396), known as the County Institution
9 District Law, or its successor, and supervised by the Department
10 of Public Welfare under Article IX of the act of June 13, 1967
11 (P.L.31, No.21), known as the Public Welfare Code.

12 "Court." The division of the court of common pleas which has
13 jurisdiction over proceedings for termination of parental rights
14 and adoption.

15 "Custodial agency." The agency having legal custody of the
16 child proposed to be adopted.

17 "Department." The Department of Public Welfare of the
18 Commonwealth.

19 "Family profile." An agency's formal assessment of the
20 capacity and readiness of a prospective adoptive parent to adopt
21 a child conducted in accordance with the provisions of this
22 part.

23 "Guardian ad litem." An attorney appointed by the court to
24 promote the needs, welfare and best interests of a child in a
25 proceeding under this part.

26 "Identifying information." Information that when released
27 discloses the identity of an individual directly or indirectly
28 through circumstantial inference.

29 "Medical history information." Medical records and other
30 information concerning an adoptee or an adoptee's birth family

that is relevant to the present or future health care or medical treatment of the adoptee or the adoptee's birth family. The term includes, but is not limited to, the following:

(1) Otherwise confidential or privileged information if identifying information has been removed under section 2525 (relating to providing information from registry).

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

"Minor." An individual who is under 18 years of age.

"Nonidentifying information." Information that when released does not disclose the identity of an individual directly or indirectly through circumstantial inference.

"Parent." A birth parent or an adoptive parent of a child.

"Presumptive father." The husband of the birth mother when the child was born or an individual who was the husband of the birth mother at any time within one year of the birth of the child. A presumptive father is not necessarily the birth father of the child.

"Prospective adoptive parent." An individual proposing to adopt a child.

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

"Social history information." The term includes, but is not limited to, the following:

(1) Information about the adoptee and birth relatives of the adoptee, including economic, cultural and ethnic information.

(2) A developmental history of the adoptee, including the circumstances at birth, early development and subsequent

1 age-appropriate task development.

2 (3) The social experiences of the adoptee, including
3 abuse and neglect, out-of-home care and patterns of
4 interpersonal relationships.

5 (4) The educational experiences of the adoptee,
6 including the name of schools attended and dates of
7 enrollment, academic performance, extra-curricular activities
8 and special interests.

9 (5) The current functioning of the adoptee, including
10 behavioral patterns and relationships.

11 (6) The circumstances surrounding the adoption.

12 "Stepparent." The husband or wife of a parent, who is not
13 the child's birth parent or adoptive parent.

14 § 2103. Jurisdiction.

15 The court of common pleas of each county shall exercise
16 through the appropriate division original jurisdiction over
17 termination of parental rights and adoption proceedings.

18 § 2104. Venue.

19 Proceedings for termination of parental rights and adoption
20 must be brought in the court of the county where:

21 (1) the parent, child or prospective adoptive parent
22 resides;

23 (2) the agency having custody of the child is located;

24 (3) the agency which placed the child is located; or

25 (4) the child formerly resided, but only with leave of
26 court.

27 § 2105. Who may be adopted.

28 Any individual may be adopted regardless of age or residence.

29 § 2106. Representation.

30 (a) Child.--

1 (1) In a proceeding under Subchapter C of Chapter 22
2 (relating to involuntary termination of parental rights) when
3 the proceeding is being contested by one or both of the
4 parents of the child, the court shall appoint a guardian ad
5 litem for the child and may if necessary appoint an attorney
6 for the child.

7 (2) The court may appoint a guardian ad litem in a
8 proceeding under this part if the appointment serves the
9 needs, welfare and best interests of the child.

10 (3) Unless the court directs otherwise, the attorney or
11 guardian ad litem for the child in a proceeding under this
12 part shall be the same individual who served as the attorney
13 or guardian ad litem for the child in a dependency proceeding
14 under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

15 (b) Parent.--In a proceeding under Subchapter C of Chapter
16 22 the court shall appoint an attorney for a parent whose
17 parental rights with respect to the child are subject to
18 termination if:

19 (1) the parent requests an attorney; and

20 (2) the court determines that either the parent is
21 unable to pay for an attorney or payment will result in
22 substantial financial hardship for the parent.

23 (c) Payment of costs.--The court shall order the county in
24 which the case is heard under this part to pay the costs of the
25 appointment of a guardian ad litem or an attorney under this
26 section.

27 (d) Conflict of interest.--In a proceeding under this part,
28 an attorney or a law firm may not represent:

29 (1) both a party and the child; or

30 (2) both a prospective adoptive parent and a parent.

1 (e) Powers and duties of guardians ad litem.--A guardian ad
2 litem for the child shall promote the needs, welfare and best
3 interests of the child at every stage of the proceedings under
4 this part and shall have the following rights and duties:

5 (1) Meet with the child as soon as possible following
6 the appointment and on a regular basis thereafter in a manner
7 appropriate to the child's age and maturity.

8 (2) On a timely basis, be given access to relevant
9 information and records relating to the proceedings under
10 this part.

11 (3) Participate in any proceeding under this part and in
12 any appeal of a court order under this part.

13 (4) Appeal a court order under this part if in the best
14 interests of the child.

15 (5) Conduct such further investigation necessary to
16 ascertain facts.

17 (6) Interview potential witnesses, examine and cross-
18 examine witnesses and present witnesses and evidence in any
19 proceeding under this part.

20 (7) Submit written recommendations to the court
21 regarding the best interests of the child and set forth in
22 the recommendations any wishes expressed by the child,
23 whether or not the guardian ad litem agrees with them.

24 (8) Explain the proceedings to the child to the extent
25 appropriate to the child's age and maturity.

26 § 2107. Religious belief.

27 An agency may honor the preference of a parent regarding the
28 religious faith in which a prospective adoptive parent intends
29 to raise the adopted child. A person may not be denied the
30 benefits of this part because of a religious belief.

1 § 2108. Governing law.

2 (a) Interstate placement.--If a child is brought into this
3 Commonwealth from another state for the purpose of adoption or
4 placement for adoption, the law of this Commonwealth governs,
5 except as provided in section 2220 (relating to validity of
6 voluntary relinquishment form from another jurisdiction).

7 (b) Intercountry placement.--If a child is brought into this
8 Commonwealth from another country for the purpose of adoption or
9 placement for adoption, the law of this Commonwealth governs,
10 except as provided in section 2220.

11 § 2109. Agreement for continuing contact.

12 (a) Who may enter agreement.--A prospective adoptive parent,
13 an adoptive parent or a legal guardian of the child may at any
14 time enter into a written agreement with a birth parent or other
15 birth relative of the child to permit continuing contact between
16 the child and that birth parent or other birth relative.

17 (b) Filing of agreement.--An agreement under this section
18 shall be filed with the court that finalized or will finalize
19 the adoption of the child.

20 (c) Modification of agreement.--Only a prospective adoptive
21 parent, an adoptive parent or a legal guardian of the child may
22 seek to modify an agreement under this section.

23 (d) Enforcement of agreement.--

24 (1) If the child was 12 years of age or older when an
25 agreement under this section was executed, the agreement is
26 enforceable only if the child consented to the agreement at
27 the time of its execution.

28 (2) A birth parent or another birth relative of the
29 child who is a party to the agreement may seek to enforce the
30 agreement by filing an action in the court that finalized or

1 will finalize the adoption.

2 (3) A birth parent or another birth relative of the
3 child who is a party to the agreement may request only
4 specific performance in seeking to enforce the agreement and
5 may not request monetary damages or modification of the
6 agreement.

7 (4) Before the court may enter an order enforcing the
8 agreement, it must find all of the following:

9 (i) The birth parent or another birth relative of
10 the child who is a party to the agreement participated or
11 attempted to participate in mediating the dispute in good
12 faith before filing the enforcement action.

13 (ii) The birth parent or another birth relative of
14 the child who is a party to the agreement is in
15 compliance with the agreement.

16 (iii) By clear and convincing evidence, enforcement
17 serves the needs, welfare and best interests of the
18 child.

19 (5) This subsection constitutes the exclusive remedy for
20 enforcement of an agreement under this section, and no
21 statutory or common law remedy shall be available for
22 enforcement or damages in connection with an agreement under
23 this section.

24 § 2110. Data collection and reporting.

25 (a) Establishment of system.--The department shall establish
26 a Statewide data collection and reporting system for
27 nonidentifying statistical information regarding adoptions.

28 (b) Purpose of system.--The purpose of the system
29 established under this section is to develop more reliable data
30 on adoption practices and improve the analysis of trends and

1 issues in adoptions.

2 (c) Annual report.--

3 (1) Beginning one year after the effective date of this
4 section and annually thereafter, the department shall submit
5 to the General Assembly, the Governor and the Supreme Court
6 Administrator's Office a report that includes the information
7 received under this section, the total number of children
8 receiving adoption assistance and the number of children
9 receiving each type of adoption assistance.

10 (2) The department shall include in the report under
11 paragraph (1) any analysis of the data or recommendation that
12 it deems appropriate.

13 (d) Information from court.--Each court shall provide to the
14 department the total number of adoptions finalized during the
15 specified reporting period and the following information
16 relating to each adoption:

17 (1) The child's date of birth, race and place of birth.

18 (2) The date of birth and race of the birth parents of
19 the child, if known.

20 (3) The date of birth and race of the adoptive parents
21 of the child.

22 (4) Whether the adoptive parent is a stepparent, foster
23 parent or relative of the child and the relationship to the
24 child, if any.

25 (5) Whether the birth parents of the child executed a
26 voluntary relinquishment form or parental rights were
27 terminated involuntarily and the date that parental rights
28 with respect to the child were terminated.

29 (6) Whether the child was in the custody of an agency or
30 in private placement when the petition for adoption was

1 filed.

2 (7) The length of time the child was in the custody of
3 an agency or in private placement before the adoption was
4 finalized.

5 (8) The date the court entered the adoption decree.

6 (9) Whether the child was eligible for and received
7 adoption assistance and what type was received, if any.

8 (10) Any other information that the department requires.

9 (e) Cooperation by agency.--An agency shall cooperate to the
10 fullest extent possible in providing the court information
11 concerning adoptions that the court is required to provide to
12 the department.

13 (f) Information from county agency.--Each county agency
14 shall provide to the department information for the specified
15 reporting period, including, but not limited to, the following:

16 (1) The number of children with the goal of adoption.

17 (2) The following information regarding each child with
18 the goal of adoption:

19 (i) The length of time that the child has been
20 waiting to be placed for adoption.

21 (ii) The length of time that the child has been in
22 foster or other care.

23 (iii) Demographic information regarding the child,
24 including age, race, gender and any characteristic of the
25 child which makes the child eligible for adoption
26 assistance.

27 (3) The number of children placed for adoption.

28 (4) Demographic information regarding each child placed
29 for adoption, including age, race and gender and any
30 characteristic of the child that makes the child eligible for

1 adoption assistance.

2 (g) Rules and regulations.--The department shall promulgate
3 rules and regulations necessary to implement this section,
4 including, but not limited to, the establishment of specified
5 reporting periods and the development of forms.

6 § 2111. Adoption of individual 18 years of age or older.

7 (a) Requirements for adoption.--If an individual petitions
8 the court to adopt another individual who is 18 years of age or
9 older, the court shall require the following before it
10 determines whether to grant the adoption:

11 (1) The consent of the individual proposed to be
12 adopted.

13 (2) Any information under section 2402 (relating to
14 contents of petition for adoption) required by the court.

15 (b) Procedures necessary for adoption.--The court shall
16 determine which, if any, procedures under Chapter 24 (relating
17 to adoption proceedings) must be followed for an adoption under
18 this section.

19 (c) Change of name.--If an individual 18 years of age or
20 older is proposed to be adopted and seeks approval of a change
21 of name, the individual must submit an application for change of
22 name. Notwithstanding section 2511 (relating to court and agency
23 records), information shall be forwarded to the Pennsylvania
24 State Police pursuant to 54 Pa.C.S. § 702 (relating to change by
25 order of court) without the need for an order of court. The
26 court may grant the adoption under this part even if it does not
27 order the change of name under 54 Pa.C.S. § 702.

28 § 2112. Masters.

29 (a) General rule.--The governing authority may promulgate
30 rules for the selection and appointment of masters on a full-

1 time or part-time basis. A master shall be a member of the bar
2 of this Commonwealth. The number and compensation of masters
3 shall be fixed by the court, and their compensation shall be
4 paid by the county.

5 (b) Hearings before masters.--

6 (1) The court of common pleas may direct that hearings
7 in any cases involving the termination of parental rights
8 under this part be conducted in the first instance by the
9 master in the manner provided in this part.

10 (2) Before commencing the hearing, the master shall
11 inform the parties who have appeared that they are entitled
12 to have the matter heard by a judge. If a party objects to
13 the hearing before the master, the hearing shall be conducted
14 by a judge.

15 (3) The hearing before a master shall be transcribed and
16 conducted in the same manner as though it were being
17 conducted by a judge of the court.

18 (c) Recommendations of masters.--

19 (1) Upon the conclusion of a hearing before a master,
20 the master shall transmit written findings and
21 recommendations for disposition to the appropriate judge of
22 the court.

23 (2) Prompt written notice and copies of the findings and
24 recommendations shall be given to the parties to the
25 proceedings.

26 (3) Unless a rehearing is ordered under subsection (d),
27 the findings and recommendations of the master become the
28 findings and order of the court when confirmed in writing by
29 the judge.

30 (d) Rehearing before judge.--The appropriate judge of the

1 court may at any time upon cause shown order a rehearing of the
2 matter presented to the master.

3 § 2113. Confidentiality.

4 The court shall take such steps as are reasonably necessary
5 to ensure that the identity of a prospective adoptive parent or
6 an adoptive parent is not disclosed in connection with any
7 proceeding under this part unless the prospective adoptive
8 parent or adoptive parent consents to the disclosure. The
9 Supreme Court may prescribe uniform rules relating to
10 confidentiality.

11 § 2114. Penalty for unauthorized disclosure.

12 Any officer or employee of the court, other than a judge
13 thereof, the Department of Health, the Department of Public
14 Welfare or any agency that willfully discloses impounded or
15 otherwise confidential information relating to an adoption,
16 other than as expressly authorized and provided in this part,
17 commits a misdemeanor of the third degree.

18 CHAPTER 22

19 TERMINATION OF PARENTAL RIGHTS

20 Subchapter

21 A. General Provisions

22 B. Voluntary Relinquishment of Parental Rights

23 C. Involuntary Termination of Parental Rights

24 D. Termination of Parental Rights Hearing and Decree

25 SUBCHAPTER A

26 GENERAL PROVISIONS

27 Sec.

28 2201. Termination of parental rights.

29 2202. Notice to birth parent and adoptive parent.

30 2203. Adoption-related counseling services.

1 2204. Authority of agency or individual receiving custody.

2 2205. Custody of child during proceeding.

3 § 2201. Termination of parental rights.

4 (a) General rule.--Termination of parental rights shall only
5 occur pursuant to this chapter. A petition to terminate parental
6 rights may be filed under section 2215 (relating to termination
7 of parental rights pursuant to irrevocable voluntary
8 relinquishment form), 2216 (relating to termination of parental
9 rights in voluntary relinquishment hearing), 2232 (relating to
10 contents of petition for involuntary termination) or 2235
11 (relating to termination of parental rights of putative father).

12 (b) Parent of child.--The parental rights of a parent of a
13 child must be terminated before another individual may adopt
14 that child unless the prospective adoptive parent is the
15 stepparent of the child.

16 § 2202. Notice to birth parent and adoptive parent.

17 (a) Purpose.--The notice under this section is intended to
18 provide a birth parent and adoptive parent with information
19 regarding the ability of the parent to access medical and social
20 history information from the information registry established by
21 the department in Subchapter C of Chapter 25 (relating to
22 information registry).

23 (b) Notice to birth parent.--The notice shall advise that
24 the birth parent may at any time:

25 (1) Add medical and social history information to court
26 records for the benefit of the adoptee.

27 (2) File and update medical and social history
28 information with the information registry by using a form
29 developed by the department.

30 (3) Ask the court to request medical or social history

information relating to the adoptee.

(c) Notice to adoptive parent.--The notice shall advise that the adoptive parent may at any time:

(1) Add medical and social history information to court records for the benefit of a birth parent of the adoptee.

(2) Access medical and social history information filed by a birth parent of the adoptee with the information registry established by the department.

(3) Ask the court to request medical or social history information relating to a birth parent of the adoptee.

(d) Current address.--A birth parent and an adoptive parent of the adoptee shall provide a current address to the court to ensure receipt of medical and social history information from the court.

(e) Distribution.--The notice must be attached to the following:

(1) Any applicable notice required under Subchapter D (relating to termination of parental rights hearing and decree).

(2) The voluntary relinquishment form under section 2212 (relating to contents of voluntary relinquishment form).

(3) A final decree of termination of parental rights under section 2245 (relating to decree of termination).

(4) The adoption decree under section 2431 (relating to requirements and form of decree of adoption).

(f) Medical and social history information form.--The form for medical and social history information, developed by the department under Subchapter C of Chapter 25, shall accompany the notice under this section.

§ 2203. Adoption-related counseling services.

1 (a) Purpose of counseling.--The purpose of counseling under
2 this section is to provide a birth parent with assistance in
3 understanding the adoption process, the birth parent's rights
4 and obligations, the consequences of a decision to relinquish
5 parental rights and the alternatives to relinquishment and
6 adoption.

7 (b) Right to counseling.--A parent or presumptive father,
8 putative father or an agency or attorney acting on behalf of the
9 parent, who is unable to pay for the counseling or who will
10 experience substantial financial hardship as a result of
11 payment, may apply for counseling under this section, if the
12 individual:

13 (1) is considering relinquishing parental rights with
14 respect to a child or placing a child for adoption; or

15 (2) has relinquished parental rights with respect to a
16 child or placed a child for adoption.

17 (c) Compilation of list.--Each county shall compile a list
18 of qualified counselors and counseling service providers,
19 including agencies, which are available within the county and
20 surrounding area to provide counseling under this section.

21 (d) Distribution of list.--

22 (1) Each county shall provide the list compiled under
23 subsection (c) to the following:

24 (i) Each agency within the county.

25 (ii) Each health care provider of obstetrical or
26 maternity care within the county.

27 (iii) Any person upon request.

28 (2) Any agency or health care provider of obstetrical or
29 maternity care that received the list compiled under
30 subsection (c) shall provide the list to any individual it

1 knows is considering relinquishing parental rights with
2 respect to a child or placing a child for adoption.

3 (e) Notice of availability of list.--The department shall
4 provide notice of the availability of the list compiled under
5 subsection (c) to any man filing either an acknowledgment of
6 paternity or a claim of paternity under section 5103 (relating
7 to acknowledgment and claim of paternity).

8 (f) Referral for counseling.--

9 (1) If a parent decides to receive counseling, the
10 individual shall contact the county for a referral
11 authorizing counseling.

12 (2) The county shall provide the parent with a referral
13 within three days of receiving the request.

14 (3) The county shall advise the parent of the procedures
15 to obtain counseling services.

16 (4) If during a hearing for termination of parental
17 rights the parent decides to seek counseling services under
18 this section, the court shall continue the hearing for up to
19 15 days to accommodate the counseling. A continuance shall
20 not affect the irrevocability of the voluntary relinquishment
21 form.

22 (g) Counseling fund.--Each county shall establish a separate
23 fund to pay for adoption-related counseling services under this
24 section. The source of the counseling fund shall be the fee
25 collected under subsection (h). The county may make supplemental
26 appropriations to the counseling fund.

27 (h) Filing fee.--

28 (1) Each report of intention to adopt filed pursuant to
29 section 2317 (relating to report of intention to adopt) shall
30 be accompanied by a filing fee in the amount of \$75 which

1 shall be transferred to the county to pay for adoption-
2 related counseling services. All costs of counseling services
3 provided to individuals who are unable to pay for such
4 services shall be paid from the fund.

5 (2) No filing fee may be exacted under this subsection
6 with respect to the adoption of a special needs child who
7 would be eligible for adoption assistance pursuant to
8 regulations promulgated by the department. In addition, the
9 court may reduce or waive the fee in cases of demonstrated
10 financial hardship.

11 (i) Additional counseling.--The frequency of adoption-
12 related counseling services shall be determined by the county in
13 accordance with regulations promulgated by the department, which
14 take into account the needs of the parent.

15 (j) Designation by county.--Each county shall designate an
16 agency within the county to implement the provisions of this
17 section.

18 § 2204. Authority of agency or individual receiving custody.

19 An agency or individual receiving custody of a child under
20 this chapter shall stand in loco parentis to the child and in
21 such capacity shall have the authority, inter alia, to consent
22 to marriage, to enlistment in the armed forces and to major
23 medical, psychiatric and surgical treatment and to exercise such
24 other authority concerning the child as a birth parent could
25 exercise.

26 § 2205. Custody of child during proceeding.

27 During the pendency of a proceeding under this chapter,
28 unless the court directs otherwise, custody of the child shall
29 remain with the individual or agency that had custody at the
30 time the petition was filed.

SUBCHAPTER B

VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS

Sec.

2211. Execution of voluntary relinquishment form.

2212. Contents of voluntary relinquishment form.

2213. Validity of voluntary relinquishment form.

2214. Revocation of voluntary relinquishment form.

2215. Termination of parental rights pursuant to irrevocable
voluntary relinquishment form.

2216. Termination of parental rights in voluntary
relinquishment hearing.

2217. Hearing for minor birth parent.

2218. Designation of individual to adopt child.

2219. Judicial set-aside.

2220. Validity of voluntary relinquishment form from another jurisdiction.

2221. Consents by others regarding relinquishment.

§ 2211. Execution of voluntary relinquishment form.

(a) Who may execute a voluntary relinquishment form.--The following individuals may execute a voluntary relinquishment form in order to voluntarily relinquish their parental rights with respect to a child:

(1) A parent.

(2) A presumptive father.

(3) A putative father.

(b) Information prior to execution of voluntary
relinquishment form.--Before executing a voluntary
relinquishment form, an individual must be given a copy of the
notice under section 2202 (relating to notice to birth parent
and adoptive parent) and have been informed of the following:

1 (1) The meaning and consequences of adoption.

2 (2) The availability of adoption-related counseling
3 services.

4 (3) The parent must be advised that misidentifying the
5 other birth parent of the child could prevent the adoption
6 from being completed or disrupt the adoption.

7 (4) The right to place and update medical and social
8 history information on file with:

9 (i) the court which finalized the adoption;

10 (ii) the agency which coordinated the adoption;

11 (iii) the Department of Health; and

12 (iv) the information registry established under
13 Subchapter C of Chapter 25 (relating to information
14 registry).

15 (c) Witnesses to execution.--The voluntary relinquishment
16 form shall include the date and place of execution and names and
17 addresses of at least two persons who witnessed its execution
18 and their relationship to the individual executing the voluntary
19 relinquishment form.

20 § 2212. Contents of voluntary relinquishment form.

21 (a) General rule.--Except when a parent consents to the
22 adoption of his child by his spouse, the voluntary
23 relinquishment form shall be in substantially the following
24 form:

25 I hereby voluntarily relinquish my parental rights to the
26 above-named child.

27 I understand that by signing this voluntary
28 relinquishment form I indicate my intent to permanently
29 give up all rights to this child.

30 I understand that such child will be placed for adoption.

1 I understand that I have a right to consult an attorney
2 who is not the attorney for the adopting parent.

3 I have been informed of the meaning and consequences of
4 adoption.

5 I have been offered adoption-related counseling services.

6 I understand the consequences of misidentifying the other
7 birth parent to the child.

8 I understand that I have the right to place and update
9 medical and social history information on file with the
10 court which finalized the adoption, the agency which
11 coordinated the adoption, the Department of Health and
12 the information registry in the Department of Public
13 Welfare.

14 If I am the birth mother, I understand that I may revoke
15 this voluntary relinquishment form by placing the
16 revocation in writing and delivering it to the agency or
17 adult to whom the child was relinquished within 30 days
18 after signing.

19 If I am the parent, presumptive or putative father, I
20 understand that I may revoke this voluntary
21 relinquishment form by placing the revocation in writing
22 and delivering it to the agency or adult to whom the
23 child was relinquished within 30 days after either the
24 birth of the child or the signing of this form, whichever
25 occurs later.

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

28 (b) Minor birth parent.--If the birth parent is under 18
29 years of age, the following apply:

30 (1) The minor parent must be represented by an attorney.

1 (2) The minor parent must provide the agency or attorney
2 coordinating the adoption with the name and address of his or
3 her parent or legal guardian.

4 (3) If the minor parent does not provide the name and
5 address of his or her parent or legal guardian, a hearing
6 must be held under section 2217 (relating to hearing for
7 minor birth parent).

8 (4) If a hearing must be held for the minor birth
9 parent, the voluntary relinquishment form is revocable until
10 30 days after the hearing.

11 (5) The voluntary relinquishment form for a minor birth
12 parent must contain the following statements in addition to
13 those required under subsection (a):

14 I understand that if I am under 18 years of age, I must
15 be represented by an attorney. I understand that if I am
16 under 18 years of age, I must provide the name and
17 address of my parent or legal guardian. If I do not
18 provide this information, I understand that I will be
19 required to attend a hearing, at which time the court
20 will review with me the voluntary relinquishment form and
21 determine if I understand the voluntary relinquishment
22 process. I understand that if I am required to attend a
23 hearing, my voluntary relinquishment form is revocable
24 until 30 days after the hearing.

25 (c) Additional information.--

26 (1) A voluntary relinquishment form may designate an
27 individual to adopt the child.

28 (2) The voluntary relinquishment form must state that
29 the parent has been informed of the right to have an
30 attorney.

(3) The voluntary relinquishment form shall not be valid unless the individual executing the form provides a written acknowledgment that adoption-related counseling services have been offered. If counseling services have been provided, the name and address of the agency or individual providing the counseling must be set forth.

§ 2213. Validity of voluntary relinquishment form.

(a) Birth mother 18 years of age or older.--A voluntary relinquishment form executed by a birth mother who is 18 years of age or older shall not be valid if it was executed prior to 72 hours after the birth of the child. If 72 hours have passed since the birth of the child, the voluntary relinquishment form is irrevocable 30 days after execution.

(b) Parent or presumptive or putative father 18 years of age or older.--A parent or presumptive or putative father who is 18 years of age or older may sign a voluntary relinquishment form at any time after receiving notice of the actual or expected birth of the child. A voluntary relinquishment form is revocable until 30 days after the birth of the child or 30 days after execution, whichever occurs later.

(c) Minor birth parent.--If the minor birth parent does not provide the name and address of his or her parent or legal guardian pursuant to section 2212(b) (relating to contents of voluntary relinquishment form), and a hearing must be held pursuant to section 2217 (relating to hearing for minor birth parent), the voluntary relinquishment form executed by the minor birth parent is revocable until 30 days after the hearing.

(d) Other parent.--Except as otherwise provided, a voluntary relinquishment form executed by a parent of the child is revocable until 30 days after its execution.

1 § 2214. Revocation of voluntary relinquishment form.

2 (a) General rule.--The revocation of the voluntary
3 relinquishment form shall be in writing and shall be delivered
4 to the agency or adult to whom the child was relinquished.

5 (b) Time period.--The written revocation must be delivered
6 within the following time periods:

7 (1) Birth mother, within 30 days after signing.

8 (2) Parent or presumptive or putative father, within 30
9 days after either the birth of the child or the signing of
10 the voluntary relinquishment form, whichever occurs later.

11 (3) Minor birth parent when a hearing is required under
12 section 2217 (relating to hearing for minor birth parent),
13 within 30 days after the hearing.

14 (c) Waiver of revocation period prohibited.--An individual
15 may not waive the applicable revocation period under subsection
16 (b).

17 § 2215. Termination of parental rights pursuant to irrevocable
18 voluntary relinquishment form.

19 (a) Petition.--A petition must be filed requesting that the
20 parental rights of the individual who executed a voluntary
21 relinquishment form be terminated with respect to the child.

22 (b) When petition filed.--If the parent of the child has
23 executed a voluntary relinquishment form under section 2211
24 (relating to execution of voluntary relinquishment form) and the
25 relevant time period under section 2213 (relating to validity of
26 voluntary relinquishment form) has passed since the execution of
27 the voluntary relinquishment form, the agency or prospective
28 adoptive parent may petition the court to hold a hearing
29 pursuant to section 2241 (relating to hearing) for the purpose
30 of determining the validity of the irrevocable voluntary

1 relinquishment form and to terminate parental rights.

2 (c) Attachments to petition.--The following must be attached
3 to the petition:

4 (1) The executed voluntary relinquishment form under
5 section 2212 (relating to contents of voluntary
6 relinquishment form).

7 (2) The applicable consent under section 2221 (relating
8 to consents by others regarding relinquishment).

9 (3) A written acknowledgment by the individual executing
10 the voluntary relinquishment form that:

11 (i) adoption-related counseling services under
12 section 2203 (relating to adoption-related counseling
13 services) were offered to the individual;

14 (ii) if the individual requested the services,
15 whether the adoption-related counseling services were
16 provided; and

17 (iii) if the services were provided to the
18 individual, the name and address of the service provider.

19 (4) An averment that the petitioner will assume custody
20 of the child until such time as the child is adopted.

21 § 2216. Termination of parental rights in voluntary
22 relinquishment hearing.

23 (a) General rule.--A parent may file a petition requesting
24 that the court hold a hearing for the purpose of allowing that
25 parent to voluntarily relinquish his parental rights.

26 (b) Hearing.--A hearing shall be held pursuant to the
27 requirements of section 2241 (relating to hearing) or 2217
28 (relating to hearing for minor birth parent).

29 (c) Birth, presumptive or putative father.--A hearing to
30 voluntarily relinquish parental rights requested by a birth,

presumptive or putative father may not be held until after the birth of the child.

(d) Notice.--Notice of the scheduling of the hearing shall be given pursuant to section 2242 (relating to general notice requirements).

(e) Decree of termination.--The decree of termination shall be entered pursuant to section 2245 (relating to decree of termination).

(f) Consent to accept custody.--The consent of the custodial agency or prospective adoptive parent to accept custody of the child until the adoption is finalized must be attached to the petition.

§ 2217. Hearing for minor birth parent.

(a) Applicability.--This section applies only if the birth parent who executed the voluntary relinquishment form is under 18 years of age and did not provide the name and address of the birth parent's parent or legal guardian.

(b) Purpose of hearing.--The purpose of the hearing is to determine whether the minor birth parent understands the contents and consequences of signing a voluntary relinquishment form.

(c) Expedited hearing.--The hearing for the minor birth parent shall be held within three business days after the filing of a petition under this section. An expedited hearing may not be held for a minor birth, putative or presumptive father until after the birth of the child.

(d) Procedure for hearing.--

(1) A hearing under this section must be private.

(2) The court shall review the contents of the executed voluntary relinquishment form with the minor birth parent and

1 determine whether the birth parent understands the contents
2 and consequences of signing the voluntary relinquishment
3 form.

4 (3) If the court determines that the minor birth parent
5 understands the contents and consequences of signing the
6 voluntary relinquishment form, the court shall allow the
7 voluntary relinquishment process to continue.

8 (4) If the court determines that the minor birth parent
9 does not understand the contents and consequences of signing
10 the voluntary relinquishment form, the court shall dismiss
11 the petition.

12 (e) Notice to minor birth parent.--If satisfied that the
13 minor birth parent understands the contents and consequences of
14 signing the voluntary relinquishment form, the court shall
15 advise the birth parent that the voluntary relinquishment form
16 shall become irrevocable 30 days after the date of the hearing.

17 (f) Hearing to terminate parental rights.--In order to
18 obtain a decree terminating the parental rights of the minor
19 birth parent, the requirements of sections 2215 (relating to
20 termination of parental rights pursuant to irrevocable voluntary
21 relinquishment form) and 2241 (relating to hearing), must be
22 followed after the revocation period under section 2214
23 (relating to revocation of voluntary relinquishment form) has
24 passed.

25 § 2218. Designation of individual to adopt child.

26 (a) Designation of prospective adoptive parent.--A parent
27 executing a voluntary relinquishment form under section 2211
28 (relating to execution of voluntary relinquishment form) may
29 designate an individual to adopt the child.

30 (b) Petition to set aside.--If the child is not adopted by

1 the individual designated in the voluntary relinquishment form,
2 the parent who executed the voluntary relinquishment form may
3 file a petition under section 2219 (relating to judicial set-
4 aside) to set aside both the voluntary relinquishment or the
5 decree of termination of parental rights within ten days of
6 service of the notice under subsection (c) with the court in
7 which the petition to terminate parental rights pursuant to
8 voluntary relinquishment was filed.

9 (c) Notice when adoption not finalized.--

10 (1) If the child is not or will not be adopted by the
11 individual designated in the voluntary relinquishment form
12 because the individual is not ready, willing and able to
13 adopt the child or the individual is not deemed suitable to
14 adopt the child, the agency or attorney coordinating the
15 adoption shall give notice in substantially the following
16 form to the parent who executed the voluntary relinquishment
17 form:

18 To: (insert name of parent who executed the voluntary
19 relinquishment form)

20 You executed a voluntary relinquishment form and
21 designated (insert name of individual designated in the
22 voluntary relinquishment form) to adopt (insert name of
23 child). However, this adoption has not occurred.
24 Therefore, you have the right to petition to set aside
25 your voluntary relinquishment or the decree of
26 termination of parental rights within ten days of
27 receiving this notice. The petition to set aside must be
28 filed with (insert the court of the county in which the
29 petition to terminate parental rights pursuant to
30 voluntary relinquishment was filed). If you do not file a

1 timely petition to set aside, the child may be adopted by
2 another individual without additional notice to you. You
3 should take this document to your attorney at once. If
4 you do not have an attorney or cannot afford one, go to
5 or telephone the office set forth below to find where you
6 can get legal help.

7 (Insert name)

8 (Insert address)

9 (Insert telephone number)

10 (2) At the same time the notice under paragraph (1) is
11 given to the parent who executed the voluntary relinquishment
12 form, a copy of the notice shall be given to the person
13 having legal custody of the child.

14 (3) The notice and copy of the notice under this
15 subsection shall be given by personal service or registered
16 mail to the last known address of the intended recipient or
17 by such other means as the court requires, pursuant to rules
18 prescribed by the Supreme Court.

19 § 2219. Judicial set-aside.

20 (a) General rule.--Upon petition by a parent, or sua sponte,
21 a voluntary relinquishment form which is otherwise irrevocable
22 under section 2213 (relating to validity of voluntary
23 relinquishment form) or a decree terminating parental rights
24 under section 2215 (relating to termination of parental rights
25 pursuant to irrevocable voluntary relinquishment form) shall be
26 set aside by the court after a hearing held pursuant to section
27 2241 (relating to hearing) and before a decree of adoption is
28 entered, under any of the following circumstances:

29 (1) It is proven by clear and convincing evidence that
30 the voluntary relinquishment form was obtained by fraud or

1 duress.

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

4 (3) A prospective adoptive parent named in the voluntary
5 relinquishment form fails to file a petition for adoption.

6 (4) The petition for adoption filed by a prospective
7 adoptive parent named in the voluntary relinquishment form is
8 denied or withdrawn.

9 (b) Custody of child.--If a voluntary relinquishment form or
10 decree is set aside under this section, the court shall make an
11 award of custody of the child.

12 § 2220. Validity of voluntary relinquishment form from another
13 jurisdiction.

14 Notwithstanding the provisions of section 2108 (relating to
15 governing law), the validity and revocability of a voluntary
16 relinquishment form or similar document executed outside this
17 Commonwealth shall be determined by the law of the jurisdiction
18 in which the document was executed.

19 § 2221. Consents by others regarding relinquishment.

20 (a) Agency.--The court shall require the written consent of
21 the agency to whom the child is relinquished to accept custody
22 of the child until the child is adopted.

23 (b) Individual intending to adopt child.--The court shall
24 require the written consent of the individual intending to adopt
25 the child to accept custody of the child until the child is
26 adopted.

27 (c) Parent or legal guardian of individual under 18 years of
28 age.--If an individual executing a voluntary relinquishment form
29 is under 18 years of age, the court may not require a parent or
30 legal guardian of the individual to consent to the

1 relinquishment.

2 SUBCHAPTER C

3 INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

4 Sec.

5 2231. Who may file petition for involuntary termination.

6 2232. Contents of petition for involuntary termination.

7 2233. Grounds for involuntary termination.

8 2234. Termination of parental rights when child is abandoned.

9 2235. Termination of parental rights of putative father.

10 § 2231. Who may file petition for involuntary termination.

11 A petition for the involuntary termination of parental rights
12 with respect to the child may be filed by any of the following:

13 (1) If an adoption by a stepparent is contemplated,
14 either parent when termination is sought with respect to the
15 other parent.

16 (2) An agency that has legal custody of the child.

17 (3) If the child has not been adjudicated dependent
18 under 42 Pa.C.S. § 6341(c) (relating to adjudication), an
19 individual with whom the parent directly or indirectly placed
20 the child for the purpose of adoption and who has filed a
21 report of intention to adopt required by section 2317
22 (relating to report of intention to adopt).

23 (4) If the child has been adjudicated dependent under 42
24 Pa.C.S. § 6341(c) and has been in foster care placement for
25 at least 15 of the last 22 months, the child's foster parent
26 or other foster care provider who:

27 (i) has physical custody of the child; or

28 (ii) for at least six consecutive months within the
29 eight months preceding the filing of the petition to
30 terminate parental rights, had physical custody of the

1 child.

2 (5) If the child has been adjudicated dependent under 42
3 Pa.C.S. § 6341(c), an attorney representing the child or a
4 guardian ad litem for the child.

5 § 2232. Contents of petition for involuntary termination.

6 (a) General rule.--The petition shall set forth specifically
7 those grounds and facts alleged as the basis for terminating
8 parental rights. A petition filed under this subchapter must
9 also include the following:

10 (1) The name and address of the petitioner.

11 (2) The name and address of the child.

12 (3) The relationship between the petitioner and child.

13 (4) The name and last known address of a parent of the
14 child if the parental rights of the parent have not already
15 been terminated.

16 (5) The name and address of any presumptive father or
17 putative father of the child, if known to the petitioner and
18 if his parental rights have not already been terminated.

19 (6) The name and address of a parent or legal guardian
20 of a parent under 18 years of age whose parental rights are
21 subject to termination.

22 (7) If the petition does not identify the birth father
23 of the child and the parental rights of the birth father have
24 not already been terminated, a statement of the reason that
25 the birth father is not identified.

26 (8) An averment that the petitioner will assume custody
27 of the child until such time as the child is adopted unless
28 the petitioner is a foster parent under section 2231(4)
29 (relating to who may file petition for involuntary
30 termination) or is the attorney or guardian ad litem for the

child under section 2231(5), in which case the child shall remain in the custody of the county agency.

(b) Agency as petitioner.--If the petitioner is an agency, the agency is not required to state that an adoption is presently contemplated or an individual with a present intention to adopt the child exists.

(c) Hearing.--A hearing on a petition filed under this section shall be held pursuant to the requirements of section 2241 (relating to hearing).

§ 2233. Grounds for involuntary termination.

(a) General rule.--The involuntary termination of parental rights may be based on one or more of the following grounds which grounds must be established by clear and convincing evidence:

(1) The parent by conduct continuing for a period of at least six months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties. The amount of time that passes during the process under section 2218 (relating to designation of individual to adopt child) may not be used in establishing the ground under this paragraph.

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

(3) The child, the child's sibling, including any half-

1 blood sibling, step-sibling or adoptive sibling, or another
2 child residing in the child's household has been the victim
3 of any of the following by the parent whose rights are to be
4 involuntarily terminated:

5 (i) Serious bodily injury, as defined in section
6 6303(a) (relating to definitions).

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

9 (iii) Aggravated assault under 18 Pa.C.S. §
10 2702(a)(1) and (4) (relating to aggravated assault).

11 (iv) Indecent contact, as defined in 18 Pa.C.S. §
12 3101 (relating to definitions).

13 (v) An offense under any of the following provisions
14 of 18 Pa.C.S. (relating to crimes and offenses):

15 (A) Section 3121(a) (relating to rape).

16 (B) Section 3122.1 (relating to statutory sexual
17 assault).

18 (C) Section 3123 (relating to involuntary
19 deviate sexual intercourse).

20 (D) Section 3124.1 (relating to sexual assault).

21 (E) Section 3125 (relating to aggravated
22 indecent assault).

23 (F) Section 3126 (relating to indecent assault).

24 (G) Section 4302 (relating to incest).

25 (H) Section 6312 (relating to sexual abuse of
26 children).

27 (I) Section 6320 (relating to sexual
28 exploitation of children).

29 (vi) An offense in another jurisdiction equivalent
30 to an offense set forth in this paragraph.

1 (vii) An attempt, solicitation or conspiracy to
2 commit an offense set forth in this paragraph.

3 (4) The parent has been convicted of any of the offenses
4 under paragraph (3) if the victim was a child and a
5 reasonable likelihood exists that the child who is the
6 subject of the petition for involuntary termination is at
7 risk of harm.

8 (5) The parent is the presumptive father but not the
9 birth father of the child.

10 (6) The child was abandoned and is in the custody of an
11 agency, the identity or whereabouts of the parent is unknown
12 and cannot be ascertained by a diligent search and the parent
13 does not claim the child within three months after the child
14 is found.

15 (7) The child has been removed from the care of the
16 parent by the court or under a voluntary agreement with an
17 agency for a period of at least six months, and all of the
18 following apply:

19 (i) The conditions which led to the removal or
20 placement of the child continue to exist.

21 (ii) The parent cannot or will not remedy those
22 conditions within a reasonable period of time.

23 (iii) The services or assistance reasonably
24 available to the parent are not likely to remedy the
25 conditions which led to the removal or placement of the
26 child within a reasonable period of time.

27 (iv) Termination of the parental rights would best
28 serve the needs and welfare of the child.

29 (8) The child is six months of age or younger when a
30 petition under this subchapter is filed and the parent of the

1 child, including the birth mother of the child:

2 (i) knows or has reason to know of the child's
3 birth;

4 (ii) does not reside with the child; and

5 (iii) for a period of at least two months
6 immediately preceding the filing of the petition has
7 failed to make reasonable efforts to:

8 (A) maintain substantial and continuing contact
9 with the child; and

10 (B) provide substantial financial support for
11 the child.

12 The amount of time that passes during the process under
13 section 2218 (relating to designation of individual to adopt
14 child) may not be used in establishing the ground under this
15 paragraph.

16 (9) The parent is the perpetrator of rape, sexual
17 assault or incest, the result of which was the conception of
18 the child.

19 (10) The child has been removed from the care of the
20 parent by the court or under a voluntary agreement with an
21 agency, 12 months or more have elapsed from the date of
22 removal or placement, the conditions which led to the removal
23 or placement of the child continue to exist and termination
24 of parental rights would best serve the needs and welfare of
25 the child.

26 (11) The identity or whereabouts of the putative father
27 of the child is unknown, and notice has been provided under
28 section 2244 (relating to notice when identity or whereabouts
29 of parent or putative father unknown).

30 (12) The parent has engaged in repeated and continuing

abuse or neglect of the child, the child's sibling or another child residing in the child's household.

(b) Other considerations.--The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent. With respect to any petition filed, the court shall not consider any efforts by the parent to remedy the conditions described in the petition which are first initiated subsequent to the giving of notice of the filing of the petition.

§ 2234. Termination of parental rights when child is abandoned.

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

(b) Diligent search.--The agency shall commence a diligent search for the parents of the child pursuant to the requirements of section 2244 (relating to notice when identity or whereabouts of parent or putative father unknown). The search shall be completed within 75 days after the agency obtains custody of the child.

(c) Petition to terminate parental rights.--If the requirements of this section and section 2233 (relating to grounds for involuntary termination) are met, the agency shall file a petition to terminate parental rights under this

1 subchapter within 120 days after the date on which the child was
2 found.

3 (d) Hearing.--A hearing on a petition filed under this
4 section shall be conducted by the court on an expedited basis
5 and be held pursuant to the requirements of section 2241
6 (relating to hearing).

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 2317 (relating to report of intention to adopt).

10 § 2235. Termination of parental rights of putative father.

11 If a petition has been filed under section 2215 (relating to
12 termination of parental rights pursuant to irrevocable voluntary
13 relinquishment form) or section 2216 (relating to termination of
14 parental rights in voluntary relinquishment hearing) and a
15 putative father has been given notice of the termination hearing
16 under section 2242 (relating to general notice requirements) or
17 2244 (relating to notice when identity or whereabouts of parent
18 or putative father unknown), the court may enter a decree
19 terminating his parental rights whether or not he has filed an
20 acknowledgment or claim of paternity under section 5103
21 (relating to acknowledgment and claim of paternity), if either
22 of the following paragraphs apply:

23 (1) The putative father fails to file a written
24 objection to the termination of his parental rights with the
25 court prior to the hearing or fails to appear at the hearing
26 for the purpose of objecting to such termination.

27 (2) The court determines, after hearing, that the
28 putative father has failed to provide substantial financial
29 support for the child or to make substantial and ongoing
30 provision for the child's care.

SUBCHAPTER D

TERMINATION OF PARENTAL RIGHTS HEARING AND DECREE

Sec.

2241. Hearing.

2242. General notice requirements.

2243. Search of registry for putative father.

2244. Notice when identity or whereabouts of parent or putative father unknown.

2245. Decree of termination.

§ 2241. Hearing.

(a) Time for hearing.--Upon presentation of a petition for the termination of parental rights under section 2215 (relating to termination of parental rights pursuant to irrevocable voluntary relinquishment form), 2216 (relating to termination of parental rights in voluntary relinquishment hearing) or 2232 (relating to contents of petition for involuntary termination) or a petition to set aside under section 2219(a) (relating to judicial set-aside), the court shall fix a time for a hearing which shall not be less than ten days after filing of the petition.

(b) Notice.--Notice of the hearing shall be made pursuant to the requirements of this subchapter.

(c) Hearing shall be private.--A hearing held under this
section shall be private.

(d) Mother competent witness on paternity issue.--The birth mother shall be a competent witness as to whether the presumptive or putative father is the birth father of the child.

(e) Custody of child.--During the pendency of a proceeding under this section, unless the court directs otherwise, custody of the child shall remain with the individual or agency that had

1 custody of the child at the time the petition was filed.

2 § 2242. General notice requirements.

3 (a) General rule.--At least ten days' notice of the hearing
4 must be given to each parent, to the putative father whose
5 rights may be terminated and to the parent or guardian of a
6 minor parent whose rights may be terminated.

7 (b) Service of notice.--Notice of the hearing must be by
8 personal service or by registered mail to the last known address
9 or by such other means as the court may require.

10 (c) Form of notice.--

11 (1) Notice to the parent or presumptive or putative
12 father who has executed a voluntary relinquishment form shall
13 be in the following form:

14 NOTICE TO PARENT OR PRESUMPTIVE OR PUTATIVE FATHER OF
15 HEARING TO TERMINATE PARENTAL RIGHTS PURSUANT TO
16 IRREVOCABLE VOLUNTARY RELINQUISHMENT:

17 To: (insert name of parent or presumptive or putative
18 father)

19 A petition has been filed asking the court to determine
20 the validity of the voluntary relinquishment form you
21 signed relinquishing your parental rights regarding your
22 child (insert name of child) for the purpose of adoption.
23 If the court determines that your voluntary
24 relinquishment form is valid, your rights as a parent to
25 your child shall be terminated. The hearing will be held
26 in (insert place, giving reference to exact room and
27 building number or designation) on (insert date) at
28 (insert time). You are not required to attend the
29 hearing. You should take this paper to your attorney at
30 once. If you do not have an attorney or cannot afford

one, go to or telephone the office set forth below to
find where you can get legal help.

(Name)

(Address)

(Telephone number)

(2) Notice to the parent or presumptive or putative
father who will voluntarily relinquish parental rights during
hearing shall be in the following form:

NOTICE TO PARENT OR PRESUMPTIVE OR PUTATIVE FATHER OF
VOLUNTARY RELINQUISHMENT HEARING

To: (insert name of parent or presumptive or putative
father)

A petition has been filed asking the court to put an end
to all rights you have to your child (insert name of
child). The court has set a hearing to consider ending
your rights to your child. That hearing will be held in
(insert place, giving reference to exact room and
building number or designation) on (insert date) at
(insert time). Your presence is required at the hearing.
You should take this paper to your attorney at once. If
you do not have an attorney or cannot afford one, go to
or telephone the office set forth below to find out where
you can get legal help.

(Name)

(Address)

(Telephone number)

(3) Notice to the parent or presumptive father who is
the subject of petition to involuntarily terminate parental
rights shall be in the following form:

NOTICE TO PARENT OR PRESUMPTIVE FATHER OF INVOLUNTARY

TERMINATION OF PARENTAL RIGHTS HEARING

To: (insert name of parent or presumptive father)

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

(Name)

(Address)

(Telephone number)

(4) Notice to the putative father who is the subject of the petition to involuntarily terminate parental rights shall be in the following form:

NOTICE TO PUTATIVE FATHER OF INVOLUNTARY TERMINATION OF PARENTAL RIGHTS HEARING

To: (insert name of putative father)

You are receiving this notice because you have been named as the birth father of (insert name of child). The court has scheduled a hearing to determine whether to terminate your parental rights with respect to the child, to be

1 held in (insert place, giving reference to the exact room
2 and building number or designation) on (insert date) at
3 (insert time). Your parental rights with respect to the
4 child are subject to termination if you fail to file a
5 written objection to the termination with the court prior
6 to the hearing or fail to appear at this hearing to
7 object to the termination of your parental rights. You
8 have the right to be represented at this hearing by an
9 attorney. You should take this document to your attorney
10 at once. If you do not have an attorney or cannot afford
11 one, go to or telephone the office set forth below to
12 find where you can get legal help.

13 (Name)

14 (Address)

15 (Telephone number)

16 (5) Notice to a parent or prospective adoptive parent
17 under section 2219 (relating to judicial set-aside) shall be
18 in the following form:

19 NOTICE TO PARENT OR PROSPECTIVE ADOPTIVE PARENT OF
20 HEARING TO SET ASIDE VOLUNTARY RELINQUISHMENT FORM OR
21 TERMINATION DECREE

22 To: (insert name of parent or prospective adoptive
23 parent)

24 You are receiving this notice because a petition has been
25 filed, or the court on its own has decided, to set aside
26 an irrevocable voluntary relinquishment form or
27 termination of parental rights decree under section 2219
28 of the Adoption Act. The court has scheduled a hearing to
29 determine whether to set aside the voluntary
30 relinquishment form or termination decree. The hearing

1 will be held in (insert place, giving reference to the
2 exact room and building number or designation) on (insert
3 date) at (insert time). If you do not appear at this
4 hearing, your parental rights may be affected or the
5 adoption process may not continue. You have the right to
6 be represented at this hearing by an attorney. You should
7 take this document to your attorney at once. If you do
8 not have an attorney or cannot afford one, go to or
9 telephone the office set forth below to find where you
10 can get legal help.

11 (Name)

12 (Address)

13 (Telephone number)

14 (d) Additional notice required if minor birth parent.--If
15 the birth parent whose rights are to be terminated is under 18
16 years of age, a copy of the notice of hearing given to the birth
17 parent under subsection (c) must also be given to the minor
18 birth parent's parent or legal guardian unless section 2217
19 (relating to hearing for minor birth parent) applies.

20 (e) Notice of adoption-related counseling services.--A
21 notice issued under this section shall include a reference to
22 the availability of adoption-related counseling services under
23 section 2203 (relating to adoption-related counseling services).
24 § 2243. Search of registry for putative father.

25 (a) General rule.--A search of the following shall be
26 performed to determine whether an individual has registered as a
27 putative father of the child:

28 (1) the registry under section 5103 (relating to
29 acknowledgment and claim of paternity); and

30 (2) a comparable registry in another state where:

1 (i) the child was born;

2 (ii) the putative father and birth mother are known
3 to reside or known to have resided in the nine months
4 prior to the birth of the child; and

5 (iii) the putative father is known to have
6 registered.

7 (b) Certification by department.--The department shall
8 certify whether a registration has occurred under subsection
9 (a). The certification shall be provided to the court by the
10 petitioner in a termination of parental rights proceeding.

11 (c) Certification by another state.--A certification
12 regarding the registration by a putative father in another state
13 under subsection (a) shall be requested of the applicable
14 department that administers the registry. If that department
15 provides a certification, it shall be provided to the court.

16 (d) Timing.--A certification must occur as close to the
17 hearing on the termination of parental rights as practicable.

18 § 2244. Notice when identity or whereabouts of parent or
19 putative father unknown.

20 (a) General rule.--A petitioner under section 2215 (relating
21 to termination of parental rights pursuant to irrevocable
22 voluntary relinquishment form) and Subchapter C (relating to
23 involuntary termination of parental rights) must establish that
24 reasonable efforts were made to identify or locate a parent or
25 putative father for the purpose of providing notice in a
26 proceeding under this part.

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

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

1 whether:

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

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

13 (iv) An individual has formally or informally
14 acknowledged or claimed paternity of the child under
15 section 2243 (relating to search of registry for putative
16 father).

17 (2) Documentation that notice has been sent
18 unsuccessfully to the parent or identified putative father at
19 his last known address.

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

23 (i) Local post office.

24 (ii) State agency with jurisdiction over driver's
25 licenses.

26 (iii) State agency with jurisdiction over public
27 assistance.

28 (iv) State or local voter registration agency.

29 (v) State and local probation and parole offices.

30 (c) Notice by publication.--If the petitioner can establish

1 that reasonable but unsuccessful efforts were made to identify
2 or locate a parent or putative father, notice of the proceeding
3 may be given to the parent or putative father by publication one
4 time in both a newspaper of general circulation and in the
5 county legal journal where the parent or putative father is
6 believed to reside, at least ten days or more before the date of
7 the hearing. Proof of publication of the notice provided under
8 this subsection must be submitted to the court.

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

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

21 § 2245. Decree of termination.

22 (a) Decree of termination.--After hearing, the court shall
23 make a finding relative to the pertinent provisions of section
24 2215 (relating to termination of parental rights pursuant to
25 irrevocable voluntary relinquishment form), 2216 (relating to
26 termination of parental rights in voluntary relinquishment
27 hearing), 2233 (relating to grounds for involuntary termination)
28 or 2235 (relating to termination of parental rights of putative
29 father) and, upon such finding, may enter a decree of
30 termination of parental rights.

1 (b) Effect of decree.--A decree of termination shall have
2 the following effect:

3 (1) A decree terminating all rights of a parent or a
4 decree terminating all rights and duties of a parent entered
5 by a court of competent jurisdiction shall extinguish the
6 power or right of the parent to object to or receive notice
7 of adoption proceedings.

8 (2) A decree of termination of parental rights
9 terminates forever all the subject parent's parental rights
10 and duties with respect to the child, including the
11 obligation of support. A decree of termination does not
12 extinguish the duty of a parent to pay arrearages for child
13 support.

14 (3) A decree of termination of parental rights does not
15 affect any right or benefit vested in the child whose parent
16 is the subject of the decree if the right or benefit vested
17 before the date of the decree.

18 (c) Award of custody.--The decree of termination shall also
19 award custody of the child to the agency or individual
20 consenting to accept custody under section 2215, 2216 or 2232
21 (relating to contents of petition for involuntary termination).

22 (d) Right to file medical and social history information.--
23 At the time the decree of termination is transmitted to the
24 parent, the court shall in writing advise the parent whose
25 rights have been terminated of the parent's continuing right to
26 place and update medical and social history information on file
27 with the court, the agency which coordinated the adoption, the
28 Department of Health and the information registry established
29 under Subchapter C of Chapter 25 (relating to information
30 registry). A copy of the notice under section 2202 (relating to

notice to birth parent and adoptive parent) must also be transmitted to the parent whose rights have been terminated.

CHAPTER 23

PROCEEDINGS PRIOR TO PETITION TO ADOPT

Subchapter

A. General Provisions

B. Adoptive Placement

C. Family Profile

D. Reports and Investigation

E. Background on Child

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

2301. Who may prepare family profile and conduct postplacement supervision.

2302. List of agencies and qualified individuals.

2303. Update of information.

2304. Additional family profile and postplacement supervision.

2305. Fees.

2306. Criminal background checks for stepparent or relative adoptions.

§ 2301. Who may prepare family profile and conduct postplacement supervision.

(a) General rule.--Only an agency or individual with professional experience in the adoption field may prepare a family profile and conduct postplacement supervision under this chapter.

(b) Rules and regulations.--The department shall promulgate rules and regulations regarding the qualifications of an agency or individual to prepare a family profile and conduct

1 postplacement supervision under this chapter.

2 § 2302. List of agencies and qualified individuals.

3 (a) Compilation of list.--Each county agency shall compile a
4 list of agencies and qualified individuals within the county and
5 surrounding areas to prepare a family profile and conduct
6 postplacement supervision under this chapter.

7 (b) Distribution of list.--Each county agency shall provide
8 the list compiled under subsection (a) to any person upon
9 request.

10 § 2303. Update of information.

11 The court may require an update of information necessary
12 under this chapter with respect to a family profile and
13 postplacement supervision.

14 § 2304. Additional family profile and postplacement
15 supervision.

16 The court may require an additional family profile or
17 postplacement supervisory report if it was not prepared or
18 conducted in substantial compliance with the requirements of
19 this chapter.

20 § 2305. Fees.

21 An agency or qualified individual may charge a reasonable fee
22 for preparing the family profile or conducting postplacement
23 supervision.

24 § 2306. Criminal background checks for stepparent or relative
25 adoptions.

26 Criminal history record information and clearances as set
27 forth in section 6344(b) (relating to information relating to
28 prospective child-care personnel) are required on a prospective
29 adoptive parent who is the stepparent or other relative of the
30 child as defined under section 2317(b)(7) (relating to report of

intention to adopt). This information must be attached to the
petition for adoption.

SUBCHAPTER B

ADOPTIVE PLACEMENT

Sec.

2311. Placement with prospective adoptive parent.

2312. Assent regarding placement.

§ 2311. Placement with prospective adoptive parent.

(a) General rule.--Except as otherwise provided in this
section, no child shall be placed in the physical care or
custody of a prospective adoptive parent unless a family profile
containing a favorable recommendation prepared pursuant to the
requirements of section 2314 (relating to contents of family
profile) has been completed within three years prior thereto and
which has been supplemented within one year prior thereto.

(b) When family profile not required.--A family profile is
not required if a parent or guardian places a child directly
with a relative of the child, as identified in section 2317
(relating to report of intention to adopt) for purposes of
adoption.

(c) Interim placement.--Where a family profile required
under this section is either in process but not yet completed or
has not commenced, a child may be placed with a prospective
adoptive parent if all of the following conditions are met:

(1) The agency or qualified individual preparing the
family profile has no reason to believe that the prospective
adoptive parent would not receive a favorable recommendation
for placement as a result of the family profile.

(2) The prospective adoptive parent has obtained
approved criminal record history and clearances required by

1 section 6344(b) (relating to information relating to
2 prospective child-care personnel).

3 (3) The prospective adoptive parent has obtained a
4 satisfactory result from a recent medical examination.

5 (4) The agency or qualified individual preparing the
6 family profile assents to the interim placement pursuant to
7 section 2312 (relating to assent regarding placement).

8 (5) The agency or qualified individual preparing the
9 family profile immediately notifies the court of the interim
10 placement and that it is preparing the family profile.

11 § 2312. Assent regarding placement.

12 (a) General rule.--If an interim placement under section
13 2311 (relating to placement with prospective adoptive parent)
14 has occurred, the agency or qualified individual preparing the
15 family profile for the prospective adoptive parent must file a
16 written assent with the court.

17 (b) Withdrawal of assent.--At any time prior to the
18 completion of the family profile or postplacement supervision,
19 the agency or qualified individual preparing the family profile
20 or conducting the postplacement supervision may withdraw its
21 assent to the adoptive placement if it learns facts which will
22 likely result in a negative recommendation regarding either the
23 suitability to adopt a child or the finalization of the adoption
24 of the child. A withdrawal of assent must be in writing and
25 filed with the court. A copy of the withdrawal shall be given to
26 the prospective adoptive parent. The prospective adoptive parent
27 may petition the court under subsection (c)(1) to investigate
28 whether the placement should continue.

29 (c) Action by court.--If the agency or qualified individual
30 preparing the family profile or conducting the postplacement

supervision files a written withdrawal of assent with the court,
the court may:

(1) order an investigation under section 2324 (relating
to investigation) or 2422(d) (relating to adoption hearing)
and make a determination whether the placement should
continue;

(2) order the placement of the child in temporary foster
care with an agency until the prospective adoptive parent
receives a favorable recommendation regarding suitability to
adopt the child; or

(3) order the permanent removal of the child from the
home of the prospective adoptive parent and, if applicable,
terminate the adoption process.

SUBCHAPTER C

FAMILY PROFILE

Sec.

2313. Meetings necessary for family profile.

2314. Contents of family profile.

§ 2313. Meetings necessary for family profile.

(a) Who shall attend meetings.--The agency or qualified
individual preparing the family profile must meet with the
following individuals:

(1) Each prospective adoptive parent of the child
separately.

(2) The prospective adoptive parents of the child
jointly.

(3) Each individual, regardless of age, who resides
temporarily or permanently in the home of the prospective
adoptive parent.

(b) Location of meeting.--At least one meeting under either

1 subsection (a)(1) or (2) must take place in the home of the
2 prospective adoptive parent.

3 § 2314. Contents of family profile.

4 (a) General rule.--The family profile must be attached to
5 the report of intention to adopt or the adoption petition.

6 (b) Contents of family profile.--

7 (1) The family profile shall set forth all pertinent
8 information relating to the fitness of the prospective
9 adoptive parent as a parent.

10 (2) The family profile shall be based upon an
11 investigation of the following:

12 (i) Home and community environment, including family
13 life.

14 (ii) Parenting experience and other experience with
15 children, including parenting skills.

16 (iii) Age, physical and mental health.

17 (iv) Current and prior marital status.

18 (v) Occupation.

19 (vi) Social, cultural, ethnic and religious
20 background.

21 (vii) Facilities and resources of the prospective
22 adoptive parent.

23 (viii) The capacity to meet the needs of a child,
24 including the ability to manage resources.

25 (ix) Attitudes regarding adoption and motivation to
26 adopt a child.

27 (x) Relationship with the child.

28 (xi) Financial and insurance information.

29 (xii) Whether a prior family profile has been
30 conducted and any recommendation which resulted from the

1 family profile.

2 (3) The family profile shall also include the
3 information required by section 6344(b) (relating to
4 information relating to prospective child-care personnel), as
5 well as a report of Federal criminal history record
6 information, for the prospective adoptive parent and any
7 other individual 18 years of age or older that resides
8 temporarily or permanently in the home of the prospective
9 adoptive parent.

10 (4) The family profile shall include personal references
11 from relatives and nonrelatives of the prospective adoptive
12 parent.

13 (5) The family profile shall include a determination
14 regarding the parental fitness of the prospective adoptive
15 parent.

16 (6) The family profile shall be dated and verified.

17 (7) The family profile shall list the dates and
18 locations of each meeting held under section 2313 (relating
19 to meetings necessary for family profile).

20 SUBCHAPTER D

21 REPORTS AND INVESTIGATION

22 Sec.

23 2317. Report of intention to adopt.

24 2318. Filing of report.

25 2319. Report of custodial agency.

26 2320. Payment for facilitating placement prohibited.

27 2321. Permissible payments and expenses.

28 2322. When acceptance of money or other valuable consideration
29 prohibited.

30 2323. Reimbursement not condition for return of child.

1 2324. Investigation.

2 2325. Postplacement supervision.

3 § 2317. Report of intention to adopt.

4 (a) General rule.--Every person now having or hereafter
5 receiving or retaining custody or physical care of any child for
6 the purpose or with the intention of adopting that child shall
7 report to the court in which the petition for adoption will be
8 filed.

9 (b) Contents of report.--The report shall set forth the
10 following information:

11 (1) The circumstances surrounding the person receiving
12 or retaining custody or physical care of the child, including
13 the date upon which a family profile was concluded.

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

16 (3) The name and address of the custodial agency, if
17 any.

18 (4) An itemized accounting of moneys and consideration
19 paid or to be paid to an agency or any other person for the
20 adoption.

21 (5) Whether the parent or parents whose parental rights
22 are to be terminated have been advised of the availability of
23 adoption-related counseling services with respect to the
24 termination and the alternatives thereto. If the parent or
25 parents have received counseling, the report shall state the
26 dates on which the counseling was provided and the name and
27 address of the agency or qualified individual which provided
28 the counseling.

29 (6) The name, address and signature of the person making
30 the report.

1 (7) That the proposed adopting parent has been advised
2 that the birth parent can revoke the voluntary relinquishment
3 form during the following time periods:

4 (i) A birth mother may revoke the voluntary
5 relinquishment form within 30 days after signing.

6 (ii) A parent, putative or presumptive father may
7 revoke a voluntary relinquishment form within 30 days
8 after either the birth of the child or the signing of the
9 voluntary relinquishment form, whichever is later.

10 (iii) If the birth parent is a minor and a hearing
11 is required to be held pursuant to section 2217 (relating
12 to hearing for minor birth parent), the voluntary
13 relinquishment form may be revoked within 30 days after
14 the date of the hearing.

15 (8) The following shall be attached to the report:

16 (i) a copy of the medical and social history
17 information of the birth parents; or

18 (ii) the reason that this information has not been
19 obtained.

20 (c) Family profile.--A copy of the family profile must be
21 filed with the court within 30 days of filing of the report.

22 (d) Agency involvement.--When a person receives or retains
23 custody or physical care of a child from an agency, the report
24 shall set forth only the name and address of the agency, the
25 circumstances surrounding such person receiving or retaining
26 custody or physical care of the child and a copy of the family
27 profile.

28 (e) When report not required.--No report shall be required
29 when the child is the child, grandchild, stepchild, brother or
30 sister of the whole or half blood or niece or nephew by blood,

1 marriage or adoption of the person receiving or retaining
2 custody or physical care.

3 § 2318. Filing of report.

4 The report of intention to adopt shall be filed within 30
5 days after the date of receipt of the custody or physical care
6 of the child.

7 § 2319. Report of custodial agency.

8 (a) General rule.--Within six months after the filing of the
9 report of intention to adopt, the custodial agency shall make a
10 written report under oath to the court in which the petition for
11 adoption will be filed and shall thereupon notify in writing the
12 prospective adoptive parent of the fact that the report has been
13 filed and the date thereof.

14 (b) Contents of report.--The report shall set forth the
15 following information:

16 (1) The name and address of the agency having custody of
17 the child.

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

20 (3) The date of the placement of the child with the
21 prospective adoptive parent.

22 (4) The name, racial background, age, marital status as
23 of the time of birth of the child and during one year prior
24 thereto and religious affiliation of the parents of the
25 child.

26 (5) Identification of proceedings in which any decree of
27 termination of parental rights with respect to the child was
28 entered.

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

1 (7) A statement that all consents required by section
2 2411 (relating to when consent to adoption required) are
3 attached as exhibits or the basis upon which the consents are
4 not required.

5 (8) An itemized accounting of moneys and consideration
6 paid or to be paid to or received by the agency or to or by
7 any other person or persons to the knowledge of the agency by
8 reason of the adoptive placement.

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

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

14 (11) If no birth certificate or certification of
15 registration of birth can be obtained, a statement of the
16 reason why it was not obtained.

17 (12) A statement that medical and social history
18 information was obtained from the birth parents or the reason
19 why it was not obtained.

20 (13) A list of the dates of supervision of the adoptive
21 placement by the supervising agency or qualified individual.

22 (c) Exhibits to report.--The report shall have attached to
23 it the following exhibits:

24 (1) A birth certificate or certification of registration
25 of birth of the child if it can be obtained.

26 (2) All consents to adoption required by section 2411.

27 (3) A certified copy of any decree of termination of
28 parental rights made by a court other than the court in which
29 the petition for adoption will be filed.

30 (4) A copy of the supervisory reports prepared pursuant

1 to section 2325 (relating to postplacement supervision).

2 (5) If obtained, a copy of the medical and social
3 history information of the birth parents.

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

7 § 2320. Payment for facilitating placement prohibited.

8 An individual or entity, other than an agency, may not
9 receive, request or accept money or other valuable
10 consideration, directly or indirectly, solely for the purpose of
11 facilitating the placement of a child for adoption.

12 § 2321. Permissible payments and expenses.

13 Money or other valuable consideration may be paid, reimbursed
14 or given for the following expenses, calculated without regard
15 to the income of the prospective adoptive parent, and are not in
16 violation of 18 Pa.C.S. § 4305 (relating to dealing in infant
17 children):

18 (1) Medical, hospital, nursing, pharmaceutical, travel
19 or other similar expenses incurred by the birth mother or her
20 child incident to birth or any illness of the child.

21 (2) Medical, hospital and foster care expenses incurred
22 on behalf of the child prior to the decree of adoption.

23 (3) Reasonable expenses incurred by the agency or third
24 party for adjustment counseling and training services
25 provided to the prospective adoptive parent, for family
26 profiles or investigations.

27 (4) Reasonable administrative expenses incurred by the
28 agency, to include overhead costs and attorney fees.

29 (5) Expenses for adoption-related counseling services
30 for a birth parent or a child for a reasonable time before

1 and after the child's placement for adoption.

2 (6) Living expenses of a birth mother, which are limited
3 to food, clothing and shelter, for a reasonable time before
4 the birth of her child and for no more than six weeks after
5 the birth.

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

8 (8) Expenses for legal services performed for a birth
9 parent who voluntarily relinquishes parental rights with
10 respect to the child or relinquishes the child to an agency
11 or adult intending to adopt the child.

12 (9) Expenses for any travel of the birth parent in
13 connection with the execution of a voluntary relinquishment
14 form or relinquishment of the child to an agency or adult
15 intending to adopt the child.

16 (10) Expenses for any other service the court finds is
17 reasonably necessary.

18 § 2322. When acceptance of money or other valuable
19 consideration prohibited.

20 (a) Violation by parent.--A parent may not accept money or
21 other valuable consideration otherwise permitted under section
22 2321 (relating to permissible payments and expenses) after the
23 parent has decided not to complete the process of voluntarily
24 relinquishing parental rights with respect to the child or
25 placing the child for adoption.

26 (b) Entitlement to recovery.--A prospective adoptive parent
27 is entitled to recover money or other valuable consideration
28 accepted by a parent in violation of subsection (a).

29 § 2323. Reimbursement not condition for return of child.

30 If the adoption of the child is not completed, a parent who

1 received a payment under section 2321 (relating to permissible
2 payments and expenses) shall not be required to return the money
3 or other valuable consideration or reimburse a prospective
4 adoptive parent as a condition for the return of the child.

5 § 2324. Investigation.

6 (a) General rule.--When a report of intention to adopt has
7 been filed, the court shall cause an investigation to be made
8 and a report filed by a county agency or an adoption agency with
9 its consent. In lieu of the investigation, the court may accept
10 an investigation made by the agency which placed the child or
11 which prepared the family profile, and the report of
12 investigation in such cases may be incorporated into the report
13 of the custodial agency or petition for adoption.

14 (b) Matters covered.--The investigation shall cover all
15 pertinent information regarding the child's eligibility for
16 adoption and the suitability of the adoptive placement,
17 including the physical, mental and emotional needs and welfare
18 of the child, and the child's and the adopting parent's age,
19 sex, health and racial, ethnic and religious background.

20 (c) Payment of costs.--The court may establish the procedure
21 for the payment of investigation costs.

22 § 2325. Postplacement supervision.

23 (a) General rule.--An agency or qualified individual
24 supervising an adoption or conducting an investigation of an
25 adoptive placement under section 2324 (relating to
26 investigation) shall make a minimum of three visits to the
27 adoptive home.

28 (b) Written reports.--The agency or qualified individual
29 conducting the postplacement supervision shall, after visiting
30 the adoptive home under subsection (a), prepare and file a

1 written report with the court in which the petition for adoption
2 was or will be filed. The report shall contain the following
3 information:

4 (1) A minimum of one written report from the child's
5 physician or pediatrician regarding the child's health and
6 development.

7 (2) The adjustment of the child and prospective adoptive
8 family to the placement.

9 (3) The child's adjustment to school, if applicable,
10 along with relevant school reports.

11 (4) The nature and extent of any contact with the
12 child's birth family.

13 (5) Comments made by the child regarding the placement.

14 (6) A determination regarding the suitability of the
15 adoptive placement and a recommendation as to whether the
16 adoption should be finalized.

17 SUBCHAPTER E

18 BACKGROUND ON CHILD

19 Sec.

20 2341. Disclosure of information before placement.

21 2342. Providing information to preparer of report.

22 2343. Development of forms.

23 § 2341. Disclosure of information before placement.

24 (a) General rule.--Before a child is placed with a
25 prospective adoptive parent, the custodial agency shall provide
26 the prospective adoptive parent of the child with a written
27 report containing the following nonidentifying information, if
28 reasonably available:

29 (1) Medical history information of the child, including,
30 but not limited to, the following:

1 (i) The child's prenatal care.

2 (ii) The child's medical condition at birth.

3 (iii) Any drug or medication taken by the child's
4 birth mother during pregnancy.

5 (iv) Any medical, psychological or psychiatric
6 examination and diagnosis of the child made prior to the
7 placement of the child with the prospective adoptive
8 parent.

9 (v) Any physical, sexual or emotional abuse suffered
10 by the child.

11 (vi) A record of any immunizations and health care
12 that the child received, including that which the child
13 received while in foster or other care.

14 (vii) The child's enrollment and performance in
15 school, results of educational testing and any special
16 educational needs.

17 (2) Relevant medical history information of the child's
18 birth parents and relatives which may affect the future
19 health and well-being of the child, including, but not
20 limited to, the following:

21 (i) Any known disease or hereditary predisposition
22 to disease.

23 (ii) Any addiction to drugs or alcohol.

24 (iii) The health of the child's birth mother during
25 her pregnancy.

26 (iv) The health of each birth parent at the child's
27 birth.

28 (3) Relevant social history information of the child and
29 the birth parents and relatives, including, but not limited
30 to, the following:

1 (i) The child's racial, ethnic and religious
2 background.

3 (ii) A general description of the child's parents.

4 (iii) The child's past and existing relationships
5 with any individual with whom the child has regularly
6 lived or visited.

7 (iv) The level of educational and vocational
8 achievement of the child's parents and relatives and any
9 noteworthy accomplishments.

10 (v) The circumstances leading to the decision to
11 place the child for adoption.

12 (4) Information regarding whether the child was ever
13 placed in foster care and, if so, the number of foster care
14 placements and dates of each foster care placement.

15 (5) Information regarding a criminal conviction or
16 delinquency adjudication of the child.

17 (6) Information necessary to determine the child's
18 eligibility for Federal or State benefits, including, but not
19 limited to, adoption assistance and other financial or
20 medical assistance.

21 (7) Information regarding a criminal conviction of a
22 parent of the child for a felony or a proceeding in which a
23 parent of the child was alleged to have abused, neglected,
24 abandoned or otherwise mistreated the child, the child's
25 sibling, another child in the child's household or the other
26 parent of the child.

27 (b) When written report not required.--A written report
28 under this section is required unless the prospective adoptive
29 parent is a stepparent or other relative of the child as set
30 forth in section 2317(e) (relating to report of intention to

1 adopt).

2 (c) Supplemental written report.--If the information
3 required under subsection (a) was not disclosed before the
4 adoptive placement, the information must be given to the
5 prospective adoptive parent before the adoption may be finalized
6 or the reason why the information is not available must be set
7 forth.

8 (d) Identity of preparer of report.--A written report
9 furnished under this section shall indicate who prepared the
10 report.

11 (e) Confidentiality.--Unless confidentiality has been
12 waived, any written report provided to the prospective adoptive
13 parent under this subchapter shall be edited to exclude the
14 identity of any individual who furnished information or about
15 whom information is reported.

16 (f) Filing report with court.--Any report under this section
17 shall be filed with the court which will finalize the adoption.
18 § 2342. Providing information to preparer of report.

19 Subject to applicable laws regarding confidentiality, an
20 individual or entity possessing information to be included in
21 the report under section 2341 (relating to disclosure of
22 information before placement) shall upon request provide that
23 information to the agency or attorney preparing the report.

24 § 2343. Development of forms.

25 The department shall develop forms designed to obtain the
26 specific information sought under this subchapter and provide
27 the forms upon request to agencies and attorneys that coordinate
28 adoptions.

29 CHAPTER 24

30 ADOPTION PROCEEDINGS

Subchapter

A. Petition for Adoption

B. Consent to Adoption

C. Adoption Hearing

D. Adoption Decree

SUBCHAPTER A

PETITION FOR ADOPTION

Sec.

2401. Who may file petition for adoption.

2402. Contents of petition for adoption.

2403. Joint petition for adoption.

2404. Withdrawal or dismissal of petition for adoption.

§ 2401. Who may file petition for adoption.

A petition for adoption may be filed by any of the following:

(1) An individual with whom the parent directly or indirectly placed the child for the purpose of adoption and who has filed a report of intention to adopt, if required by section 2317 (relating to report of intention to adopt).

(2) The spouse of a parent of the child if:

(i) that parent's parental rights with respect to the child have not been terminated;

(ii) that parent consents to the adoption; and

(iii) the other parent's parental rights with respect to the child have been terminated.

(3) An individual who intends to adopt another individual who is over 18 years of age, with the consent of that other individual.

(4) Where the child's parents are deceased, an individual who has court-ordered custody or legal guardianship of the child and who has filed a report of

intention to adopt, if required under section 2317.

§ 2402. Contents of petition for adoption.

(a) Necessary information.--A petition for adoption shall set forth the following:

(1) The full name, residence, marital status, age, occupation, religious affiliation and racial background of the prospective adoptive parents and their relationship, if any, to the child.

(2) That the reports under sections 2317 (relating to report of intention to adopt) and 2319 (relating to report of custodial agency) and the family profile under section 2314 (relating to contents of family profile) have been filed, if required.

(3) The criminal history record information required by sections 2306 (relating to criminal background checks for stepparent or relative adoptions) and 2314 has been obtained, if required.

(4) The name and address of the custodial agency, if any.

(5) The full name of the adoptee and the fact and length of time of the residence of the adoptee with the prospective adoptive parent.

(6) If there is no custodial agency or if the adoptee is 18 years of age or older, all vital statistics and other information enumerated and required to be stated of record by section 2319 so far as applicable.

(7) If a change of name of the child is desired, the new name.

(8) The parental rights of the parents of the child have been terminated under Chapter 22 (relating to termination of

1 parental rights), unless the child is being adopted by a
2 stepparent as set forth in section 2201(b) (relating to
3 termination of parental rights), and shall identify the
4 proceedings in which such termination occurred.

5 (9) All consents required by section 2411 (relating to
6 when consent to adoption required) are attached as exhibits
7 or the basis upon which such consents are not required.

8 (10) The following information regarding the child:

9 (i) Full name.

10 (ii) Age and date of birth.

11 (iii) Place of birth.

12 (iv) Gender.

13 (v) Race.

14 (vi) Religious affiliation, if any.

15 (vii) Date of placement with the prospective
16 adoptive parent.

17 (11) A statement that it is the desire of the petitioner
18 that the relationship of parent and child be established
19 between the petitioner and the child.

20 (12) If no birth certificate or certification of
21 registration of birth can be obtained, a statement of the
22 reason therefor and an allegation of the efforts made to
23 obtain the birth certificate with a request that the court
24 establish a date and place of birth at the adoption hearing
25 on the basis of the evidence presented.

26 (13) The investigation required under section 2324
27 (relating to investigation) has been completed.

28 (14) A statement that no applicable Federal, interstate
29 or State law has been violated with respect to the placement
30 and adoption of the child.

1 (15) A copy of the approved and completed form relating
2 to the interstate compact placement request developed under
3 the Interstate Compact on the Placement of Children, if
4 applicable.

5 (16) A statement that the medical and social history
6 information of the birth parents has been obtained or the
7 reason why the information has not been obtained.

8 (17) A list of all money or other consideration paid to
9 an agency or any other person in connection with the adoption
10 pursuant to section 2321 (relating to permissible payments
11 and expenses).

12 (18) An averment that the petitioner will accept custody
13 of the child during the pendency of the proceeding.

14 (b) Information not available when petition for adoption
15 filed.--If any of the information set forth in subsection (a) is
16 not available when the petition for adoption is filed, the
17 petition must explain why the information is not available. The
18 information shall be provided to the court as soon as it becomes
19 available.

20 (c) Exhibits to petition.--The following shall be attached
21 to the petition:

22 (1) The executed voluntary relinquishment form, if it
23 has not already been filed with the court.

24 (2) The consents required by section 2411.

25 (3) If not already filed with a report of the custodial
26 agency, the exhibits enumerated in section 2319.

27 (4) Any report of investigation required under section
28 2324.

29 (5) The postplacement supervisory reports, if required
30 under section 2325 (relating to postplacement supervision).

1 § 2403. Joint petition for adoption.

2 Only a husband and wife may file a joint petition for
3 adoption.

4 § 2404. Withdrawal or dismissal of petition for adoption.

5 If a petition for adoption is withdrawn or dismissed, the
6 court shall enter an appropriate order regarding the custody of
7 the child.

8 SUBCHAPTER B

9 CONSENT TO ADOPTION

10 Sec.

11 2411. When consent to adoption required.

12 2412. When consent to adoption may be required.

13 2413. When consent to adoption not required.

14 2414. Contents of consent to adoption.

15 § 2411. When consent to adoption required.

16 The court shall require the consent to adoption by the
17 following individuals:

18 (1) The individual proposed to be adopted if the
19 individual is 12 years of age or older.

20 (2) The child's parent if that parent's parental rights
21 with respect to the child have not been terminated and that
22 parent's spouse is adopting the child.

23 § 2412. When consent to adoption may be required.

24 The court may require the following to consent to the
25 adoption of the child:

26 (1) The spouse of the prospective adoptive parent unless
27 the spouse joins in the petition for adoption.

28 (2) The court-appointed legal guardian of the child.

29 (3) The person having custody of the child when the
30 child has no parent whose consent is required.

1 § 2413. When consent to adoption not required.

2 The court shall not require the consent to the adoption of
3 the child of any individual whose parental rights have been
4 terminated with respect to the child.

5 § 2414. Contents of consent to adoption.

6 A consent to the adoption under this subchapter must include
7 the following information:

8 (1) The date and place of its execution.

9 (2) The name of the child.

10 (3) The name and age of the consenting individual, along
11 with the relationship between the consenting individual and
12 the child.

13 (4) A statement that the consenting individual
14 voluntarily and unconditionally consents to the adoption of
15 the child.

16 SUBCHAPTER C

17 ADOPTION HEARING

18 Sec.

19 2421. Notice of adoption hearing.

20 2422. Adoption hearing.

21 § 2421. Notice of adoption hearing.

22 The court shall fix a time and place for the adoption
23 hearing. Notice of the hearing shall be given to all persons
24 whose consents are required and to such other persons as the
25 court shall direct. Notice shall be by personal service or by
26 registered mail to the last known address of the person to be
27 notified or in such other manner as the court shall direct.

28 § 2422. Adoption hearing.

29 (a) Private hearing.--A hearing under this subchapter shall
30 be private.

1 (b) Attendance at adoption hearing.--

2 (1) The prospective adoptive parents and the individual
3 proposed to be adopted shall attend the hearing unless the
4 court determines that their presence is unnecessary.

5 (2) The court may require the attendance of the
6 following persons at the hearing:

7 (i) Any person whose consent to the adoption is
8 required by the court.

9 (ii) A representative of the agency coordinating the
10 adoption.

11 (iii) Any other individual as the court directs.

12 (c) Testimony.--The court shall hear testimony in support of
13 the petition and such additional testimony as it deems necessary
14 to inform it as to the desirability of the proposed adoption. It
15 shall require a disclosure of all moneys and consideration paid
16 or to be paid to any person or institution in connection with
17 the adoption.

18 (d) Investigation.--The court may request that an
19 investigation be made by a county agency or, with its consent,
20 an adoption agency designated by the court to verify the
21 statements of the petition and such other facts that will give
22 the court full knowledge of the desirability of the proposed
23 adoption, or the court may rely in whole or in part upon a
24 report earlier made under section 2324 (relating to
25 investigation) or upon the supervisory reports prepared pursuant
26 to section 2325 (relating to postplacement supervision). In any
27 case, the age, sex, health, social and economic status or
28 racial, ethnic or religious background of the child or adopting
29 parent shall not preclude an adoption, but the court shall
30 decide its desirability on the basis of the physical, mental and

1 emotional needs and welfare of the child.

2 (e) Payment of investigation costs.--The court may establish
3 a procedure for the payment of investigation costs by the
4 petitioners or by such other persons as the court may direct.

5 SUBCHAPTER D

6 ADOPTION DECREE

7 Sec.

8 2431. Requirements and form of decree of adoption.

9 2432. Name of adoptee.

10 2433. Retention of parental status.

11 2434. Certificate of adoption.

12 2435. Registration of foreign adoption.

13 § 2431. Requirements and form of decree of adoption.

14 (a) General rule.--If satisfied that the statements made in
15 the adoption petition are true, that the needs and welfare of
16 the person proposed to be adopted will be promoted by the
17 adoption and that all requirements have been met, the court
18 shall enter a decree so finding and directing that the person
19 proposed to be adopted shall have all the rights of a child and
20 heir of the adopting parent and shall be subject to the duties
21 of a child to the adopting parent.

22 (b) Withdrawal or dismissal of petition.--In any case in
23 which the adoption petition is withdrawn or dismissed, the court
24 shall enter an appropriate order in regard to the custody of the
25 child.

26 (c) Finality.--

27 (1) A decree or order issued under this part may not be
28 set aside, vacated, annulled or reversed upon application of
29 a person who waived notice or who was properly served with
30 notice pursuant to this part and failed to respond or appear

1 or to file an answer within the time allowed.

2 (2) A decree of adoption or other order issued under
3 this part is not subject to a challenge filed more than 30
4 days after the decree or order is issued.

5 (d) Notice to adoptive parent.--The notice required under
6 section 2202 (relating to notice to birth parent and adoptive
7 parent) must be given by the court to the adoptive parent at the
8 time the decree of adoption is entered.

9 § 2432. Name of adoptee.

10 The adoption decree must state the name by which the adoptee
11 shall thereafter be known.

12 § 2433. Retention of parental status.

13 Whenever a parent consents to the adoption of his child by
14 his spouse, the parent-child relationship between him and his
15 child shall remain.

16 § 2434. Certificate of adoption.

17 The clerk shall issue to the adopting parent a certificate
18 stating that the court has granted the adoption. The certificate
19 shall not disclose the name of any birth parent or the original
20 name of the person adopted. The certificate shall be accepted in
21 any legal proceedings in this Commonwealth as evidence of the
22 fact that the adoption has been granted.

23 § 2435. Registration of foreign adoption.

24 (a) Duty to file.--

25 (1) When a minor is adopted by a resident of this
26 Commonwealth and a final decree of adoption is made or
27 entered in conformity with the laws of a foreign country, the
28 adopting parent shall file a properly authenticated copy of
29 the foreign decree of adoption, a copy of the child's visa
30 and either the child's birth certificate or some form of

birth identification with the clerk of the court in the
county of residence of the parent.

(2) If the foreign decree of adoption is not in English,
the adopting parent shall also file a certified English
translation.

(3) If no birth certificate or birth identification can
be obtained, the adopting parent shall include an affidavit
stating the reason therefor.

(b) Foreign adoption registration form.--

(1) The court shall develop a foreign adoption
registration form and instructions for its use.

(2) The adopting parent or parents shall sign the
foreign adoption registration form indicating that they have
read and understand the information provided.

(c) Contents of form.--

(1) The form shall include statements indicating that
the foreign adoption may not be a full and final adoption if:

(i) Both parents, or just the sole parent if only
one parent is adopting, were not present for the adoption
hearing in the foreign country.

(ii) The foreign court did not enter a final
adoption decree or its equivalent.

(iii) The child's visa is not the type that would
afford the child full United States citizenship.

(2) The form shall notify the adopting parent or parents
that an adoption decree may be obtained from the Commonwealth
if the documents filed in subsection (a) are reviewed by the
court and the court determines the foreign adoption was full
and final.

(3) At the time of filing, a copy of the foreign decree

1 of adoption and a certified English translation, if
2 necessary, the child's visa and either the child's birth
3 certificate or some form of birth identification shall be
4 attached to the foreign registration form and submitted to
5 the clerk of court.

6 (d) Foreign adoption review.--

7 (1) In cases where the court determines the foreign
8 adoption was full and final, the court shall direct the clerk
9 to enter upon the docket an entry showing the foreign court
10 identification of the proceedings in that court and the date
11 of the decree.

12 (2) The clerk shall issue to the parent a certificate of
13 adoption as defined in section 2434 (relating to certificate
14 of adoption). The clerk shall also send documentation to the
15 Department of Health.

16 (3) No hearing shall be required prior to the issuance
17 of the certificate of adoption and the parent shall not be
18 required to obtain counsel.

19 (e) Readoption.--

20 (1) The court shall develop a standard petition, a
21 standard court order and instructions for their use for
22 occasions when a child must be readopted to finalize the
23 adoption.

24 (2) The clerk shall provide the adopting parent with the
25 standardized information.

26 (f) Records.--

27 (1) All documents required in subsection (a) as well as
28 any other accompanying documents shall be kept in the files
29 of the court as a permanent record and shall be withheld from
30 inspection except on order of court granted upon cause shown.

Information identifying the birth parents of the adoptee shall not be required.

(2) The clerk may charge a filing fee in accordance with the court's regular fee schedule as approved by the president judge.

CHAPTER 25

RECORDS AND ACCESS TO INFORMATION

Subchapter

A. General Provisions

B. Records Generally

C. Information Registry

D. Release of Information

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

2501. Definitions.

2502. Combined request for information.

2503. Reasonable fees.

2504. Immunity from liability.

§ 2501. Definitions.

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

"Agency records." All information collected by an agency relating to a birth family, an adoptive family and an adoptee.

"Authorization form." A form, provided by the department, on which an adoptee, an adoptive parent or a birth relative can authorize or prohibit the release of identifying information pursuant to the requirements of this chapter.

"Authorized representative." An individual who is appointed

1 to conduct a search under this chapter and who has completed a
2 standardized training program as required by the department
3 under this chapter.

4 "Court records." All petitions, exhibits, reports, notes of
5 testimony, decrees and other papers pertaining to a proceeding
6 under this chapter or former statutes relating to adoption.

7 "Summary of original birth record." The summary of original
8 birth record shall consist of only the names and ages of the
9 birth parents, the date and county of the birth of the child and
10 the name of the child given at birth.

11 § 2502. Combined request for information.

12 An individual may file a single written request for both
13 nonidentifying information and identifying information under
14 Subchapter D (relating to release of information).

15 § 2503. Reasonable fees.

16 Any court or agency may charge reasonable fees for services
17 provided pursuant to this chapter.

18 § 2504. Immunity from liability.

19 (a) General rule.--Any person or agency, including the
20 Commonwealth and its governmental subdivisions, that
21 participates in good faith in providing services under this
22 chapter has immunity from civil and criminal liability that may
23 otherwise result by reason of an action or a failure to act
24 under this chapter.

25 (b) Presumption of good faith.--For the purpose of a civil
26 or criminal proceeding, the good faith of any person or agency
27 that provides services under this chapter is presumed.

28 SUBCHAPTER B

29 RECORDS GENERALLY

30 Sec.

1 2511. Court and agency records.

2 2512. Attorney records.

3 § 2511. Court and agency records.

4 (a) General rule.--All court and agency records shall be
5 maintained as a permanent record and withheld from inspection
6 except as provided under this chapter.

7 (b) Agency records.--

8 (1) An agency shall forward its records to the
9 department under any of the following circumstances:

10 (i) The agency ceases to provide adoption services.

11 (ii) The agency decides to dispose of records.

12 (2) An agency shall provide at least 30 days' notice to
13 the department prior to forwarding its records.

14 (3) The department shall retain as a permanent record
15 all agency records forwarded to it.

16 (c) Who may access court or agency records.--Only the
17 following are authorized to access court or agency records for
18 the purpose of releasing nonidentifying or identifying
19 information under this chapter:

20 (1) The court which finalized the adoption.

21 (2) The agency that coordinated the adoption.

22 (3) A successor agency authorized by the court which
23 finalized the adoption.

24 § 2512. Attorney records.

25 An attorney representing a party to an adoption proceeding or
26 acting as counsel or guardian ad litem for a child in a
27 proceeding under this part may forward records and information
28 relating to the child, the child's birth family and the adoptive
29 family to the court which finalized the adoption, as established
30 by general rule by the Supreme Court. Such records and

information shall be treated as court records for purposes of
this chapter.

SUBCHAPTER C

INFORMATION REGISTRY

Sec.

2521. Establishment of registry.

2522. Informational material.

2523. Filing information with registry.

2524. Who may request information from registry.

2525. Providing information from registry.

2526. Rules and regulations.

§ 2521. Establishment of registry.

The department shall do all of the following:

(1) Establish a Statewide confidential registry for the
receipt, filing and retention of medical and social history
information and authorization forms for all adoptions
finalized or registered in this Commonwealth.

(2) Prescribe and distribute forms on which an adoptee,
an adoptive parent and a birth parent may:

(i) request identifying information or contact;

(ii) authorize or refuse to authorize the release of
identifying information or contact; and

(iii) file and update information with the registry.

(3) Retain information filed with the registry as a
permanent record.

(4) Disseminate the information pursuant to the
requirements of this subchapter.

§ 2522. Informational material.

The department shall publicize the availability of the
registry and the manner in which information may be filed with

1 and obtained from the registry.

2 § 2523. Filing information with registry.

3 An adoptee, an adoptive parent and a birth parent may at any
4 time file and update medical and social history information with
5 the registry on a form developed by the department.

6 § 2524. Who may request information from registry.

7 The following individuals may request information from the
8 registry:

9 (1) An adoptee who is 18 years of age or older.

10 (2) An adoptive parent of an adoptee who is under 18
11 years of age, adjudicated incapacitated or deceased.

12 (3) A legal guardian of an adoptee who is under 18 years
13 of age or adjudicated incapacitated.

14 (4) A descendant of a deceased adoptee.

15 (5) The birth parent of an adoptee 21 years of age or
16 older.

17 (6) A parent of a birth parent of an adoptee who is 21
18 years of age or older if that birth parent consents, is
19 adjudicated incapacitated or is deceased.

20 (7) A birth sibling of an adoptee if both the birth
21 sibling and adoptee are 21 years of age or older and:

22 (i) the birth sibling remained in the custody of the
23 birth parent and the birth parent consents, is deceased
24 or adjudicated incapacitated;

25 (ii) both the birth sibling and adoptee were adopted
26 out of the same birth family; or

27 (iii) the birth sibling was not adopted out of the
28 birth family but did not remain in the custody of the
29 birth parent.

30 § 2525. Providing information from registry.

1 (a) Nonidentifying information.--Nonidentifying information,
2 if available, shall be provided to the requester within 30 days
3 of the request.

4 (b) Identifying information.--

5 (1) If an authorization form is on file, the department
6 shall notify the requester within 30 days of the request
7 whether information may be released.

8 (2) If there is no authorization on file, the department
9 shall designate an authorized representative to:

10 (i) use reasonable efforts to locate the subject of
11 the request; and

12 (ii) if the subject of the search is located, obtain
13 written authorization from the subject before any
14 information is released.

15 (c) Editing information.--Before the release of information
16 from the registry, the department shall remove any identifying
17 information unless authorized in writing by the subject of the
18 information to release the identifying information.

19 § 2526. Rules and regulations.

20 The department shall promulgate rules and regulations
21 necessary to implement this subchapter.

22 SUBCHAPTER D

23 RELEASE OF INFORMATION

24 Sec.

25 2531. Nonidentifying information.

26 2532. Identifying information.

27 2533. Statement of medical and social history information.

28 2534. Confidentiality.

29 2535. Refusal to search.

30 2536. Original birth record.

1 2537. Rules and regulations.

2 § 2531. Nonidentifying information.

3 (a) Who may request.--The following individuals may file a
4 written request for nonidentifying information with the court
5 which finalized the adoption, the agency which coordinated the
6 adoption or its successor agency by merger or acquisition:

7 (1) An adoptee who is 18 years of age or older.

8 (2) An adoptive parent of an adoptee who is:

9 (i) under 18 years of age;

10 (ii) adjudicated incapacitated and 18 years of age
11 or older; or

12 (iii) deceased.

13 (3) A legal guardian of an adoptee who is under 18 years
14 of age or adjudicated incapacitated.

15 (4) A descendant of a deceased adoptee.

16 (b) Notice of availability of records.--When the court or
17 agency receives a written request for nonidentifying
18 information, it shall notify the individual requesting the
19 information within 30 days of receiving the request whether it
20 possesses any records relating to the adoption.

21 (c) Furnishing nonidentifying information.--If records are
22 located, the court or agency shall within 90 days review and
23 furnish to the requester any information concerning the adoption
24 that will not compromise the confidentiality of the relationship
25 between the adoptee and the adoptee's birth parent.

26 § 2532. Identifying information.

27 (a) Who may request.--The following individuals may file a
28 written request for identifying information or contact with the
29 court which finalized the adoption, the agency which coordinated
30 the adoption or a successor agency:

1 (1) An adoptee who is 18 years of age or older.

2 (2) An adoptive parent of an adoptee who is:

3 (i) under 18 years of age;

4 (ii) adjudicated incapacitated and 18 years of age
5 or older; or

6 (iii) deceased.

7 (3) A legal guardian of an adoptee who is under 18 years
8 of age or adjudicated incapacitated.

9 (4) A descendant of a deceased adoptee.

10 (5) A birth parent of an adoptee who is 21 years of age
11 or older.

12 (6) A parent of a birth parent of an adoptee who is 21
13 years of age or older if that birth parent consents, is
14 adjudicated incapacitated or is deceased.

15 (7) A birth sibling of an adoptee if both the birth
16 sibling and adoptee are 21 years of age or older and:

17 (i) the birth sibling remained in the custody of the
18 birth parent and the birth parent consents, is deceased
19 or adjudicated incapacitated;

20 (ii) both the birth sibling and adoptee were adopted
21 out of the same birth family; or

22 (iii) the birth sibling was not adopted out of the
23 birth family but did not remain in the custody of a birth
24 parent.

25 (b) Who may be the subject of a request.--An individual
26 under subsection (a) may request identifying information
27 regarding or contact with the following individuals:

28 (1) An adoptee who is 21 years of age or older.

29 (2) A birth parent of an adoptee.

30 (3) A parent of a birth parent of an adoptee 21 years of

1 age or older if that birth parent consents, is adjudicated
2 incapacitated or is deceased.

3 (4) A birth sibling of an adoptee if both the birth
4 sibling and adoptee are 21 years of age or older and:

5 (i) the birth sibling remained in the custody of the
6 birth parent and the birth parent consents, is deceased
7 or adjudicated incapacitated;

8 (ii) both the birth sibling and adoptee were adopted
9 out of the same birth family; or

10 (iii) the birth sibling was not adopted out of the
11 birth family but did not remain in the custody of a birth
12 parent.

13 (c) Notice of availability of records.--When the court or
14 agency receives a written request for identifying information or
15 contact, within 30 days it shall do all of the following:

16 (1) Determine whether it has in its possession any
17 records relating to the adoptee.

18 (2) Notify any other court or agency listed in its
19 records of the existence of the request for identifying
20 information.

21 (3) Ask any other court or agency listed in its records
22 to advise if an authorization form has been filed.

23 (4) Contact the information registry established under
24 Subchapter C (relating to information registry), advise the
25 registry of the request for identifying information and ask
26 whether an authorization form has been filed.

27 (5) Notify the requesting individual of its findings
28 pursuant to this subsection.

29 (d) When records are located.--If records are located, the
30 following shall apply:

1 (1) A good faith search for identifying information
2 shall be commenced within 90 days.

3 (2) The search for information shall only be conducted
4 by an authorized representative appointed by:

5 (i) the court in which the adoption was finalized;

6 (ii) the agency which coordinated the adoption;

7 (iii) a successor, by merger or acquisition, of the
8 agency which coordinated the adoption; or

9 (iv) if neither the agency nor a successor exists,
10 by an agency authorized by the court.

11 (3) The authorized representative shall review the court
12 and agency record for identifying information regarding the
13 birth or adoptive family.

14 (4) The court or agency shall determine whether an
15 authorization form has been filed with the court, agency or
16 information registry established under Subchapter C.

17 (e) No authorization form.--If an applicable authorization
18 form is not located, all of the following apply:

19 (1) The authorized representative shall use reasonable
20 efforts to locate the subject of the search.

21 (2) If the subject of the search is located, the
22 authorized representative shall obtain written authorization
23 from the subject before any identifying information is
24 released or contact between the parties is made.

25 (3) If the requester is an adoptee seeking the identity
26 of a birth parent, the identity of a deceased birth parent
27 may be disclosed.

28 (4) If the requester is an adoptee seeking the identity
29 of both birth parents and only one birth parent agrees to the
30 disclosure, only the information relating to that birth

parent shall be disclosed.

(f) Withdrawal of authorization form.--An individual may withdraw his authorization form at any time.

§ 2533. Statement of medical and social history information.

(a) Where filed.--A statement regarding medical and social history information may be filed with the following:

(1) The court which terminated parental rights.

(2) The court which finalized the adoption.

(3) The agency which coordinated the adoption.

(4) The information registry established under Subchapter C (relating to information registry).

(b) Who may file and request medical and social history information.--The following individuals may at any time file, update and request a statement regarding medical and social history information:

(1) An adoptee who is 18 years of age or older.

(2) An adoptive parent or legal guardian of an adoptee who is under 18 years of age or adjudicated incapacitated.

(3) A descendant of a deceased adoptee.

(4) A birth parent.

(5) A legal guardian of an adjudicated incapacitated birth parent.

(6) A survivor of a deceased birth parent.

(c) Statement made part of record.--A statement regarding medical and social history information shall be maintained as a permanent record.

(d) Forwarding statement.--If a statement regarding medical and social history information is filed in the court which terminated parental rights, a copy of the statement shall be forwarded to the court which finalized the adoption and the

1 information registry established under Subchapter C.

2 (e) Notice of filing.--Within ten days of filing of a
3 statement regarding medical or social history information, the
4 court, agency or information registry shall give notice of the
5 filing to the individual to whom the information is intended to
6 benefit, if known or identified in its records.

7 (f) Request for information.--

8 (1) When the court or agency receives a written request
9 for medical and social history information, it shall notify
10 the requester within 30 days whether it possesses any medical
11 or social history information relating to the adoption.

12 (2) If medical and social history information is
13 located, the court or agency shall within 90 days do the
14 following:

15 (i) As to nonidentifying information, review and
16 furnish to the requester any medical and social history
17 information that will not compromise the confidentiality
18 of the relationship between the adoptee and the adoptee's
19 birth parent.

20 (ii) As to identifying information, if an
21 authorization form is on file with the court, agency or
22 information registry, furnish to the requester the
23 available identifying information in its records.

24 (g) No information or authorization form on file.--If a
25 court or agency receives a request for medical and social
26 history information and finds that no such information is in its
27 records or that no authorization form is on file, the court or
28 agency shall do the following:

29 (1) Contact the subject of the request and ask that the
30 subject:

1 (i) provide nonidentifying information for the
2 benefit of the requester; or
3 (ii) file an authorization form.

4 (2) If the subject of the request cannot be located from
5 information contained in the court records, appoint an
6 authorized representative to use reasonable efforts to locate
7 the subject.

8 (3) If nonidentifying information is provided by the
9 subject of the request, give it to the requester.

10 (4) If an authorization form is filed, provide
11 identifying information to the requester.

12 § 2534. Confidentiality.

13 (a) General rule.--In conducting a search, the court or
14 agency shall ensure that no individual other than a birth parent
15 is informed of the adoptee's existence and relationship to the
16 birth parent of the adoptee.

17 (b) When inquiry not mandatory.--An authorized
18 representative of the court or agency conducting a search may
19 not make an inquiry which the representative reasonably believes
20 may compromise the confidentiality relating to the relationship
21 between the adoptee and a birth parent of the adoptee.

22 § 2535. Refusal to search.

23 (a) Agency declines to search.--

24 (1) If it is satisfied that the request could cause
25 physical or emotional harm to the requesting individual or
26 others, an agency may decline to conduct a search to
27 determine whether an individual will authorize the disclosure
28 of identifying information or contact under this chapter.

29 (2) An agency that declines to conduct a search shall
30 refer the request to the court which finalized the adoption

1 and inform the court of its reasons for declining the
2 request.

3 (3) The agency shall notify the requester of the
4 referral and identify the court to which the referral was
5 made.

6 (b) Court declines to search.--

7 (1) If it is satisfied that the request could cause
8 physical or emotional harm to the requesting individual or
9 others, a court receiving a request for identifying
10 information or contact may decline to perform a search.

11 (2) A court that declines to conduct a search shall
12 inform the requesting individual of its decision in writing
13 and of the procedures for appeal of that decision.

14 § 2536. Original birth record.

15 (a) General rule.--No disclosure of information shall be
16 made by the court, an agency, the Department of Health or any
17 other Commonwealth agency regarding the adopted person's
18 original birth records or regarding the documents of proof on
19 which the amended certificate of birth is based or relating in
20 any way to the birth parents unless the disclosure is made
21 pursuant to the provisions of this section.

22 (b) Filing of consent to issue copy of summary of original
23 birth record.--

24 (1) The birth parents may, at the time of the
25 termination of their parental rights or at any time
26 thereafter, place on file with the court and with the
27 Department of Health a consent form granting permission for
28 the court or the Department of Health to issue a copy of the
29 summary of the adoptee's original birth record, disclosing
30 the identity of the birth parents, at any time after the

1 adoptee attains the age of 18 or, if less than 18, to his
2 adoptive parent or legal guardian.

3 (2) If only one birth parent has filed a consent, a copy
4 of the summary of original birth record naming only the
5 consenting birth parent shall be issued.

6 (3) The consent of the birth parents may be withdrawn at
7 any time by filing a withdrawal of consent form with the
8 court and the department.

9 (c) Duty of department.--The department shall prescribe by
10 regulation the procedure and forms to be utilized for the
11 giving, updating and withdrawal of the consent.

12 § 2537. Rules and regulations.

13 The department shall promulgate rules and regulations
14 implementing a standardized training program for court-appointed
15 and agency-appointed authorized representatives conducting
16 searches under this subchapter.

17 Section 3. This act shall apply as follows:

18 (1) This act shall apply to all proceedings for the
19 termination of parental rights initiated on or after the
20 effective date of this act. A proceeding for the termination
21 of parental rights initiated under the provisions repealed by
22 this act shall be concluded under those provisions.

23 (2) This act shall apply to all adoption proceedings
24 initiated on or after the effective date of this act.
25 Adoption proceedings initiated under the provisions repealed
26 by this act shall be concluded under those provisions.

27 (3) The addition of 23 Pa.C.S. § 2321 shall apply to all
28 expenses and costs incurred on or after the effective date of
29 this act. If an expense or cost is incurred before the
30 effective date of this act, the provisions repealed by this

1 act shall govern.

2 Section 4. This act shall take effect in six months.