

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 434 Session of 2009

INTRODUCED BY PETRI, GEIST AND SIPTROTH, FEBRUARY 13, 2009

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 13, 2009

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 hearing and procedure for relinquishment of parental rights.

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

6 Section 1. Section 2503 of Title 23 of the Pennsylvania
7 Consolidated Statutes is repealed:

8 [§ 2503. Hearing.

9 (a) General rule.--Upon presentation of a petition prepared
10 pursuant to section 2501 (relating to relinquishment to agency)
11 or section 2502 (relating to relinquishment to adult intending
12 to adopt child), the court shall fix a time for hearing which
13 shall not be less than ten days after filing of the petition.
14 The petitioner must appear at the hearing.

15 (b) Notice.--

16 (1) At least ten days' notice of the hearing shall be
17 given to the petitioner, and a copy of the notice shall be
18 given to the other parent, to the putative father whose
19 parental rights could be terminated pursuant to subsection

(d) and to the parents or guardian of a petitioner who has not reached 18 years of age.

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

"To: (insert petitioner's name)

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 have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer 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) The copy of the notice which is given to the putative father shall state that his rights may also be subject to termination pursuant to subsection (d) if he fails to file either an acknowledgment of paternity or claim of paternity pursuant to section 5103 (relating to acknowledgment and claim of paternity) and fails to either appear at the hearing for the purpose of objecting to the termination of his rights or file a written objection to such termination with the court prior to the hearing.

1 (c) Decree.--After hearing, which shall be private, the
2 court may enter a decree of termination of parental rights in
3 the case of their relinquishment to an adult or a decree of
4 termination of parental rights and duties, including the
5 obligation of support, in the case of their relinquishment to an
6 agency.

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

19 (e) Right to file personal and medical history
20 information.--At the time the decree of termination is
21 transmitted to the parent whose rights are terminated, the court
22 shall advise that parent, in writing, of his or her continuing
23 right to place and update personal and medical history
24 information, whether or not the medical condition is in
25 existence or discoverable at the time of adoption, on file with
26 the court and with the Department of Public Welfare pursuant to
27 section 2905(d) (relating to impounding of proceedings and
28 access to records).]

29 Section 2. Section 2504 heading, (a), (b) and (c) of Title
30 23 are amended to read:

1 § 2504. [Alternative procedure] Procedure for relinquishment.

2 (a) Petition to confirm consent to adoption.--If the parent
3 or parents of the child have executed consents to an adoption,
4 upon petition by the intermediary or, where there is no
5 intermediary, by the adoptive parent, the court shall [hold a
6 hearing for the purpose of confirming a] confirm the consent to
7 an adoption upon expiration of the time periods under section
8 2711 (relating to consents necessary to adoption)[.] and, in the
9 case of relinquishment of parental rights to an adult, the court
10 may enter a decree of termination of parental rights or, in the
11 case of relinquishment of parental rights to an agency, a decree
12 of termination of parental rights and duties, including the
13 obligation of support. The original consent or consents to the
14 adoption shall be attached to the petition.

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

1 duties, including the obligation of support, in the case of a
2 relinquishment to an 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
6 section] section 2513 (relating to hearing) and fails to either
7 appear at that hearing for the purpose of objecting to
8 termination of his parental rights or file a written objection
9 to such termination with the court prior to the hearing and has
10 not filed an acknowledgment of paternity or claim of paternity
11 pursuant to section 5103 (relating to acknowledgment and claim
12 of paternity), the court may enter a decree terminating the
13 parental rights of the putative father [pursuant to subsection
14 (b)].

15 * * *

16 Section 3. This act shall take effect in 60 days.