

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 435 Session of
2009

INTRODUCED BY PETRI AND GEIST, 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 counseling; and providing for adoption-related counseling
4 services.

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

7 Section 1. Section 2505 of Title 23 of the Pennsylvania
8 Consolidated Statutes is repealed:

9 [§ 2505. Counseling.

10 (a) List of counselors.--Any hospital or other facility
11 providing maternity care shall provide a list of available
12 counselors and counseling services compiled pursuant to
13 subsection (b) to its maternity patients who are known to be
14 considering relinquishment or termination of parental rights
15 pursuant to this part. The patient shall sign an acknowledgment
16 of receipt of such list prior to discharge, a copy of which
17 receipt shall be provided to the patient.

18 (b) Compilation of list.--The court shall compile a list of
19 qualified counselors and counseling services (including all

1 adoption agencies) which are available to counsel natural
2 parents within the county who are contemplating relinquishment
3 or termination of parental rights pursuant to this part. Such
4 list shall be distributed to every agency, hospital or other
5 facility providing maternity care within the county and shall be
6 made available upon request to any intermediary or licensed
7 health care professional.

8 (c) Court referral.--Prior to entering a decree of
9 termination of parental rights pursuant to section 2503
10 (relating to hearing) or 2504 (relating to alternative procedure
11 for relinquishment), if the parent whose rights are to be
12 terminated is present in court, the court shall inquire whether
13 he or she has received counseling concerning the termination and
14 the alternatives thereto from an agency or from a qualified
15 counselor listed by a court pursuant to subsection (b). If the
16 parent has not received such counseling, the court may, with the
17 parent's consent, refer the parent to an agency or qualified
18 counselor listed by a court pursuant to subsection (b) for the
19 purpose of receiving such counseling. In no event shall the
20 court delay the completion of any hearing pursuant to section
21 2503 or 2504 for more than 15 days in order to provide for such
22 counseling.

23 (d) Application for counseling.--Any parent who has filed a
24 petition to relinquish his or her parental rights, or has
25 executed a consent to adoption, and is in need of counseling
26 concerning the relinquishment or consent, and the alternatives
27 thereto, may apply to the court for referral to an agency or
28 qualified counselor listed by a court pursuant to subsection (b)
29 for the purpose of receiving such counseling. The court, in its
30 discretion, may make such a referral where it is satisfied that

1 this counseling would be of benefit to the parent.

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

16 Section 2. Title 23 is amended by adding a section to read:
17 § 2505.1. Adoption-related counseling services.

18 (a) Purpose of counseling.--Counseling under this section
19 shall provide a birth parent with assistance in understanding
20 the adoption process, the birth parent's rights and obligations,
21 the consequences of a decision to relinquish parental rights and
22 the alternatives to relinquishment and adoption.

23 (b) Right to counseling.--A parent or presumptive father,
24 putative father or an agency or attorney acting on behalf of the
25 parent, who is unable to pay for the counseling or who will
26 experience substantial financial hardship as a result of
27 payment, may apply for counseling under this section, if the
28 individual:

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

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

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

7 (d) Distribution of list.--

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

10 (i) Each agency within the county.

11 (ii) Each health care provider of obstetrical or
12 maternity care within the county.

13 (iii) Any person upon request.

14 (2) Any agency or health care provider of obstetrical or
15 maternity care that receives the list compiled under
16 subsection (c) shall provide the list to any individual it
17 knows is considering relinquishing parental rights with
18 respect to a child or placing a child for adoption.

19 (e) Notice of availability of list.--The Department of
20 Public Welfare shall provide notice of the availability of the
21 list compiled under subsection (c) to any person filing either
22 an acknowledgment of paternity or a claim of paternity under
23 section 5103 (relating to acknowledgment and claim of
24 paternity).

25 (f) Referral for counseling.--

26 (1) If a parent decides to receive counseling, the
27 individual shall contact the county for a referral
28 authorizing counseling.

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

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

3 (g) Counseling fund.--Each county shall establish a separate
4 fund to pay for adoption-related counseling services under this
5 section. The source of the counseling fund shall be the fee
6 collected under subsection (h). The county may make supplemental
7 appropriations to the counseling fund.

8 (h) Filing fee.--

9 (1) Each report of intention to adopt filed pursuant to
10 section 2531 (relating to report of intention to adopt) shall
11 be accompanied by a filing fee in the amount of \$75 which
12 shall be transferred to the county and deposited into the
13 counseling fund required under subsection (g). All costs of
14 counseling services provided to individuals who are unable to
15 pay for such services shall be paid from the fund.

16 (2) No filing fee shall be required under this
17 subsection with respect to the adoption of a special needs
18 child who would be eligible for adoption assistance pursuant
19 to regulations promulgated by the department.

20 (3) The court may reduce or waive the filing fee in cases
21 of demonstrated financial hardship.

22 (i) Additional counseling.--The frequency of adoption-
23 related counseling services shall be determined by the county in
24 accordance with regulations promulgated by the department which
25 take into account the needs of the parent.

26 (j) Designation by county.--Each county shall designate an
27 agency within the county to implement the provisions of this
28 section.

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