

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 768 Session of
2009

INTRODUCED BY PETRI, CALTAGIRONE, COHEN, GEIST, GIBBONS, HESS,
HORNAMAN, M. KELLER, MAJOR, MOUL, PICKETT, RAPP, ROHRER,
SIPTROTH, SWANGER, WANSACZ AND WATSON, MARCH 6, 2009

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, MARCH 6, 2009

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 home study and preplacement report, for report of intention
4 to adopt, for report of intermediary, for exhibits in report
5 of intermediary, for investigation, for contents of petition
6 for adoption, for exhibits to petition for adoption and for
7 time of entry of decree of adoption.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Sections 2530(a) and (c) and 2531(b)(3) and (4)
11 of Title 23 of the Pennsylvania Consolidated Statutes are
12 amended to read:

13 § 2530. Home study and preplacement report.

14 (a) General rule.--[No intermediary shall place a child] A
15 child shall not be placed in the physical care or custody of a
16 prospective adoptive parent or parents unless a home study
17 containing a favorable recommendation for placement of a child
18 with the prospective parent or parents has been completed within
19 three years prior thereto and which has been supplemented within
20 one year prior thereto. The home study shall be conducted by a

1 local public child-care agency, an adoption agency or a licensed
2 social worker designated by the court to perform such study.

3 * * *

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

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

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

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

24 § 2531. Report of intention to adopt.

25 * * *

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

27 * * *

28 (3) The name and address of the intermediary, if an
29 intermediary is being utilized.

30 (4) An itemized accounting of moneys and consideration

1 paid or to be paid to the intermediary, if an intermediary is
2 being utilized.

3 * * *

4 Section 2. Sections 2533 and 2534 of Title 23 are repealed:

5 [§ 2533. Report of intermediary.

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

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

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

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

17 (3) The date of the placement of the child with the
18 adopting parent or parents.

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

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

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

28 (7) A statement that all consents required by section
29 2711 (relating to consents necessary to adoption) are
30 attached as exhibits or the basis upon which the consents are

not required.

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

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

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

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

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

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

(d) Permissible reimbursement of expenses.--Payments made by the adoptive parents to an intermediary or a third party for reimbursement of the following expenses, calculated without regard to the income of the adoptive parents, are permissible and are not in violation of 18 Pa.C.S. § 4305 (relating to dealing in infant children):

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

(2) Medical, hospital and foster care expenses incurred

on behalf of the child prior to the decree of adoption.

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

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

§ 2534. Exhibits.

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

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

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

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

Section 3. Sections 2535(a), 2701, 2702 and 2901 of Title 23 are amended to read:

§ 2535. Investigation.

(a) General rule.--When a report required by section 2531 (relating to report of intention to adopt) has been filed, the court shall cause an investigation to be made and a report filed by a local public child care agency, a voluntary child care agency with its consent or an appropriate person designated by the court. In lieu of the investigation, the court may accept an investigation made by the agency which placed the child. [and the report of investigation in such cases may be incorporated into the report of the intermediary required by section 2533

1 (relating to report of intermediary).]

2 * * *

3 § 2701. Contents of petition for adoption.

4 A petition for adoption shall set forth:

5 (1) The full name, residence, marital status, age,
6 occupation, religious affiliation and racial background of
7 the adopting parent or parents and their relationship, if
8 any, to the adoptee.

9 (2) That the reports under sections 2530 (relating to
10 home study and preplacement report)[,] and 2531 (relating to
11 report of intention to adopt) [and 2533 (relating to report
12 of intermediary)] have been filed, if required.

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

14 (4) The full name, sex, racial background, age, date and
15 place of birth, religious affiliation of the adoptee and the
16 fact and length of time of the residence of the adoptee with
17 the adopting parent or parents.

18 (5) [If there is no intermediary or if no report of the
19 intermediary has been filed or if the adoptee is over the age
20 of 18 years, all vital statistics and other information
21 enumerated and required to be stated of record by section
22 2533, so far as applicable.] The name, racial background,
23 age, marital status as of the time of birth of the child and
24 during one year prior thereto, and religious affiliation of
25 the parents of the child.

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

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

1 (8) That it is the desire of the petitioner or the
2 petitioners that the relationship of parent and child be
3 established between the petitioner or petitioners and the
4 adoptee.

5 (9) If no birth certificate or certification of
6 registration of birth can be obtained, a statement of the
7 reason therefor and an allegation of the efforts made to
8 obtain the certificate with a request that the court
9 establish a date and place of birth at the adoption hearing
10 on the basis of the evidence presented.

11 (10) A statement that medical history information was
12 obtained and, if not obtained, a statement of the reason
13 therefor.

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

17 § 2702. Exhibits.

18 The petition shall have attached to it the following
19 exhibits:

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

22 [(2) If not already filed with a report of an
23 intermediary, the exhibits enumerated in section 2534
24 (relating to exhibits).]

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

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

1 (5) A full description and statement of the value of all
2 property owned or possessed by the child.

3 § 2901. Time of entry of decree of adoption.

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

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