
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1525 Session of
2015

INTRODUCED BY PETRI, WATSON, COHEN, HARHART, MILLARD, D. PARKER,
PICKETT AND ZIMMERMAN, OCTOBER 14, 2015

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, OCTOBER 14, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 definitions, for hearing and for petition for involuntary
4 termination, providing for notice if identity or whereabouts
5 of parent or putative father unknown, further providing for
6 consents necessary to adoption and repealing provisions
7 relating to consents not naming adopting parents.

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

10 Section 1. Section 2102 of Title 23 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:
12 § 2102. Definitions.

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

16 * * *

17 "Denial of paternity." The written statement of a
18 presumptive father or putative father declaring all of the
19 following:

20 (1) The individual is not the father of the child.

1 (2) The individual does not acknowledge paternity of the
2 child.

3 (3) No court has determined that the individual is the
4 father of the child.

5 (4) The individual has no interests in proceedings under
6 this part concerning the child.

7 "Household." A group of people who reside together in the
8 same housing unit.

9 * * *

10 "Putative father." An alleged birth father of a child
11 conceived or born out of wedlock whose parental status has not
12 been legally established.

13 Section 2. Sections 2503(a), (b) (3) and (d) and 2512(c) of
14 Title 23 are amended to read:

15 § 2503. Hearing.

16 (a) General rule.--Upon presentation of a petition prepared
17 pursuant to section 2501 (relating to relinquishment to agency)
18 or section 2502 (relating to relinquishment to adult intending
19 to adopt child), the court shall fix a time for hearing which
20 shall not be less than ten days, nor more than 20 days, after
21 filing of the petition. The petitioner must appear at the
22 hearing.

23 (b) Notice.--

24 * * *

25 (3) The [copy of the notice which is given to the]
26 putative father shall [state that his rights may also be
27 subject to termination pursuant to subsection (d) if he fails
28 to file either an acknowledgment of paternity or claim of
29 paternity pursuant to section 5103 (relating to
30 acknowledgment and claim of paternity) and fails to either

1 appear at the hearing for the purpose of objecting to the
2 termination of his rights or file a written objection to such
3 termination with the court prior to the hearing.] be given
4 notice in the form provided in section 2513(b) (relating to
5 hearing). If the identity or whereabouts of the putative
6 father is unknown, notice shall be given under section
7 2514(b) (relating to notice if identity or whereabouts of
8 parent or putative father unknown). Notice under this
9 paragraph shall state that the putative father's rights may
10 also be terminated under subsection (d) if any of the
11 following apply:

12 (i) He fails to file with the court prior to the
13 hearing a written objection to the termination.

14 (ii) He fails to appear at the hearing for the
15 purpose of objecting to the termination of his rights.

16 * * *

17 (d) [Putative father] Termination of putative father's
18 parental rights.--If a putative father [will not file a petition
19 to voluntarily relinquish his parental rights pursuant to
20 section 2501 (relating to relinquishment to agency) or 2502
21 (relating to relinquishment to adult intending to adopt child),]
22 has been given notice of the hearing being held pursuant to this
23 section [and], the court may enter a decree terminating his
24 parental rights, whether or not the putative father has filed a
25 claim of paternity under section 5103(b) (relating to
26 acknowledgment and claim of paternity), if the putative father
27 fails to [either]:

28 (1) file a written objection to the termination with the
29 court prior to the hearing; or

30 (2) appear at that hearing for the purpose of objecting

1 to termination of his parental rights [or file a written
2 objection to such termination with the court prior to the
3 hearing and has not filed an acknowledgment of paternity or
4 claim of paternity pursuant to section 5103, the court may
5 enter a decree terminating the parental rights of the
6 putative father pursuant to subsection (c)].

7 * * *

8 § 2512. Petition for involuntary termination.

9 * * *

10 [(c) Father not identified.--If the petition does not
11 identify the father of the child, it shall state whether a claim
12 of paternity has been filed under section 8303 (relating to
13 claim of paternity).]

14 Section 3. Title 23 is amended by adding a section to read:

15 § 2514. Notice if identity or whereabouts of parent or putative
16 father unknown.

17 (a) Diligent search.--A petitioner under sections 2501
18 (relating to relinquishment to agency), 2502 (relating to
19 relinquishment to adult intending to adopt child), 2504
20 (relating to alternative procedure for relinquishment) and 2512
21 (relating to petition for involuntary termination) must
22 establish that a diligent search has been made to identify or
23 locate a parent or putative father for the purpose of providing
24 notice in a proceeding under this part.

25 (b) Notice by publication.--If the petitioner can establish
26 that an unsuccessful diligent search has been made to identify
27 or locate a parent or putative father, notice of the proceeding
28 may be given to the parent or putative father by publication one
29 time in both a newspaper of general circulation and in the
30 county legal journal at least 10 days before the date of the

1 hearing. Proof of publication of the notice provided under this
2 subsection must be submitted to the court.

3 (c) Waiver of diligent search and publication of notice.--If
4 the putative father knows or has reason to know of the child's
5 birth, and the putative father has failed to make reasonable
6 efforts to maintain substantial and continuing contact with the
7 child and provide substantial financial support for the child,
8 the court may waive the requirement for a diligent search and
9 the publication of notice. Notice to a putative father shall be
10 considered given under this section if the court waives the
11 requirement for a diligent search and the publication of notice
12 and makes a specific determination that additional efforts to
13 locate or identify the putative father and provide notice do not
14 serve the best interests of the child.

15 Section 4. Section 2711(c) of Title 23 is amended and the
16 section is amended by adding a subsection to read:

17 § 2711. Consents necessary to adoption.

18 * * *

19 (c) Validity of consent.--

20 (1) No consent shall be valid if it was executed prior
21 to or within 72 hours after the birth of the child[. A],
22 except that the presumptive father or putative father may
23 execute a consent or a denial of paternity at any time after
24 receiving notice of the expected or actual birth of the
25 child.

26 (2) If consent is executed by the putative father prior
27 to the birth of the child, the child shall be named "Baby
28 (Mother's Last Name)" for the purpose of the consent. Further
29 notice as required by section 2721 (relating to notice of
30 hearing) to the putative father is not necessary if consent

1 is executed prior to the birth of the child. Further notice
2 as required by section 2721 is not required to the birth
3 mother or her husband if consent is valid.

4 (3) Any consent given outside this Commonwealth shall be
5 valid for purposes of this section if it was given in
6 accordance with the laws of the jurisdiction where it was
7 executed.

8 (4) A consent to an adoption may only be revoked as set
9 forth in this subsection. The revocation of a consent shall
10 be in writing and shall be served upon the agency or adult to
11 whom the child was relinquished. [The following apply:]

12 (c.1) Nature of consent.--

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

14 (i) For a consent to an adoption executed by a birth
15 father or a putative father, the consent is irrevocable
16 more than 30 days after the birth of the child or the
17 execution of the consent, whichever occurs later.

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

21 (2) An individual may not waive the revocation period
22 under paragraph (1).

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

24 (i) An individual who executed a consent to an
25 adoption may challenge the validity of the consent only
26 by filing a petition alleging fraud or duress within the
27 earlier of the following time frames:

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

30 (B) Thirty days after the entry of the adoption

1 decree.

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

5 (A) a preponderance of the evidence in the case
6 of consent by a person 21 years of age or younger; or
7 (B) clear and convincing evidence in all other
8 cases.

9 * * *

10 (e) Waiver of notice requirements.--A birth mother, father
11 or putative father who has consented to an adoption may execute
12 a waiver of notice of all legal proceedings concerning the
13 child. A person who has executed a waiver of further notice
14 under this subsection shall be provided with the advisement
15 required by section 2504(d) (relating to alternative procedure
16 for relinquishment) of the continuing right to file personal and
17 medical history pursuant to Subchapter B of Chapter 29 (relating
18 to records and access to information).

19 Section 5. Section 2712 of Title 23 is repealed:

20 [§ 2712. Consents not naming adopting parents.

21 A consent to a proposed adoption meeting all the requirements
22 of this part but which does not name or otherwise identify the
23 adopting parent or parents shall be valid if it contains a
24 statement that it is voluntarily executed without disclosure of
25 the name or other identification of the adopting parent or
26 parents.]

27 Section 6. This act shall take effect in 60 days.