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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1526 Session of  
2015

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

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

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in adoption, further providing for  
3 report of intention to adopt, for consents necessary to  
4 adoption and for notice of hearing.

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

7 Section 1. Sections 2531(b)(6), 2711(c) and (d) and 2721 of  
8 Title 23 of the Pennsylvania Consolidated Statutes are amended  
9 to read:

10 § 2531. Report of intention to adopt.

11 \* \* \*

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

13 \* \* \*

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

1           revoke the consent to the adoption of this child within  
2           [30 days] 120 hours after the later of the birth of the  
3           child or the date he has executed the consent to an  
4           adoption and that the birth mother may revoke the consent  
5           to an adoption of this child within [30 days] 120 hours  
6           after the date she has executed the consent.

7           \* \* \*

8   § 2711. Consents necessary to adoption.

9           \* \* \*

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

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

22                   (i) For a consent to an adoption executed by a birth  
23                   father or a putative father, the consent is irrevocable  
24                   more than [30 days] 120 hours after the birth of the  
25                   child or the execution of the consent, whichever occurs  
26                   later.

27                   (ii) For a consent to an adoption executed by a  
28                   birth mother, the consent is irrevocable more than [30  
29                   days] 120 hours after the execution of the consent.

30               (2) An individual may not waive the revocation period

1 under paragraph (1).

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

3 (i) An individual who executed a consent to an  
4 adoption may challenge the validity of the consent only  
5 by filing a petition alleging fraud or duress [within the  
6 earlier of the following time frames:

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

9 (B) Thirty days after the entry of the adoption  
10 decree.] prior to the termination of parental rights.

11 (ii) A consent to an adoption may be invalidated  
12 only if the alleged fraud or duress under subparagraph

13 (i) is proven by:

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

16 (B) clear and convincing evidence in all other  
17 cases.

18 (4) Once the individual's parental rights are terminated  
19 and the individual has executed a consent to an adoption, the  
20 individual has no further standing to contest the adoption or  
21 to revoke his or her consent.

22 (d) Contents of consent.--

23 (1) The consent of a parent of an adoptee under 18 years  
24 of age shall set forth the name, age and marital status of  
25 the parent, the relationship of the consenter to the child,  
26 the name of the other parent or parents of the child and the  
27 following:

28 I hereby voluntarily and unconditionally consent to  
29 the adoption of the above named child.

30 I understand that by signing this consent I indicate

1 my intent to permanently give up all rights to this  
2 child.

3 I understand such child will be placed for adoption.

4 I understand I may revoke this consent to permanently  
5 give up all rights to this child by placing the  
6 revocation in writing and serving it upon the agency or  
7 adult to whom the child was relinquished.

8 If I am the birth father or putative father of the  
9 child, I understand that this consent to an adoption is  
10 irrevocable unless I revoke it within [30 days] 120 hours  
11 after either the birth of the child or my execution of  
12 the consent, whichever occurs later, by delivering a  
13 written revocation to (insert the name and address of the  
14 agency coordinating the adoption) or (insert the name and  
15 address of an attorney who represents the individual  
16 relinquishing parental rights or prospective adoptive  
17 parent of the child) or (insert the court of the county  
18 in which the voluntary relinquishment form was or will be  
19 filed).

20 If I am the birth mother of the child, I understand  
21 that this consent to an adoption is irrevocable unless I  
22 revoke it within [30 days] 120 hours after executing it  
23 by delivering a written revocation to (insert the name  
24 and address of the agency coordinating the adoption) or  
25 (insert the name and address of an attorney who  
26 represents the individual relinquishing parental rights  
27 or prospective adoptive parent of the child) or (insert  
28 the court of the county in which the voluntary  
29 relinquishment form was or will be filed).

30 I have read and understand the above and I am signing

1           it as a free and voluntary act.

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

6 § 2721. Notice of hearing.

7           The court shall fix a time and place for hearing. Notice of  
8           the hearing shall be given to all persons whose consents are  
9           required and to such other persons as the court shall direct.  
10          Notice to the parent or parents of the adoptee[, if required,  
11          may be given by the intermediary or someone acting on his  
12          behalf.] is not required if the parents have consented to the  
13          adoption and parental rights have been terminated. Notice shall  
14          be by personal service or by registered mail to the last known  
15          address of the person to be notified or in such other manner as  
16          the court shall direct.

17          Section 2. This act shall take effect in 60 days.