

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1529 Session of 2015

INTRODUCED BY TOOHIL, BISHOP, COHEN, HEFFLEY, PHILLIPS-HILL, MURT, PICKETT, RAPP, WATSON, YOUNGBLOOD AND ZIMMERMAN, OCTOBER 5, 2015

AS REPORTED FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 14, 2016

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, providing for permissible <--
3 reimbursement of expenses. FURTHER PROVIDING FOR HOME STUDY <--
4 AND PREPLACEMENT REPORT AND FOR REPORT OF INTENTION TO ADOPT,
5 REPEALING PROVISIONS RELATING TO REPORT OF INTERMEDIARY AND
6 EXHIBITS, FURTHER PROVIDING FOR INVESTIGATION, FOR CONTENTS
7 OF PETITION FOR ADOPTION AND FOR EXHIBITS, PROVIDING FOR
8 PERMISSIBLE REIMBURSEMENT OF EXPENSES AND FURTHER PROVIDING
9 FOR TIME OF ENTRY OF DECREE OF ADOPTION.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Title 23 of the Pennsylvania Consolidated <--
13 Statutes is amended by adding a section to read:

14 SECTION 1. SECTIONS 2530(A) AND (C) AND 2531(B) (3) AND (4) <--
15 OF TITLE 23 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE
16 AMENDED TO READ:

17 § 2530. HOME STUDY AND PREPLACEMENT REPORT.

18 (A) GENERAL RULE.--[NO INTERMEDIARY SHALL PLACE A CHILD] A
19 CHILD SHALL NOT BE PLACED IN THE PHYSICAL CARE OR CUSTODY OF A
20 PROSPECTIVE ADOPTIVE PARENT OR PARENTS UNLESS A HOME STUDY

1 CONTAINING A FAVORABLE RECOMMENDATION FOR PLACEMENT OF A CHILD  
2 WITH THE PROSPECTIVE PARENT OR PARENTS HAS BEEN COMPLETED WITHIN  
3 THREE YEARS PRIOR THERETO AND WHICH HAS BEEN SUPPLEMENTED WITHIN  
4 ONE YEAR PRIOR THERETO. THE HOME STUDY SHALL BE CONDUCTED BY A  
5 LOCAL PUBLIC CHILD-CARE AGENCY, AN ADOPTION AGENCY OR A LICENSED  
6 SOCIAL WORKER DESIGNATED BY THE COURT TO PERFORM SUCH STUDY.

7 \* \* \*

8 (C) INTERIM PLACEMENT.--WHERE A HOME STUDY REQUIRED UNDER  
9 THIS SECTION IS IN PROCESS, BUT NOT YET COMPLETED, [AN  
10 INTERMEDIARY MAY PLACE] A CHILD MAY BE PLACED IN THE PHYSICAL  
11 CARE OR CUSTODY OF A PROSPECTIVE ADOPTIVE PARENT OR PARENTS IF  
12 ALL OF THE FOLLOWING CONDITIONS ARE MET:

13 (1) [THE INTERMEDIARY HAS] THERE IS NO REASON TO BELIEVE  
14 THAT THE PROSPECTIVE ADOPTIVE PARENT OR PARENTS WOULD NOT  
15 RECEIVE A FAVORABLE RECOMMENDATION FOR PLACEMENT AS A RESULT  
16 OF THE HOME STUDY.

17 (2) THE INDIVIDUAL OR AGENCY CONDUCTING THE HOME STUDY  
18 ASSENTS TO THE INTERIM PLACEMENT.

19 (3) THE [INTERMEDIARY IMMEDIATELY NOTIFIES THE] COURT IS  
20 IMMEDIATELY NOTIFIED OF THE INTERIM PLACEMENT AND THE  
21 IDENTITY OF THE INDIVIDUAL OR AGENCY CONDUCTING THE HOME  
22 STUDY. IF AT ANY TIME PRIOR TO THE COMPLETION OF THE HOME  
23 STUDY THE COURT IS NOTIFIED BY THE INDIVIDUAL OR AGENCY  
24 CONDUCTING THE HOME STUDY THAT IT WITHDRAWS ITS ASSENT TO THE  
25 INTERIM PLACEMENT, THE COURT MAY ORDER THE PLACEMENT OF THE  
26 CHILD IN TEMPORARY FOSTER CARE WITH AN AGENCY UNTIL A  
27 FAVORABLE RECOMMENDATION FOR PLACEMENT IS RECEIVED.

28 § 2531. REPORT OF INTENTION TO ADOPT.

29 \* \* \*

30 (B) CONTENTS.--THE REPORT SHALL SET FORTH:

1 \* \* \*

2 (3) THE NAME AND ADDRESS OF THE INTERMEDIARY, IF AN  
3 INTERMEDIARY IS BEING UTILIZED.

4 (4) AN ITEMIZED ACCOUNTING OF MONEYS AND CONSIDERATION  
5 PAID OR TO BE PAID TO THE INTERMEDIARY, IF AN INTERMEDIARY IS  
6 BEING UTILIZED.

7 \* \* \*

8 SECTION 2. SECTIONS 2533 AND 2534 OF TITLE 23 ARE REPEALED:  
9 [§ 2533. REPORT OF INTERMEDIARY.

10 (A) GENERAL RULE.--WITHIN SIX MONTHS AFTER FILING THE REPORT  
11 OF INTENTION TO ADOPT, THE INTERMEDIARY WHO OR WHICH ARRANGED  
12 THE ADOPTION PLACEMENT OF ANY CHILD UNDER THE AGE OF 18 YEARS  
13 SHALL MAKE A WRITTEN REPORT UNDER OATH TO THE COURT IN WHICH THE  
14 PETITION FOR ADOPTION WILL BE FILED AND SHALL THEREUPON  
15 FORTHWITH NOTIFY IN WRITING THE ADOPTING PARENT OR PARENTS OF  
16 THE FACT THAT THE REPORT HAS BEEN FILED AND THE DATE THEREOF.

17 (B) CONTENTS.--THE REPORT SHALL SET FORTH:

18 (1) THE NAME AND ADDRESS OF THE INTERMEDIARY.

19 (2) THE NAME, SEX, RACIAL BACKGROUND, AGE, DATE AND  
20 PLACE OF BIRTH AND RELIGIOUS AFFILIATION OF THE CHILD.

21 (3) THE DATE OF THE PLACEMENT OF THE CHILD WITH THE  
22 ADOPTING PARENT OR PARENTS.

23 (4) THE NAME, RACIAL BACKGROUND, AGE, MARITAL STATUS AS  
24 OF THE TIME OF BIRTH OF THE CHILD AND DURING ONE YEAR PRIOR  
25 THERETO, AND RELIGIOUS AFFILIATION OF THE PARENTS OF THE  
26 CHILD.

27 (5) IDENTIFICATION OF PROCEEDINGS IN WHICH ANY DECREE OF  
28 TERMINATION OF PARENTAL RIGHTS, OR PARENTAL RIGHTS AND  
29 DUTIES, WITH RESPECT TO THE CHILD WAS ENTERED.

30 (6) THE RESIDENCE OF THE PARENTS OR PARENT OF THE CHILD,

1 IF THERE HAS BEEN NO SUCH DECREE OF TERMINATION.

2 (7) A STATEMENT THAT ALL CONSENTS REQUIRED BY SECTION  
3 2711 (RELATING TO CONSENTS NECESSARY TO ADOPTION) ARE  
4 ATTACHED AS EXHIBITS OR THE BASIS UPON WHICH THE CONSENTS ARE  
5 NOT REQUIRED.

6 (8) AN ITEMIZED ACCOUNTING OF MONEYS AND CONSIDERATION  
7 PAID OR TO BE PAID TO OR RECEIVED BY THE INTERMEDIARY OR TO  
8 OR BY ANY OTHER PERSON OR PERSONS TO THE KNOWLEDGE OF THE  
9 INTERMEDIARY BY REASON OF THE ADOPTION PLACEMENT.

10 (9) A FULL DESCRIPTION AND STATEMENT OF THE VALUE OF ALL  
11 PROPERTY OWNED OR POSSESSED BY THE CHILD.

12 (10) A STATEMENT THAT NO PROVISION OF ANY STATUTE  
13 REGULATING THE INTERSTATE PLACEMENT OF CHILDREN HAS BEEN  
14 VIOLATED WITH RESPECT TO THE PLACEMENT OF THE CHILD.

15 (11) IF NO BIRTH CERTIFICATE OR CERTIFICATION OF  
16 REGISTRATION OF BIRTH CAN BE OBTAINED, A STATEMENT OF THE  
17 REASON THEREFOR.

18 (12) A STATEMENT THAT MEDICAL HISTORY INFORMATION WAS  
19 OBTAINED AND IF NOT OBTAINED, A STATEMENT OF THE REASON  
20 THEREFOR.

21 (C) APPROPRIATE RELIEF.--THE COURT MAY PROVIDE APPROPRIATE  
22 RELIEF WHERE IT FINDS THAT THE MONEYS OR CONSIDERATION REPORTED  
23 OR REPORTABLE PURSUANT TO SUBSECTION (B) (8) ARE EXCESSIVE.

24 (D) PERMISSIBLE REIMBURSEMENT OF EXPENSES.--PAYMENTS MADE BY  
25 THE ADOPTIVE PARENTS TO AN INTERMEDIARY OR A THIRD PARTY FOR  
26 REIMBURSEMENT OF THE FOLLOWING EXPENSES, CALCULATED WITHOUT  
27 REGARD TO THE INCOME OF THE ADOPTIVE PARENTS, ARE PERMISSIBLE  
28 AND ARE NOT IN VIOLATION OF 18 PA.C.S. § 4305 (RELATING TO  
29 DEALING IN INFANT CHILDREN) :

30 (1) MEDICAL AND HOSPITAL EXPENSES INCURRED BY THE

1 NATURAL MOTHER FOR PRENATAL CARE AND THOSE MEDICAL AND  
2 HOSPITAL EXPENSES INCURRED BY THE NATURAL MOTHER AND CHILD  
3 INCIDENT TO BIRTH.

4 (2) MEDICAL, HOSPITAL AND FOSTER CARE EXPENSES INCURRED  
5 ON BEHALF OF THE CHILD PRIOR TO THE DECREE OF ADOPTION.

6 (3) REASONABLE EXPENSES INCURRED BY THE AGENCY OR A  
7 THIRD PARTY FOR ADJUSTMENT COUNSELING AND TRAINING SERVICES  
8 PROVIDED TO THE ADOPTIVE PARENTS AND FOR HOME STUDIES OR  
9 INVESTIGATIONS.

10 (4) REASONABLE ADMINISTRATIVE EXPENSES INCURRED BY THE  
11 AGENCY, TO INCLUDE OVERHEAD COSTS AND ATTORNEY FEES.

12 § 2534. EXHIBITS.

13 THE REPORT OF THE INTERMEDIARY SHALL HAVE ATTACHED TO IT THE  
14 FOLLOWING EXHIBITS:

15 (1) A BIRTH CERTIFICATE OR CERTIFICATION OF REGISTRATION  
16 OF BIRTH OF THE CHILD IF IT CAN BE OBTAINED.

17 (2) ALL CONSENTS TO ADOPTION REQUIRED BY SECTION 2711  
18 (RELATING TO CONSENTS NECESSARY TO ADOPTION).

19 (3) A CERTIFIED COPY OF ANY DECREE OF TERMINATION OF  
20 PARENTAL RIGHTS OR PARENTAL RIGHTS AND DUTIES MADE BY A COURT  
21 OTHER THAN THE COURT IN WHICH THE PETITION FOR ADOPTION WILL  
22 BE FILED.]

23 SECTION 3. SECTIONS 2535(A), 2701 AND 2702 OF TITLE 23 ARE  
24 AMENDED TO READ:

25 § 2535. INVESTIGATION.

26 (A) GENERAL RULE.--WHEN A REPORT REQUIRED BY SECTION 2531  
27 (RELATING TO REPORT OF INTENTION TO ADOPT) HAS BEEN FILED, THE  
28 COURT SHALL CAUSE AN INVESTIGATION TO BE MADE AND A REPORT FILED  
29 BY A LOCAL PUBLIC CHILD CARE AGENCY, A VOLUNTARY CHILD CARE  
30 AGENCY WITH ITS CONSENT OR AN APPROPRIATE PERSON DESIGNATED BY

1 THE COURT. IN LIEU OF THE INVESTIGATION, THE COURT MAY ACCEPT AN  
2 INVESTIGATION MADE BY THE AGENCY WHICH PLACED THE CHILD [AND THE  
3 REPORT OF INVESTIGATION IN SUCH CASES MAY BE INCORPORATED INTO  
4 THE REPORT OF THE INTERMEDIARY REQUIRED BY SECTION 2533  
5 (RELATING TO REPORT OF INTERMEDIARY)].

6 \* \* \*

7 § 2701. CONTENTS OF PETITION FOR ADOPTION.

8 A PETITION FOR ADOPTION SHALL SET FORTH:

9 (1) THE FULL NAME, RESIDENCE, MARITAL STATUS, AGE,  
10 OCCUPATION, RELIGIOUS AFFILIATION AND RACIAL BACKGROUND OF  
11 THE ADOPTING PARENT OR PARENTS AND THEIR RELATIONSHIP, IF  
12 ANY, TO THE ADOPTEE.

13 (2) THAT THE REPORTS UNDER SECTIONS 2530 (RELATING TO  
14 HOME STUDY AND PREPLACEMENT REPORT) [, ] AND 2531 (RELATING TO  
15 REPORT OF INTENTION TO ADOPT) [AND 2533 (RELATING TO REPORT  
16 OF INTERMEDIARY)] HAVE BEEN FILED, IF REQUIRED.

17 (3) THE NAME AND ADDRESS OF THE INTERMEDIARY, IF ANY.

18 (4) THE FULL NAME, SEX, RACIAL BACKGROUND, AGE, DATE AND  
19 PLACE OF BIRTH AND RELIGIOUS AFFILIATION OF THE ADOPTEE AND  
20 THE FACT AND LENGTH OF TIME OF THE RESIDENCE OF THE ADOPTEE  
21 WITH THE ADOPTING PARENT OR PARENTS.

22 (5) [IF THERE IS NO INTERMEDIARY OR IF NO REPORT OF THE  
23 INTERMEDIARY HAS BEEN FILED OR IF THE ADOPTEE IS OVER THE AGE  
24 OF 18 YEARS, ALL VITAL STATISTICS AND OTHER INFORMATION  
25 ENUMERATED AND REQUIRED TO BE STATED OF RECORD BY SECTION  
26 2533, SO FAR AS APPLICABLE.] THE NAME, RACIAL BACKGROUND,  
27 AGE, MARITAL STATUS AS OF THE TIME OF BIRTH OF THE CHILD AND  
28 DURING ONE YEAR PRIOR TO THE BIRTH OF THE CHILD, AND  
29 RELIGIOUS AFFILIATION OF THE PARENTS OF THE CHILD.

30 (6) IF A CHANGE IN NAME OF THE ADOPTEE IS DESIRED, THE

1 NEW NAME.

2 (7) THAT ALL CONSENTS REQUIRED BY SECTION 2711 (RELATING  
3 TO CONSENTS NECESSARY TO ADOPTION) ARE ATTACHED AS EXHIBITS  
4 OR THE BASIS UPON WHICH SUCH CONSENTS ARE NOT REQUIRED.

5 (8) THAT IT IS THE DESIRE OF THE PETITIONER OR THE  
6 PETITIONERS THAT THE RELATIONSHIP OF PARENT AND CHILD BE  
7 ESTABLISHED BETWEEN THE PETITIONER OR PETITIONERS AND THE  
8 ADOPTEE.

9 (9) IF NO BIRTH CERTIFICATE OR CERTIFICATION OF  
10 REGISTRATION OF BIRTH CAN BE OBTAINED, A STATEMENT OF THE  
11 REASON THEREFOR AND AN ALLEGATION OF THE EFFORTS MADE TO  
12 OBTAIN THE CERTIFICATE WITH A REQUEST THAT THE COURT  
13 ESTABLISH A DATE AND PLACE OF BIRTH AT THE ADOPTION HEARING  
14 ON THE BASIS OF THE EVIDENCE PRESENTED.

15 (10) AN ITEMIZED ACCOUNTING OF MONEY AND CONSIDERATION  
16 PAID OR TO BE PAID TO OR RECEIVED BY AN INTERMEDIARY OR ANY  
17 OTHER PERSON OR PERSONS TO THE KNOWLEDGE OF THE INTERMEDIARY  
18 BY REASON OF THE ADOPTION PLACEMENT.

19 (11) A STATEMENT THAT MEDICAL HISTORY INFORMATION WAS  
20 OBTAINED AND, IF NOT OBTAINED, A STATEMENT OF THE REASON  
21 THEREFOR.

22 (12) A STATEMENT THAT NO PROVISION OF ANY STATUTE  
23 REGULATING THE INTERSTATE PLACEMENT OF CHILDREN HAS BEEN  
24 VIOLATED WITH RESPECT TO THE PLACEMENT OF THE CHILD.

25 § 2702. EXHIBITS.

26 THE PETITION SHALL HAVE ATTACHED TO IT THE FOLLOWING  
27 EXHIBITS:

28 (1) THE CONSENT OR CONSENTS REQUIRED BY SECTION 2711  
29 (RELATING TO CONSENTS NECESSARY TO ADOPTION).

30 [(2) IF NOT ALREADY FILED WITH A REPORT OF AN

1 INTERMEDIARY, THE EXHIBITS ENUMERATED IN SECTION 2534  
2 (RELATING TO EXHIBITS).]

3 (3) A BIRTH CERTIFICATE OR CERTIFICATION OF REGISTRATION  
4 OF BIRTH OF THE CHILD IF IT CAN BE OBTAINED.

5 (4) A CERTIFIED COPY OF ANY DECREE OF TERMINATION OF  
6 PARENTAL RIGHTS OR PARENTAL RIGHTS AND DUTIES MADE BY A COURT  
7 OTHER THAN THE COURT IN WHICH THE PETITION FOR ADOPTION WILL  
8 BE FILED.

9 (5) A FULL DESCRIPTION AND STATEMENT OF THE VALUE OF ALL  
10 PROPERTY OWNED OR POSSESSED BY THE CHILD.

11 SECTION 4. TITLE 23 IS AMENDED BY ADDING A SECTION TO READ:  
12 § 2726. Permissible reimbursement of expenses.

13 Payments made by the adoptive parents to an intermediary for  
14 reimbursement of the following expenses, calculated without  
15 regard to the income of the adoptive parents, are permissible  
16 and are not in violation of 18 Pa.C.S. § 4305 (relating to  
17 dealing in infant children):

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

22 (2) Medical, hospital and foster care expenses incurred  
23 on behalf of the child prior to the decree of adoption.

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

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

30 (5) Reasonable living expenses incurred by the birth



1 mother three months prior to the due date of the child and 60  
2 days after the birth of the child. Living expenses may  
3 include food, rent, utilities, maternity clothing and an  
4 amount not to exceed \$300 for expenses and transportation  
5 costs associated with prenatal, maternity and postmaternity  
6 care.

7 SECTION 5. SECTION 2901 OF TITLE 23 IS AMENDED TO READ: <--

8 § 2901. TIME OF ENTRY OF DECREE OF ADOPTION.

9 UNLESS THE COURT FOR CAUSE SHOWN DETERMINES OTHERWISE, NO  
10 DECREE OF ADOPTION SHALL BE ENTERED UNLESS THE [NATURAL] BIRTH  
11 PARENT OR PARENTS' RIGHTS HAVE BEEN TERMINATED, THE  
12 INVESTIGATION REQUIRED BY SECTION 2535 (RELATING TO  
13 INVESTIGATION) HAS BEEN COMPLETED[, THE REPORT OF THE  
14 INTERMEDIARY HAS BEEN FILED PURSUANT TO SECTION 2533 (RELATING  
15 TO REPORT OF INTERMEDIARY)] AND ALL OTHER LEGAL REQUIREMENTS  
16 HAVE BEEN MET. IF ALL LEGAL REQUIREMENTS HAVE BEEN MET, THE  
17 COURT MAY ENTER A DECREE OF ADOPTION AT ANY TIME.

18 Section ~~2~~ 6. This act shall take effect in 60 days. <--