

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 289 Session of 2017

INTRODUCED BY TOOHL, V. BROWN, CALTAGIRONE, DeLISSIO, FARRY, GABLER, HAGGERTY, HELM, LAWRENCE, LEWIS, MACKENZIE, McCLINTON, METZGAR, MOUL, MURT, PICKETT, RAPP, ROZZI, STEPHENS, WARD, WATSON, ZIMMERMAN AND NEILSON, FEBRUARY 2, 2017

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 2, 2017

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 and for report of
 4 intention to adopt, repealing provisions relating to report
 5 of intermediary and exhibits, further providing for
 6 investigation, for contents of petition for adoption and for
 7 exhibits, providing for permissible reimbursement of expenses
 8 and further providing for time of entry of decree of
 9 adoption.

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

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

15 § 2530. Home study and preplacement report.

16 (a) General rule.--[No intermediary shall place a child] A
 17 child shall not be placed in the physical care or custody of a
 18 prospective adoptive parent or parents unless a home study
 19 containing a favorable recommendation for placement of a child
 20 with the prospective parent or parents has been completed within

1 three years prior thereto and which has been supplemented within
2 one year prior thereto. The home study shall be conducted by a
3 local public child-care agency, an adoption agency or a licensed
4 social worker designated by the court to perform such study.

5 * * *

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

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

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

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

26 § 2531. Report of intention to adopt.

27 * * *

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

29 * * *

30 (3) The name and address of the intermediary, if an

1 intermediary is being utilized.

2 (4) An itemized accounting of moneys and consideration
3 paid or to be paid to the intermediary, if an intermediary is
4 being utilized.

5 * * *

6 Section 2. Sections 2533 and 2534 of Title 23 are repealed:
7 [§ 2533. Report of intermediary.

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

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

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

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

19 (3) The date of the placement of the child with the
20 adopting parent or parents.

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

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

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

30 (7) A statement that all consents required by section

1 2711 (relating to consents necessary to adoption) are
2 attached as exhibits or the basis upon which the consents are
3 not required.

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

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

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

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

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

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

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

28 (1) Medical and hospital expenses incurred by the
29 natural mother for prenatal care and those medical and
30 hospital expenses incurred by the natural mother and child

1 incident to birth.

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

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

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

10 § 2534. Exhibits.

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

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

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

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

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

23 § 2535. Investigation.

24 (a) General rule.--When a report required by section 2531
25 (relating to report of intention to adopt) has been filed, the
26 court shall cause an investigation to be made and a report filed
27 by a local public child care agency, a voluntary child care
28 agency with its consent or an appropriate person designated by
29 the court. In lieu of the investigation, the court may accept an
30 investigation made by the agency which placed the child [and the

1 report of investigation in such cases may be incorporated into
2 the report of the intermediary required by section 2533
3 (relating to report of intermediary)].

4 * * *

5 § 2701. Contents of petition for adoption.

6 A petition for adoption shall set forth:

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

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

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

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

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

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

30 (7) That all consents required by section 2711 (relating

1 to consents necessary to adoption) are attached as exhibits
2 or the basis upon which such consents are not required.

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

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

13 (10) An itemized accounting of money and consideration
14 paid or to be paid to or received by an intermediary or any
15 other person or persons to the knowledge of the intermediary
16 by reason of the adoption placement.

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

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

23 § 2702. Exhibits.

24 The petition shall have attached to it the following
25 exhibits:

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

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

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

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

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

9 Section 4. Title 23 is amended by adding a section to read:
10 § 2726. Permissible reimbursement of expenses.

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

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

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

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

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

28 (5) Reasonable living expenses incurred by the birth
29 mother three months prior to the due date of the child and 60
30 days after the birth of the child. Living expenses may

1 include food, rent, utilities, maternity clothing and an
2 amount not to exceed \$300 for expenses and transportation
3 costs associated with prenatal, maternity and postmaternity
4 care.

5 Section 5. Section 2901 of Title 23 is amended to read:

6 § 2901. Time of entry of decree of adoption.

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

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