

JOINT STATE GOVERNMENT COMMISSION

**NANCY MARCUS NEWMAN
CHAIR, ADVISORY COMMITTEE ON ADOPTION LAW
JOINT STATE GOVERNMENT COMMISSION
TESTIMONY PRESENTED DECEMBER 13, 1999
HOUSE JUDICIARY COMMITTEE**

Good afternoon. I am Nancy Marcus Newman, and I serve as Chair of the Joint State Government Commission Advisory Committee on Adoption Law, which has been in the process of actively reviewing Pennsylvania's present adoption law since January of 1998. The Commission was directed through a concurrent resolution, adopted by both the House and the Senate, to establish a task force and an advisory committee to study the Commonwealth's adoption law and make recommendations regarding the law to the General Assembly.

The members of the Advisory Committee on Adoption Law include birth parents, adoptive parents, adult adoptees, child advocates, persons working in the adoption field, lawyers, judges, a court administrator, a professor, and a representative of the Department of Public Welfare. Four subcommittees have been formed to study specific areas of adoption law and have held numerous meetings to date. The subcommittees are Placement and Costs, Search and Information, Special Needs, and Terminations. Materials being reviewed by the subcommittees include the federal Adoption and Safe Families Act of 1997, the Model State Adoption Act which was developed under the authority of the federal Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Uniform Adoption Act, case law, adoption literature, and the laws of other states, as well as legislation introduced in Pennsylvania.

Procedurally, the committee will prepare proposed amendments to the Adoption Act and present them to the Commission's Task Force on Adoption Law, which is chaired by Sen. Stewart J. Greenleaf. If approved by the task force, legislation

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containing the committee's recommendations will be introduced in the General Assembly by task force members. The proposed legislation will be accompanied by a report containing official comments. We are working hard to reach our goal of presenting a report to the General Assembly in the late spring of 2000. We hope that the legislature will take into consideration our recommendations in formulating the changes in the current adoption law which are necessary to promote the best interests of the children of Pennsylvania.

The Advisory Committee is currently involved in a diligent effort on behalf of the legislature to examine complex adoption issues which must be viewed comprehensively with the Adoption Act as a whole and balanced against other issues throughout the Act so that all changes will have their intended effect. In fact, providing a much needed comprehensive review of adoption as a whole in Pennsylvania was one of the reasons for formation of the Task Force and Advisory Committee. The Adoption Act is a seamless web of issues and procedures. By making a specific, seemingly sensible change at one place, legislation can have unexpected and possibly undesired consequences elsewhere. The Adoption Act directly effects the well-being of our most vulnerable citizens - our children. Great care must be taken in promulgating changes to these laws so that our children's best interests are served. I can assure you that our Advisory Committee, which has been entrusted with the comprehensive review of this Act, is doing it's work well, and always with the children as our primary focus and concern.

We have been working very hard at preparing proposed amendments to the Adoption Act. Both our subcommittees and the Advisory Committee as a whole have discussed the issues addressed in House Bill 1533 and House Bill 1838, and we are currently in the process of preparing a proposed comprehensive draft of suggested

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legislative amendments that will address many of the concerns voiced today relating to consents to adoption, time periods and procedures for revocation of consent, relinquishment of parental rights, rights of putative fathers, adoption hearings, adoption counseling, reports and filing procedures, and medical history and other information. The Advisory Committee is still in the process of discussing the issues addressed in the bills which are the subject of today's discussions, and it is too early for the Advisory Committee to make any substantive statements regarding these particular bills. But please be assured that in our deliberations all of these concerns are receiving the much-needed attention they deserve.

We are delighted that a public hearing was scheduled to discuss these critical issues that so deeply affect the well-being of Pennsylvania's children. In forming the Advisory Committee, great attention was paid to assuring that all groups of concerned citizens involved in or affected by adoption in Pennsylvania were included, and we are pleased to be here and to hear the perspective of experts and members of the public on these issues. The Advisory Committee is very interested in the testimony presented today, and is taking into consideration the viewpoint of all those concerned. We remain open and available to receive input from the public and parties who may have a perspective they wish to voice on how Pennsylvania's adoption laws should be changed. In addition, as always, we stand ready and willing to assist the legislature in any way regarding adoption issues and legislative concerns surrounding Pennsylvania's adoption laws.

We appreciate the legislature's attention to these important issues in the form of public hearings, and I thank you for the opportunity to testify regarding the work of the Advisory Committee.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 72

Session of
1995

INTRODUCED BY GREENLEAF, O'PAKE, WAGNER, HELFRICK, AFFLERBACH,
RHOADES AND ULIANA, OCTOBER 17, 1995

REFERRED TO JUDICIARY, OCTOBER 17, 1995

A CONCURRENT RESOLUTION

1 Directing the Joint State Government Commission to establish a
2 task force and advisory committee to study issues relating to
3 adoption law on an ongoing basis and to make recommendations
4 to the General Assembly.

5 WHEREAS, In this Commonwealth each year there are more than
6 5,000 adoptions and the adoption law is a critical part of the
7 process in each one of those adoptions; and

8 WHEREAS, During each legislative session, numerous
9 legislative proposals are introduced into the General Assembly
10 which would revise the adoption law, principally the Adoption
11 Act, 23 Pa.C.S. Pt. III; and

12 WHEREAS, These proposals raise significant substantive and
13 technical concerns regarding the adoption law, including, but
14 not limited to:

- 15 (1) The termination of parental rights
- 16 (2) Adoption petitions, reports and decrees
- 17 (3) Intermediaries
- 18 (4) Adoption of children with special needs

1 (5) Access to adoption records;

2 and

3 WHEREAS, In addition to these proposals, there are laws from
4 other states, as well as model acts, which should be reviewed
5 for possible enactment in this Commonwealth; and

6 WHEREAS, There is a need for a comprehensive and integrated
7 effort at reviewing the adoption law with the goal of revising,
8 updating and clarifying the law so that it may give clear and
9 consistent guidance to those using it in agency or independent
10 adoptions; and

11 WHEREAS, The various issues relating to the adoption law
12 before the General Assembly require a bicameral and bipartisan
13 review and response; and

14 WHEREAS, The Joint State Government Commission has been
15 involved in the last two major revisions of the Adoption Act;
16 therefore be it

17 RESOLVED (the House of Representatives concurring), That the
18 General Assembly direct the Joint State Government Commission to
19 establish a task force of four members of the Senate and four
20 members of the House of Representatives to undertake an ongoing
21 study of the adoption law; and be it further

22 RESOLVED, That an advisory committee be created to assist the
23 task force composed of individuals deemed appropriate by the
24 task force, including at least one representative of the
25 Department of Public Welfare; and be it further

26 RESOLVED, That the task force shall, from time to time,
27 present its findings and recommended legislation to the General
28 Assembly.

ADVISORY COMMITTEE ON ADOPTION LAW
(1996 Senate Resolution No. 72, Pr.'s No. 1488)

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JOINT STATE GOVERNMENT COMMISSION

TASK FORCE ON ADOPTION LAW
(1996 Senate Resolution No. 72, Pr.'s No. 1488)

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