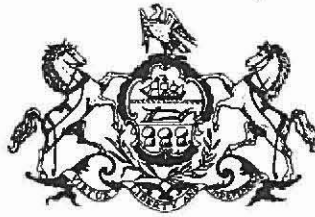


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

APPROPRIATIONS
JUDICIARY
LOCAL GOVERNMENT, Secretary
POLICY
PROFESSIONAL LICENSURE

THE PENNSYLVANIA HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
TASK FORCE ON ADOPTIONS, GUARDIANS AD LITEM
AND COURT APPOINTED SPECIAL ADVOCATES HEARING
ON HOUSE BILLS 1533 AND 1838
FRIDAY, AUGUST 25, 2000
WINNET STUDENT LIFE BUILDING - LECTURE HALL S2.3
COMMUNITY COLLEGE OF PHILADELPHIA
17th & SPRING GARDEN & CALLOWHILL STREETS
PHILADELPHIA, PENNSYLVANIA

AGENDA

- 10:00 A.M. Opening Statement
 The Honorable Craig A. Dally
 Chairman, Task Force on Adoptions, Guardians Ad Litem
 and Court Appointed Special Advocates
- 10:10 A.M. The Honorable Paul P. Panepinto
 Administrative Judge - Philadelphia Family Court
- 10:30 A.M. Barbara Ash, Esquire
 Deputy City Solicitor - City of Philadelphia
- 10:50 A.M. Maxine Chalker, Executive Director
 Adoptions from the Heart
- 11:10 A.M. Tara Gutterman, Esquire
 Director - Adoption ARC
- 11:30 A.M. Mary Tomlinson, Chair
 Delaware Valley Adoption Council
- 11:50 A.M. Margaret Zukoski, Program Specialist
 Pennsylvania Council for Children, Youth, & Families Services
- 12:10 P.M. Bernard D. Faigenbaum, Esquire
 Practicing Attorney

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1533 Session of
1999

INTRODUCED BY BLAUM, GEORGE, PISTELLA, KREBS, MELIO, MARKOSEK,
EGOLF, M. COHEN, ROBINSON, LAUGHLIN, READSHAW, TIGUE,
STABACK, E. Z. TAYLOR, CLARK, BASTIAN, TRELLO, WALKO,
HERSHEY, TRICH, SCRIMENTI, COSTA, ROONEY, BATTISTO, WILLIAMS,
YOUNGBLOOD, L. I. COHEN, STEELMAN, FRANKEL AND JAMES,
MAY 17, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MAY 17, 1999

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for consent to
3 adoption.

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

6 Section 1. Section 2711(c) and (d)(1) of Title 23 of the
7 Pennsylvania Consolidated Statutes are amended to read:

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

1 adoption under subsection (a)(3) may only be revoked within 30
2 days of the signing of the consent. Any other consent to an
3 adoption may only be revoked prior to the earlier of either the
4 entry of a decree of termination of parental rights or the entry
5 of a decree of adoption. The revocation of a consent shall be in
6 writing and shall be served upon the agency or adult to whom the
7 child was relinquished.

8 (d) Contents of consent.--

9 (1) The consent of a parent of an adoptee under 18 years
10 of age shall set forth the name, age and marital status of
11 the parent, the relationship of the consenter to the child,
12 the name of the other parent or parents of the child and the
13 following:

14 I hereby voluntarily and unconditionally consent to
15 the adoption of the above named child.

16 I understand that by signing this consent I indicate
17 my intent to permanently give up all rights to this
18 child.

19 I understand such child will be placed for adoption.

20 I understand I may, within 30 days of the signing of
21 this consent, revoke this consent to permanently give up
22 all rights to this child by placing the revocation in
23 writing and serving it upon the agency or adult to whom
24 the child was relinquished.

25 I understand I may not revoke this consent after a
26 court has entered a decree confirming this consent or
27 otherwise terminating my parental rights to this child.
28 Even if a decree has not been entered terminating my
29 parental rights I may not revoke this consent after a
30 decree of adoption of this child is entered.

1 I have read and understand the above and I am signing
2 it as a free and voluntary act.

3 * * *

4 Section 2. The amendment of 23 Pa.C.S. § 2711(c) and (d)(1)
5 shall apply to consents signed on or after the effective date of
6 this act.

7 Section 3. This act shall take effect in 60 days.

BILL SUMMARY

DATE: 9/13/99

COMMITTEE: Judiciary

BILL NO.: HB 1533

PRIME SPONSOR: Blaum

PRINTER'S NO.: 1850

A. PRELIMINARY SUMMARY:

House bill 1533, printer's number 1850, amends the Domestic Relations Code (Title 23 of the Pennsylvania Consolidated Statutes) to further provide for consent to adoption.

Specifically, this legislation amends 23 Pa.C.S. §2711 (c) (relating to Consents necessary to adoption). A parent(s) of an adoptee pursuant to 23 Pa.C.S. §2711 (a)(3) may revoke a consent to an adoption only within 30 days of the signing of the consent. The legislation also amends 23 Pa.C.S. §2711 (d)(1) by requiring a person consenting to acknowledge the 30-day revocation restriction within the contents of the consent.

House Bill 1533 applies to consents signed on or after the effective date of the act. This legislation takes effect in 60 days.

B. EXISTING LAW:

Under 23 Pa.C.S. §2711 (a)(3), consent for an adoption is required of the parents or surviving parent of an adoptee who has not reached the age of 18 years. Currently, subsection (c) states that any consent to an adoption may only be revoked prior to the entry of a decree of termination of parental rights or the entry of a decree of adoption, whichever occurs earlier. The revocation of a consent shall be in writing and shall be served upon the agency or adult to whom the child was relinquished.

DJB:cmw

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1838 Session of
1999

INTRODUCED BY BLAUM, COY, BELARDI, KREBS, TIGUE, TANGRETTI,
DeLUCA, MARKOSEK, SANTONI, STABACK, B. SMITH, WALKO, DALEY,
YUDICHAK, M. COHEN, GRUCELA, STEELMAN, FRANKEL, ROONEY,
WILLIAMS, TULLI, KIRKLAND, NAILOR, HARHAI AND MUNDY,
SEPTEMBER 20, 1999

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 20, 1999

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for adoption
3 definitions, for relinquishment of parental rights, for
4 adoption hearings, for adoption counseling, for adoption
5 reports, for consent to adoption and for adoption medical
6 history information.

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

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

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

15 * * *

16 "Adoption-related counseling services." Services offered by
17 an agency, including an adoption agency, which is approved by
18 the Department of Public Welfare, to assist a parent in

1 understanding a decision to relinquish parental rights or to
2 consent to an adoption and in understanding alternatives to such
3 a decision.

4 * * *

5 "Putative father." The alleged father of a child conceived
6 or born out of wedlock.

7 Section 2. Sections 2501(a), 2502(a), 2503(b)(3) and (d),
8 2504(a) and (c) and 2505 of Title 23 are amended to read:

9 § 2501. Relinquishment to agency.

10 (a) Petition.--When any child under the age of 18 years has
11 been in the care of an agency for a minimum period of three days
12 or, whether or not the agency has the physical care of the
13 child, the agency has received a written notice of the present
14 intent to transfer to it custody of the child, executed by the
15 parent, the parent or parents of the child may petition the
16 court for permission to relinquish forever all parental rights
17 and duties with respect to their child. The petition must
18 include an acknowledgment in writing by the parent of all of the
19 following:

20 (1) Adoption-related counseling services have been
21 offered to the parent.

22 (2) If the parent requested adoption-related counseling
23 services, whether the adoption-related counseling services
24 have been provided.

25 (3) If adoption-related counseling services were
26 provided, the name and address of the agency which provided
27 them.

28 * * *

29 § 2502. Relinquishment to adult intending to adopt child.

30 (a) Petition.--When any child under the age of 18 years has

1 been for a minimum period of 30 days in the exclusive care of an
2 adult or adults who have filed a report of intention to adopt
3 required by section 2531 (relating to report of intention to
4 adopt), the parent or parents of the child may petition the
5 court for permission to relinquish forever all parental rights
6 to their child. The petition must include an acknowledgment in
7 writing by the parent of all of the following:

8 (1) Adoption-related counseling services have been
9 offered to the parent.

10 (2) If the parent requested adoption-related counseling
11 services, whether the adoption-related counseling services
12 have been provided.

13 (3) If adoption-related counseling services were
14 provided, the name and address of the agency which provided
15 them.

16 * * *

17 § 2503. Hearing.

18 * * *

19 (b) Notice.--

20 * * *

21 (3) The copy of the notice which is given to the
22 putative father shall state that his rights may also be
23 subject to termination pursuant to subsection (d) [if he
24 fails to file either an acknowledgment of paternity or claim
25 of paternity pursuant to section 5103 (relating to
26 acknowledgment and claim of paternity) and fails to either
27 appear at the hearing for the purpose of objecting to the
28 termination of his rights or file a written objection to such
29 termination with the court prior to the hearing].

30 * * *

1 (d) Putative father.--If a putative father will not file a
2 petition to voluntarily relinquish his parental rights pursuant
3 to section 2501 (relating to relinquishment to agency) or 2502
4 (relating to relinquishment to adult intending to adopt
5 child)[,] and has been given notice of the hearing being held
6 pursuant to this section [and fails to either appear at that
7 hearing for the purpose of objecting to termination of his
8 parental rights or file a written objection to such termination
9 with the court prior to the hearing and has not filed an
10 acknowledgment of paternity or claim of paternity pursuant to
11 section 5103], the court may enter a decree terminating the
12 parental rights of the putative father pursuant to subsection
13 (c)[.] if he fails to do any of the following:

14 (1) File with the court, prior to the hearing, a written
15 objection to termination of his parental rights.

16 (2) Appear at the hearing for the purpose of objecting
17 to the termination of his parental rights.

18 (3) Provide substantial financial support for the child.

19 (4) Make substantial and ongoing provision for the
20 child's care.

21 * * *

22 § 2504. Alternative procedure for relinquishment.

23 (a) Petition to confirm consent to adoption.--If the parent
24 or parents of the child have executed consents to an adoption as
25 required by section 2711 (relating to consents necessary to
26 adoption) but have failed for a period of 40 days after
27 executing the consent to file or proceed with the petition for
28 voluntary relinquishment of parental rights provided for in this
29 subchapter, the intermediary may petition the court to hold a
30 hearing for the purpose of confirming the intention of the

1 parent or parents to voluntarily relinquish their rights and
2 duties as evidenced by the consent or consents to the adoption,
3 the original of which shall be attached to the petition. In the
4 case where there is no intermediary, the adoptive parent or
5 parents may file the petition. The petition must include an
6 acknowledgment in writing by the parent of all of the following:

7 (1) Adoption-related counseling services have been
8 offered to the parent.

9 (2) If the parent requested adoption-related counseling
10 services, whether the adoption-related counseling services
11 have been provided.

12 (3) If adoption-related counseling services were
13 provided, the name and address of the agency which provided
14 them.

15 * * *

16 (c) Putative father.--If a putative father will not execute
17 a consent to an adoption as required by section 2711[,] and has
18 been given notice of the hearing being held pursuant to this
19 section [and fails to either appear at that hearing for the
20 purpose of objecting to termination of his parental rights or
21 file a written objection to such termination with the court
22 prior to the hearing and has not filed an acknowledgment of
23 paternity or claim of paternity pursuant to section 5103
24 (relating to acknowledgment and claim of paternity)], the court
25 may enter a decree terminating the parental rights of the
26 putative father pursuant to subsection (b)[.] if he fails to do
27 any of the following:

28 (1) File with the court, prior to the hearing, a written
29 objection to termination of his parental rights.

30 (2) Appear at the hearing for the purpose of objecting

1 to the termination of his parental rights.

2 (3) Provide substantial financial support for the child.

3 (4) Make substantial and ongoing provision for the
4 child's care.

5 * * *

6 § 2505. [Counseling] Adoption-related counseling services.

7 (a) List [of counselors].--Any hospital or other facility
8 providing maternity care shall provide a list of [available
9 counselors and] adoption-related counseling services compiled
10 pursuant to subsection (b) to its maternity patients who are
11 known to be considering relinquishment or termination of
12 parental rights or consent to adoption, pursuant to this part.
13 The patient shall sign an acknowledgment of receipt of such list
14 prior to discharge, a copy of which receipt shall be provided to
15 the patient.

16 (b) Compilation of list.--The [court] Department of Public
17 Welfare shall compile a list of [qualified counselors and]
18 agencies which are approved by the department to provide
19 adoption-related counseling services [(including all adoption
20 agencies) which are available to counsel natural parents within
21 the county who are contemplating relinquishment or termination
22 of parental rights pursuant to this part]. Such list shall be
23 distributed to every court of common pleas, agency, hospital or
24 other facility providing maternity care [within the county and].
25 The court and the department shall [be made] make the list
26 available upon request to any [intermediary or licensed health
27 care professional] person.

28 (c) Court determination and referral.--Prior to entering a
29 decree of termination of parental rights pursuant to section
30 2503 (relating to hearing) or 2504 (relating to alternative

1 procedure for relinquishment), [if the parent whose rights are
2 to be terminated is present in court,] the court shall [inquire]
3 determine whether [he or she] the parent has [received] been
4 offered adoption-related counseling [concerning the termination
5 and the alternatives thereto from an agency or from a qualified
6 counselor listed by a court pursuant to subsection (b)]
7 services. If the parent has not [received such] been offered
8 adoption-related counseling services, the court [may, with the
9 parent's consent, refer] shall provide the parent [to an agency
10 or qualified counselor listed by a court] with the list pursuant
11 to subsection (b) [for the purpose of receiving such
12 counseling]. In no event shall the court delay the completion of
13 any hearing pursuant to section 2503 or 2504 for more than 15
14 days in order to provide for such counseling.

15 (d) Application [for counseling].--Any of the following may
16 apply to the court for referral to an agency listed under
17 subsection (b) for the purpose of receiving adoption-related
18 counseling services, paid from the fund under subsection (e):

19 (1) A parent, or an intermediary acting on behalf of the
20 parent, who is contemplating:

21 (i) relinquishment of parental rights; or

22 (ii) execution of a consent to adoption.

23 (2) A parent, or an intermediary acting on behalf of the
24 parent, who has:

25 (i) filed a petition to relinquish [his or her]
26 parental rights[,]; or [has]

27 (ii) executed a consent to adoption[,] and [is in
28 need of] has not been offered adoption-related counseling
29 [concerning the relinquishment or consent, and the
30 alternatives thereto, may apply to the court for referral

1 to an agency or qualified counselor listed by a court
2 pursuant to subsection (b) for the purpose of receiving
3 such counseling. The court, in its discretion, may make
4 such a referral where it is satisfied that this
5 counseling would be of benefit to the parent] services.

6 (e) [Counseling fund] Fund.--

7 (1) Except as [hereinafter] provided in paragraph (2),
8 each report of intention to adopt filed pursuant to section
9 2531 (relating to report of intention to adopt) shall be
10 accompanied by a filing fee in the amount of \$75 which shall
11 be paid into a segregated fund established by the county. The
12 county may also make supplemental appropriations to the fund.
13 All costs of adoption-related counseling services provided
14 pursuant to subsection (c) or (d) to individuals who are
15 unable to pay for such counseling shall be paid from the
16 fund.

17 (2) No filing fee may be exacted under this subsection
18 with respect to the adoption of a special needs child who
19 would be eligible for adoption assistance pursuant to
20 regulations promulgated by the [Department of Public Welfare]
21 department. In addition, the court may reduce or waive the
22 fee in cases of demonstrated financial hardship.

23 (3) On an annual basis and consistent with rules set by
24 the Administrative Office of Pennsylvania Courts, the county
25 shall report to the Court Administrator of Pennsylvania all
26 of the following:

27 (i) The amount of money available in the segregated
28 county fund established for adoption-related counseling
29 services.

30 (ii) The number of requests to the court for

1 referral to adoption-related counseling services.

2 (iii) The amount paid from the fund for adoption-
3 related counseling services.

4 (iv) The estimated per-parent cost of adoption-
5 related counseling services.

6 Section 3. Section 2533(d) of Title 23 is amended by adding
7 a paragraph to read:

8 § 2533. Report of intermediary.

9 * * *

10 (d) Permissible reimbursement of expenses.--Payments made by
11 the adoptive parents to an intermediary or a third party 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 * * *

17 (3.1) Reasonable expenses incurred by the natural parent
18 for adoption-related counseling services.

19 * * *

20 Section 4. Sections 2711(c) and (d) and 2909(c) of Title 23
21 are amended to read:

22 § 2711. Consents necessary to adoption.

23 * * *

24 (c) Validity of consent.--

25 (1) No consent shall be valid if it was executed prior
26 to or within 72 hours after the birth of the child.

27 (2) A putative father may execute a consent at any time
28 after receiving notice of the expected or actual birth of the
29 child.

30 (3) Any consent given outside this Commonwealth shall be

1 valid for purposes of this section if it was given in
2 accordance with the laws of the jurisdiction where it was
3 executed.

4 (4) A consent to an adoption under subsection (a)(3) may
5 only be revoked within 30 days of the signing of the consent.
6 Any other consent to an adoption may only be revoked prior to
7 the earlier of either the entry of a decree of termination of
8 parental rights or the entry of a decree of adoption. The
9 revocation of a consent shall be in writing and shall be
10 served upon the agency or adult to whom the child was
11 relinquished.

12 (5) The consent of a parent of an adoptee who has not
13 reached the age of 18 shall not be valid unless the parent
14 provides a written acknowledgment that adoption-related
15 counseling services have been offered.

16 (d) Contents of consent.--

17 (1) The consent of a parent of an adoptee under 18 years
18 of age shall set forth the name, age and marital status of
19 the parent, the relationship of the consenter to the child,
20 the name of the other parent or parents of the child and the
21 following:

22 I hereby voluntarily and unconditionally consent to
23 the adoption of the above named child.

24 I have been offered adoption-related counseling
25 services prior to my signing this consent.

26 I understand that by signing this consent I indicate
27 my intent to permanently give up all rights to this
28 child.

29 I understand such child will be placed for adoption.

30 I understand I may, within 30 days of the signing of

1 this consent, revoke this consent to permanently give up
2 all rights to this child by placing the revocation in
3 writing and serving it upon the agency or adult to whom
4 the child was relinquished.

5 I understand I may not revoke this consent if 30 days
6 have elapsed since I signed this consent, or after a
7 court has entered a decree confirming this consent or
8 otherwise terminating my parental rights to this child.
9 Even if a decree has not been entered terminating my
10 parental rights I may not revoke this consent after a
11 decree of adoption of this child is entered.

12 I have read and understand the above and I am signing
13 it as a free and voluntary act.

14 (2) The consent shall include the date and place of its
15 execution and names and addresses and signatures of at least
16 two persons who witnessed its execution and their
17 relationship to the consenter. The consent shall indicate the
18 name and address of the agency which provided requested
19 adoption-related counseling services.

20 § 2909. Medical history information.

21 * * *

22 (c) Availability of information forms.--The [Department of
23 Public Welfare] department shall[, upon request,] make available
24 to courts, adoption agencies and individuals medical history
25 information forms that enable parents whose rights have been
26 terminated to register and update medical history information
27 with the Department of Public Welfare and with the court which
28 entered the decree of termination.

29 * * *

30 Section 5. This act shall apply to actions initiated on or

1 after the effective date of this act.

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

BILL SUMMARY

DATE: 10/8/99

COMMITTEE: Judiciary

BILL NO.: HB 1838

PRIME SPONSOR: Blaum

PRINTER'S NO.: 2255

A. PRELIMINARY SUMMARY:

House Bill 1838, printer's number 2255, amends several sections of the Domestic Relations Code (Title 23 of the Pennsylvania Consolidated Statutes) relating to Adoption (Part III).

Adoption-related counseling services is defined in HB 1838 as "Services offered by an agency, including an adoption agency, which is approved by the Department of Public Welfare, to assist a parent in understanding a decision to relinquish parental rights or to consent to an adoption and in understanding alternatives to such a decision."

Putative father is defined in HB 1838 as "The alleged father of a child conceived or born out of wedlock."

RELINQUISHMENT TO AGENCY OR ADOPTING ADULT:

This legislation amends 23 Pa.C.S. §2501 (relating to Relinquishment to agency), §2502 (relating to Relinquishment to adult intending to adopt child), and §2504(a) (relating to Alternative procedure for relinquishment) are amended to require that the natural parent acknowledge in writing, as part of a petition to adopt, all of the following:

- that adoption-related counseling services have been offered to the parent;
- if the parent requested adoption-related counseling services, whether the adoption-related counseling services have been provided; and
- if adoption-related counseling services were provided, the name and address of the agency which provided them.

Currently, 23 Pa.C.S. §2501, §2502, and §2504(a) do not require such written acknowledgment relating to the availability of adoption-related services.

TERMINATION OF PARENTAL RIGHTS OF PUTATIVE FATHERS:

This legislation also amends 23 Pa.C.S. §§2503(d) and 2504(c) (relating to Notice and Alternative procedure for relinquishment, respectively) to provide for the termination of the parental rights of a putative father. If a putative father

will not file a petition to voluntarily relinquish his parental rights pursuant to 23 Pa.c.S. §2501 and §2502 or will not execute a consent to an adoption as required by 23 Pa.c.S. §2711, and has been given notice of the hearing being held pursuant to §2711, the court may enter a decree terminating the parental rights of the putative father if he fails to do the following:

- File with the court, prior to the hearing, a written objection to termination of his parental rights.
- Appear at the hearing for the purpose of objecting to the termination of his parental rights.
- Provide substantial financial support for the child.
- Make substantial and ongoing provision for the child's care.

Currently, 23 Pa.C.S. §2503(d) states that the court may enter a decree terminating the parental rights of the putative father pursuant to 23 Pa.C.S. §2503(c) if a putative father:

- will not file petition to voluntarily relinquish his parental rights pursuant to §2501 (relating to relinquishment to agency) or §2502 (relating to relinquishment to adult intending to adopt child)
- has been given notice of the hearing being held pursuant to this section and
- fails to either appear at that hearing for the purpose of objecting to termination of his parental rights or file a written objection to such termination with the court prior to the hearing and has not filed an acknowledgment of paternity or claim of paternity pursuant to §5103.

Additionally, 23 Pa.c.S. §2504(c) currently states that the court may enter a decree terminating the parental rights of the putative father pursuant to 23 Pa.c.S. §2504(b) if a putative father:

- will not execute a consent to an adoption as required by section 2711,
- has been given notice of the hearing being held pursuant to this section,
- fails to either appear at that hearing for the purpose of objecting to termination of his parental rights or file a written objection to such termination with the court prior to the hearing, and
- has not filed an acknowledgment of paternity or claim of paternity pursuant to §5103 (relating to acknowledgment and claim of paternity).

ADOPTION-RELATED COUNSELING SERVICES:

Title 23 Pa.C.S. §2505 (relating to Counseling) is amended to require hospitals and other facilities that provide medical care to provide a list of adoption-related counseling services compiled to subsection (b) to patients considering a consent to an adoption. Subsection (b) is amended to require the Department of Public Welfare to compile a list of agencies approved by the department to provide adoption-related services that shall be provided to each court of common pleas. The court and department shall make this list available upon request by any person.

Subsection (c) is amended to require the court to determine whether the parent has been offered adoption-related counseling services. If the parent has not received these services, the court shall provide the parent the list pursuant to subsection (b).

Any of the following may apply to the court for referral to an agency listed

under subsection (b) for the purpose of receiving adoption-related counseling services, paid from the fund under subsection (e):

-- A parent, or an intermediary acting on behalf of the parent, who is contemplating either relinquishment of parental rights or an execution of a consent to adoption.

-- A parent, or an intermediary acting on behalf of the parent, who has either filed a petition to relinquish their parental rights or has executed a consent to adoption and has not been offered adoption-related counseling services.

This section also provides a fund for those who cannot afford adoption-related counseling services. On an annual basis and consistent with rules set by the administrative Office of Pennsylvania Courts, the county shall report to the Court Administrator of Pennsylvania all of the following:

- The amount of money available in the segregated county fund established for adoption-related counseling services;
- The number of requests to the court for referral to adoption-related counseling services;
- The amount paid from the fund for adoption-related counseling services; and
- The estimated per-parent cost of adoption-related counseling services.

Currently, 23 Pa.C.S. §2505 provides that the court shall compile a list of qualified counselors and counseling services (including all adoption agencies) which are available to counsel natural parents within the county who are contemplating relinquishment or termination of parental rights pursuant to this part. Such list shall be distributed to every agency, hospital or other facility providing maternity care within the county and shall be made available upon request to any intermediary or licensed health care professional. Any hospital or other facility providing maternity care shall provide this compiled list of available counselors and counseling services to its maternity patients who are known to be considering relinquishment or termination of parental rights pursuant to this part. The patient shall sign an acknowledgment of receipt of such list prior to discharge, a copy of which receipt shall be provided to the patient.

Additionally, 23 Pa.C.S. §2505 currently provides that if the parent whose rights are to be terminated is present in court, the court shall inquire whether he or she has received the above-mentioned counseling prior to entering a decree of termination of parental rights pursuant to §2503 (relating to hearing) or §2504 (relating to alternative procedure for relinquishment). If the parent has not received such counseling, the court may, with the parent's consent, refer the parent to an agency or qualified counselor for the purpose of receiving such counseling. In no event shall the court delay the completion of any hearing pursuant to §2503 or §2504 for more than 15 days in order to provide for such counseling.

Any parent who has filed a petition to relinquish his or her parental rights, or has executed a consent to adoption, and is in need of counseling concerning the relinquishment or consent, and the alternatives thereto, may apply to the court for referral to an agency or qualified counselor listed by a court pursuant to subsection (b) for the purpose of receiving such counseling. The court has the discretion to make such a referral if the court finds that making this reference benefits the parent.

EXPENSES OF INTERMEDIARIES:

Subsection (d) of 23 Pa.C.S. §2533 (relating to Permissible reimbursement of expenses) is amended to permit payments made by the adoptive parents to an intermediary or a third party for reimbursement of expenses incurred by the natural parent(s) for adoption-related counseling services.

Currently, 23 Pa.C.S. §2533(d) states that payments made by the adoptive parents to an intermediary or a third party for reimbursement of the following expenses, calculated without regard to the income of the adoptive parents, are permissible and are not in violation of 18 Pa.C.S. §4305 (relating to dealing in infant children):

-- Medical and hospital expenses incurred by the natural mother for prenatal care and those medical and hospital expenses incurred by the natural mother and child incident to birth.

-- Medical, hospital and foster care expenses incurred on behalf of the child prior to the decree of adoption.

-- Reasonable expenses incurred by the agency or a third party for adjustment counseling and training services provided to the adoptive parents and for home studies or investigations.

-- Reasonable administrative expenses incurred by the agency, to include overhead costs and attorney fees.

CONSENTS TO ADOPTION:

Subsection (c) of 23 Pa.C.S. §2711 (relating to Consents necessary to adoption) is amended to provide that a parent(s) of an adoptee pursuant to 23 Pa.C.S. §2711 (a) (3) may revoke a consent to an adoption only within 30 days of the signing of the consent. Subsection (d) (1) is also amended to require a person consenting to an adoption to acknowledge the 30-day revocation restriction within the content s of the consent.

Under 23 Pa.C.S. §2711 (a) (3), consent for an adoption is required of the parents or surviving parent of an adoptee who has not reached the age of 18 years. Currently, subsection (c) states that any consent to an adoption may only be revoked prior to the entry of a decree of termination of parental rights or the entry of a decree of adoption, whichever occurs earlier. The revocation of a consent shall be in writing and shall be served upon the agency or adult to whom the child was relinquished.

MEDICAL HISTORY INFORMATION:

Section 2909 (relating to Medical history information) is amended to require that the department make available to courts, adoption agencies and individuals medical history information forms that enable parents whose rights have been terminated to register and update medical history information with the Department of Public Welfare and with the court which entered the decree of termination.

Currently, 23 Pa.C.S. §2909 makes these medical history information forms available upon request.

APPLICATION:

This act would apply to actions initiated on or after the effective date of the act.

EFFECTIVE DATE:

This legislation takes effect in 60 days.

B. EXISTING LAW:

(For easier readability, a brief summary of the existing statutes has been included under each heading of the preliminary summary.)

Additionally, Senate Resolution 72 of 1995 directs the Joint State Government Commission to establish a task force and advisory committee to study issues relating to adoption law on an ongoing basis and to present its findings and legislative recommendations to the General Assembly. The Adoption Advisory Committee - consisting of judges, attorneys, natural parents, adoptive parents, advocates, a court administrator, and a representative of the DPW - was appointed in December of 1997 and has been focusing on four main topics; termination, special needs placement, and search information (open records). Materials being reviewed include the Adoption and Safe Families Act of 1997 and the Model State Adoption Act, developed under the authority of the Child Abuse Prevention, Treatment, and Adoption Reform Act of 1978 (all federal laws). The committee is also studying the Uniform Adoption Act, case law, adoption literature, and the laws of other states. Procedurally, the committee will prepare proposed amendments to the Adoption Act and present them to the bi-partisan Task Force on Adoptions (consisting of 4 senators and 4 representatives). Should the task force accept these proposals, the legislation will be introduced by the task force members. A report of the committee's findings is due Spring, 2000.

DJB:cmw