

**PART III
ADOPTION**

Chapter

21. Preliminary Provisions
23. Jurisdiction and Parties
25. Proceedings Prior to Petition to Adopt
27. Petition for Adoption
29. Decrees and Records

Enactment. Part III was added October 15, 1980, P.L.934, No.163, effective January 1, 1981.

Special Provisions in Appendix. See section 3 of Act 163 of 1980 in the appendix to this title for special provisions relating to the applicability of Part III to pending proceedings.

**CHAPTER 21
PRELIMINARY PROVISIONS**

Sec.

2101. Short title of part.
2102. Definitions.

Enactment. Chapter 21 was added October 15, 1980, P.L.934, No.163, effective January 1, 1981.

§ 2101. Short title of part.

This part shall be known and may be cited as the "Adoption Act."

§ 2102. Definitions.

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

"Adoptee." An individual proposed to be adopted.

"Agency." Any incorporated or unincorporated organization, society, institution or other entity, public or voluntary, which may receive or provide for the care of children, supervised by the Department of Public Welfare and providing adoption services in accordance with standards established by the department.

"Clerk." The clerk of the division of the court of common pleas having jurisdiction over voluntary relinquishment, involuntary termination and adoption proceedings.

"Court." The court of common pleas.

"Intermediary." Any person or persons or agency acting between the parent or parents and the proposed adoptive parent or parents in arranging an adoption placement.

"Medical history information." Medical records and other information concerning an adoptee or an adoptee's natural family which is relevant to the adoptee's present or future health care or medical treatment. The term includes:

(1) otherwise confidential or privileged information provided that identifying contents have been removed pursuant to section 2909 (relating to medical history information); and

(2) information about the natural parents which may be relevant to a potential hereditary or congenital medical problem.

"Newborn child." A child who is six months of age or younger at the time of the filing of any petition pursuant to Chapter 25

(relating to proceedings prior to petition to adopt).

"Parent." Includes adoptive parent.

(June 23, 1982, P.L.617, No.174, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days; Dec. 20, 1995, P.L.685, No.76, eff. 60 days)

1995 Amendment. Act 76 amended the def. of "medical history information."

1992 Amendment. Act 34 added the def. of "newborn child."

CHAPTER 23
JURISDICTION AND PARTIES

Subchapter

- A. Jurisdiction
- B. Parties

Enactment. Chapter 23 was added October 15, 1980, P.L.934, No.163, effective January 1, 1981.

SUBCHAPTER A
JURISDICTION

Sec.

- 2301. Court.
- 2302. Venue.

§ 2301. Court.

The court of common pleas of each county shall exercise through the appropriate division original jurisdiction over voluntary relinquishment, involuntary termination and adoption proceedings.

§ 2302. Venue.

Proceedings for voluntary relinquishment, involuntary termination and adoption may be brought in the court of the county:

- (1) Where the parent or parents or the adoptee or the person or persons who have filed a report of intention to adopt required by section 2531 (relating to report of intention to adopt) reside.
- (2) In which is located an office of an agency having custody of the adoptee or in the county where the agency having placed the adoptee is located.
- (3) With leave of court, in which the adoptee formerly resided.

SUBCHAPTER B
PARTIES

Sec.

- 2311. Who may be adopted.
- 2312. Who may adopt.
- 2313. Representation.

§ 2311. Who may be adopted.

Any individual may be adopted, regardless of his age or residence.

§ 2312. Who may adopt.

Any individual may become an adopting parent.

§ 2313. Representation.

(a) **Child.**--The court shall appoint counsel to represent the child in an involuntary termination proceeding when the proceeding is being contested by one or both of the parents. The court may appoint counsel or a guardian ad litem to represent any child who has not reached the age of 18 years and is subject to any other proceeding under this part whenever it is in the best interests of the child. No attorney or law firm shall represent both the child and the adopting parent or parents.

(a.1) **Parent.**--The court shall appoint counsel for a parent whose rights are subject to termination in an involuntary termination proceeding if, upon petition of the parent, the

court determines that the parent is unable to pay for counsel or if payment would result in substantial financial hardship.

(b) **Payment of costs.**--The court, in its discretion, may order all or part of the costs attendant to a proceeding under this part to be paid by the county wherein the case is heard, the adopting parents or apportioned to both, provided that if the adopting parents shall be ordered to bear all or a portion of the costs of this part that:

(1) the court may direct that the payment of the fees or a portion thereof may be paid by a court ordered schedule of payments extending beyond the date of the involuntary termination hearing; and

(2) the fee shall not exceed \$150.

(June 23, 1982, P.L.617, No.174, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days)

CHAPTER 25
PROCEEDINGS PRIOR TO PETITION TO ADOPT

Subchapter

- A. Voluntary Relinquishment
- B. Involuntary Termination
- C. Decree of Termination
- D. Reports and Investigation
- E. Pennsylvania Adoption Cooperative Exchange

Enactment. Chapter 25 was added October 15, 1980, P.L.934, No.163, effective January 1, 1981.

Cross References. Chapter 25 is referred to in sections 2102, 2905 of this title.

SUBCHAPTER A
VOLUNTARY RELINQUISHMENT

Sec.

- 2501. Relinquishment to agency.
- 2502. Relinquishment to adult intending to adopt child.
- 2503. Hearing.
- 2504. Alternative procedure for relinquishment.
- 2504.1. Confidentiality.
- 2505. Counseling.

§ 2501. Relinquishment to agency.

(a) **Petition.**--When any child under the age of 18 years has been in the care of an agency for a minimum period of three days or, whether or not the agency has the physical care of the child, the agency has received a written notice of the present intent to transfer to it custody of the child, executed by the parent, the parent or parents of the child may petition the court for permission to relinquish forever all parental rights and duties with respect to their child.

(b) **Consents.**--The written consent of a parent or guardian of a petitioner who has not reached 18 years of age shall not be required. The consent of the agency to accept custody of the child until such time as the child is adopted shall be required.

Cross References. Section 2501 is referred to in sections 2503, 2521 of this title.

§ 2502. Relinquishment to adult intending to adopt child.

(a) **Petition.**--When any child under the age of 18 years has been for a minimum period of three days in the exclusive care of an adult or adults who have filed a report of intention to adopt required by section 2531 (relating to report of intention to adopt), the parent or parents of the child may petition the court for permission to relinquish forever all parental rights to their child.

(b) **Consents.**--The written consent of a parent or guardian of a petitioner who has not reached 18 years of age shall not be required. The adult or adults having care of the child shall file a separate consent to accept custody of the child. (Mar. 24, 2004, P.L.159, No.21, eff. 60 days)

2004 Amendment. Act 21 amended subsec. (a). Section 2 of Act 21 provided that the amendment of subsec. (a) shall apply to adoptions which are initiated on or after the effective date of section 2.

Cross References. Section 2502 is referred to in sections 2503, 2521 of this title.

§ 2503. Hearing.

(a) **General rule.**--Upon presentation of a petition prepared pursuant to section 2501 (relating to relinquishment to agency) or section 2502 (relating to relinquishment to adult intending to adopt child), the court shall fix a time for hearing which shall not be less than ten days after filing of the petition. The petitioner must appear at the hearing.

(b) **Notice.**--

(1) At least ten days' notice of the hearing shall be given to the petitioner, and a copy of the notice shall be given to the other parent, to the putative father whose parental rights could be terminated pursuant to subsection (d) and to the parents or guardian of a petitioner who has not reached 18 years of age.

(2) The notice to the petitioner shall state the following:

"To: (insert petitioner's name)

A petition has been filed asking the court to put an end to all rights you have to your child (insert name of child). The court has set a hearing to consider ending your rights to your child. That hearing will be held in (insert place, giving reference to exact room and building number or designation) on (insert date) at (insert time). Your presence is required at the hearing. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

(Name)
(Address)

.....
(Telephone number)"

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

(c) **Decree.**--After hearing, which shall be private, the court may enter a decree of termination of parental rights in the case of their relinquishment to an adult or a decree of termination of parental rights and duties, including the obligation of support, in the case of their relinquishment to an agency.

(d) **Putative father.**--If a putative father will not file a petition to voluntarily relinquish his parental rights pursuant to section 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 section 5103, the court may enter a decree terminating the parental rights of the putative father pursuant to subsection (c).

(e) Right to file personal and medical history information.--At the time the decree of termination is transmitted to the parent whose rights are terminated, the court shall advise that parent, in writing, of his or her continuing right to place and update personal and medical history information, whether or not the medical condition is in existence or discoverable at the time of adoption, on file with the court and with the Department of Public Welfare pursuant to section 2905(d) (relating to impounding of proceedings and access to records).

(June 23, 1982, P.L.617, No.174, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days; Dec. 20, 1995, P.L.685, No.76, eff. 60 days)

1995 Amendment. Act 76 amended subsec. (e).

Cross References. Section 2503 is referred to in section 2505 of this title.

§ 2504. Alternative procedure for relinquishment.

(a) Petition to confirm consent to adoption.--If the parent or parents of the child have executed consents to an adoption, upon petition by the intermediary or, where there is no intermediary, by the adoptive parent, the court shall hold a hearing for the purpose of confirming a consent to an adoption upon expiration of the time periods under section 2711 (relating to consents necessary to adoption). The original consent or consents to the adoption shall be attached to the petition.

(b) Hearing.--Upon presentation of a petition filed pursuant to this section, the court shall fix a time for a hearing which shall not be less than ten days after filing of the petition. Notice of the hearing shall be by personal service or by registered mail or by such other means as the court may require upon the consenter and shall be in the form provided in section 2513(b) (relating to hearing). Notice of the hearing shall be given to the other parent or parents, to the putative father whose parental rights could be terminated pursuant to subsection (c) and to the parents or guardian of a consenting parent who has not reached 18 years of age. The notice shall state that the consenting parent's or putative father's rights may be terminated as a result of the hearing. After hearing, which shall be private, the court may enter a decree of termination of parental rights in the case of a relinquishment to an adult or a decree of termination of parental rights and duties, including the obligation of support, in the case of a relinquishment to an agency.

(c) Putative father.--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 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 section 5103 (relating to acknowledgment and claim of paternity), the court may enter a decree terminating the parental rights of the putative father pursuant to subsection (b).

(d) Right to file personal and medical history

information.--At the time the decree of termination is transmitted to the parent, the court shall also advise, in writing, the parent whose rights have been terminated of his or her continuing right to place and update personal and medical history information, whether or not the medical condition is in existence or discoverable at the time of adoption, on file with the court and with the Department of Public Welfare pursuant to section 2905(d) (relating to impounding of proceedings and access to records) .

(June 23, 1982, P.L.617, No.174, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days; Dec. 20, 1995, P.L.685, No.76, eff. 60 days; Mar. 24, 2004, P.L.159, No.21, eff. 60 days)

2004 Amendment. Act 21 amended subsec. (a) . Section 2 of Act 21 provided that the amendment of subsec. (a) shall apply to adoptions which are initiated on or after the effective date of section 2 .

1995 Amendment. Act 76 amended subsec. (d) .

Cross References. Section 2504 is referred to in section 2505 of this title.

§ 2504.1. Confidentiality.

The court shall take such steps as are reasonably necessary to assure that the identity of the adoptive parent or parents is not disclosed without their consent in any proceeding under this subchapter or Subchapter B (relating to involuntary termination) . The Supreme Court may prescribe uniform rules under this section relating to such confidentiality. (May 21, 1992, P.L.228, No.34, eff. 60 days)

1992 Amendment. Act 34 added section 2504.1.

§ 2505. Counseling.

(a) **List of counselors.**--Any hospital or other facility providing maternity care shall provide a list of available counselors and counseling services compiled pursuant to subsection (b) 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.

(b) **Compilation of list.**--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.

(c) **Court referral.**--Prior to entering a decree of termination of parental rights pursuant to section 2503 (relating to hearing) or 2504 (relating to alternative procedure for relinquishment), if the parent whose rights are to be terminated is present in court, the court shall inquire whether he or she has received counseling concerning the termination and the alternatives thereto from an agency or from a qualified counselor listed by a court pursuant to subsection (b) . 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 listed by a court pursuant to subsection (b) for the

purpose of receiving such counseling. In no event shall the court delay the completion of any hearing pursuant to section 2503 or 2504 for more than 15 days in order to provide for such counseling.

(d) Application for 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, in its discretion, may make such a referral where it is satisfied that this counseling would be of benefit to the parent.

(e) Counseling fund.--Except as hereinafter provided, each report of intention to adopt filed pursuant to section 2531 (relating to report of intention to adopt) shall be accompanied by a filing fee in the amount of \$75 which shall be paid into a segregated fund established by the county. The county may also make supplemental appropriations to the fund. All costs of counseling provided pursuant to subsection (c) or (d) to individuals who are unable to pay for such counseling shall be paid from the fund. No filing fee may be exacted under this subsection with respect to the adoption of a special needs child who would be eligible for adoption assistance pursuant to regulations promulgated by the Department of Public Welfare. In addition, the court may reduce or waive the fee in cases of demonstrated financial hardship.
(June 23, 1982, P.L.617, No.174, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days)

SUBCHAPTER B INVOLUNTARY TERMINATION

Sec.

2511. Grounds for involuntary termination.
2512. Petition for involuntary termination.
2513. Hearing.

Cross References. Subchapter B is referred to in section 2504.1 of this title; section 6351 of Title 42 (Judiciary and Judicial Procedure).

§ 2511. Grounds for involuntary termination.

(a) General rule.--The rights of a parent in regard to a child may be terminated after a petition filed on any of the following grounds:

- (1) The parent by conduct continuing for a period of at least six months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties.
- (2) The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.
- (3) The parent is the presumptive but not the natural father of the child.
- (4) The child is in the custody of an agency, having

been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found.

(5) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

(6) In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.

(7) The parent is the father of a child conceived as a result of a rape or incest.

(8) The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

(9) The parent has been convicted of one of the following in which the victim was a child of the parent:

- (i) an offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
 - (ii) a felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);
 - (iii) an offense in another jurisdiction equivalent to an offense in subparagraph (i) or (ii); or
 - (iv) an attempt, solicitation or conspiracy to commit an offense in subparagraph (i), (ii) or (iii).
- (b) **Other considerations.**--The court in terminating the

rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent. With respect to any petition filed pursuant to subsection (a) (1), (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition.

(c) **Right to file personal and medical history information.**--At the time the decree of termination is transmitted to the parent whose rights have been terminated, the court shall advise the parent, in writing, of his or her continuing right to place and update personal and medical history information, whether or not the medical condition is in

existence or discoverable at the time of adoption, on file with the court and with the Department of Public Welfare pursuant to section 2905(d) (relating to impounding of proceedings and access to records).

(May 21, 1992, P.L.228, No.34, eff. 60 days; Dec. 20, 1995, P.L.685, No.76; Apr. 4, 1996, P.L.58, No.20, eff. 60 days; Nov. 9, 2006, P.L.1358, No.146, eff. 180 days)

2006 Amendment. Act 146 added subsec. (a) (9).

1996 Amendment. Act 20 amended subsec. (a) (7).

1995 Amendment. Act 76 amended subsecs. (b) and (c) and added subsec. (a) (8). Section 7 of Act 76 provided that subsecs. (b) and (c) shall take effect in 60 days and, with regard to a child who has been removed from the care of the parent by the court or under a voluntary agreement with an agency prior to the effective date of Act 76, subsec. (a) (8) shall take effect 12 months after the effective date of Act 76.

Cross References. Section 2511 is referred to in sections 2513, 2714 of this title; section 6302 of Title 42 (Judiciary and Judicial Procedure).

§ 2512. Petition for involuntary termination.

(a) **Who may file.**--A petition to terminate parental rights with respect to a child under the age of 18 years may be filed by any of the following:

(1) Either parent when termination is sought with respect to the other parent.

(2) An agency.

(3) The individual having custody or standing in loco parentis to the child and who has filed a report of intention to adopt required by section 2531 (relating to report of intention to adopt).

(4) An attorney representing a child or a guardian ad litem representing a child who has been adjudicated dependent under 42 Pa.C.S. § 6341(c) (relating to adjudication).

(b) **Contents.**--The petition shall set forth specifically those grounds and facts alleged as the basis for terminating parental rights. The petition filed under this section shall also contain an averment that the petitioner will assume custody of the child until such time as the child is adopted. If the petitioner is an agency it shall not be required to aver that an adoption is presently contemplated nor that a person with a present intention to adopt exists.

(c) **Father not identified.**--If the petition does not identify the father of the child, it shall state whether a claim of paternity has been filed under section 8303 (relating to claim of paternity).
(Dec. 20, 1995, P.L.685, No.76, eff. 60 days)

1995 Amendment. Act 76 added subsec. (a) (4).

References in Text. Former section 8303, referred to in this section, is repealed. The subject matter is now contained in section 5103.

Cross References. Section 2512 is referred to in sections 2513, 2521 of this title.

§ 2513. Hearing.

(a) **Time.**--The court shall fix a time for hearing on a petition filed under section 2512 (relating to petition for involuntary termination) which shall be not less than ten days after filing of the petition.

(b) **Notice.**--At least ten days' notice shall be given to the parent or parents, putative father, or parent of a minor parent whose rights are to be terminated, by personal service or by registered mail to his or their last known address or by such other means as the court may require. A copy of the notice shall be given in the same manner to the other parent, putative father or parent or guardian of a minor parent whose rights are to be terminated. A putative father shall include one who has filed a claim of paternity as provided in section 5103 (relating to acknowledgment and claim of paternity) prior to the institution of proceedings. The notice shall state the following:

"A petition has been filed asking the court to put an end to all rights you have to your child (insert name of child). The court has set a hearing to consider ending your rights to your child. That hearing will be held in (insert place, giving reference to exact room and building number or designation) on (insert date) at (insert time). You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and your rights to your child may be ended by the court without your being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

(Name)
(Address)
....."
(Telephone number)....."

(c) **Mother competent witness on paternity issue.**--The natural mother shall be a competent witness as to whether the presumptive or putative father is the natural father of the child.

(d) **Decree.**--After hearing, which may be private, the court shall make a finding relative to the pertinent provisions of section 2511 (relating to grounds for involuntary termination) and upon such finding may enter a decree of termination of parental rights.
(June 23, 1982, P.L.617, No.174, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days)

1992 Amendment. Act 34 amended subsec. (b).
Cross References. Section 2513 is referred to in sections 2504, 2714 of this title.

SUBCHAPTER C
DECREE OF TERMINATION

Sec.
2521. Effect of decree of termination.
§ 2521. Effect of decree of termination.

(a) **Adoption proceeding rights extinguished.**--A decree terminating all rights of a parent or a decree terminating all rights and duties of a parent entered by a court of competent jurisdiction shall extinguish the power or the right of the parent to object to or receive notice of adoption proceedings.

(b) **Award of custody.**--The decree shall award custody of the child to the agency or the person consenting to accept custody under section 2501 (relating to relinquishment to agency) or

section 2502 (relating to relinquishment to adult intending to adopt child) or the petitioner in the case of a proceeding under section 2512 (relating to petition for involuntary termination).

(c) **Authority of agency or person receiving custody.**--An agency or person receiving custody of a child shall stand in loco parentis to the child and in such capacity shall have the authority, inter alia, to consent to marriage, to enlistment in the armed forces and to major medical, psychiatric and surgical treatment and to exercise such other authority concerning the child as a natural parent could exercise.

SUBCHAPTER D
REPORTS AND INVESTIGATION

Sec.

2530. Home study and preplacement report.

2531. Report of intention to adopt.

2532. Filing of report.

2533. Report of intermediary.

2534. Exhibits.

2535. Investigation.

§ 2530. Home study and preplacement report.

(a) **General rule.**--No intermediary shall place a child in the physical care or custody of a prospective adoptive parent or parents unless a home study containing a favorable recommendation for placement of a child with the prospective parent or parents has been completed within three years prior thereto and which has been supplemented within one year prior thereto. The home study shall be conducted by a local public child-care agency, an adoption agency or a licensed social worker designated by the court to perform such study.

(b) **Preplacement report.**--A preplacement report shall be prepared by the agency or person conducting the home study.

(1) The preplacement report shall set forth all

pertinent information relating to the fitness of the adopting parents as parents.

(2) The preplacement report shall be based upon a study which shall include an investigation of the home environment, family life, parenting skills, age, physical and mental health, social, cultural and religious background, facilities and resources of the adoptive parents and their ability to manage their resources. The preplacement report shall also include the information required by section 6344(b) (relating to information relating to prospective child-care personnel).

(3) The preplacement report shall include a determination regarding the fitness of the adopting parents as parents.

(4) The preplacement report shall be dated and verified.

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

(1) The intermediary has no reason to believe that the prospective adoptive parent or parents would not receive a favorable recommendation for placement as a result of the home study.

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

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

(May 21, 1992, P.L.228, No.34, eff. 60 days)

1992 Amendment. Act 34 added section 2530.

Cross References. Section 2530 is referred to in sections 2531, 2701, 2905 of this title.

§ 2531. Report of intention to adopt.

(a) **General rule.**--Every person now having or hereafter receiving or retaining custody or physical care of any child for the purpose or with the intention of adopting a child under the age of 18 years shall report to the court in which the petition for adoption will be filed.

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

- (1) The circumstances surrounding the persons receiving or retaining custody or physical care of the child, including the date upon which a preplacement investigation was concluded.
- (2) The name, sex, racial background, age, date and place of birth and religious affiliation of the child.
- (3) The name and address of the intermediary.
- (4) An itemized accounting of moneys and consideration paid or to be paid to the intermediary.
- (5) Whether the parent or parents whose parental rights are to be terminated have received counseling with respect to the termination and the alternatives thereto. If so, the report shall state the dates on which the counseling was provided and the name and address of the counselor or agency which provided the counseling.
- (6) The name, address and signature of the person or persons making the report. Immediately above the signature of the person or persons intending to adopt the child shall appear the following statement:
I acknowledge that I have been advised or know and understand that the birth father or putative father may revoke the consent to the adoption of this child within 30 days after the later of the birth of the child or the date he has executed the consent to an adoption and that the birth mother may revoke the consent to an adoption of this child within 30 days after the date she has executed the consent.
- (7) A copy of the preplacement report prepared pursuant to section 2530 (relating to home study and preplacement report).

When a person receives or retains custody or physical care of a child from an agency, the report shall set forth only the name and address of the agency, the circumstances surrounding such person receiving or retaining custody or physical care of the child and a copy of the preplacement report prepared pursuant to section 2530.

(c) **When report not required.**--No report shall be required when the child is the child, grandchild, stepchild, brother or

sister of the whole or half blood, or niece or nephew by blood, marriage or adoption of the person receiving or retaining custody or physical care.

(June 23, 1982, P.L.617, No.174, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days; Mar. 24, 2004, P.L.159, No.21, eff. 60 days)

2004 Amendment. Act 21 amended subsec. (b) (6) . Section 2 of Act 21 provided that the amendment of subsec. (b) (6) shall apply to adoptions which are initiated on or after the effective date of section 2.

1992 Amendment. Act 34 amended subsec. (b) .

Cross References. Section 2531 is referred to in sections 2302, 2502, 2505, 2512, 2532, 2535, 2701, 2905 of this title.

§ 2532. Filing of report.

The report required by section 2531 (relating to report of intention to adopt) shall be filed within 30 days after the date of receipt of the custody or physical care of the child.

§ 2533. Report of intermediary.

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

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

(1) The name and address of the intermediary.

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

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

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

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

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

(7) A statement that all consents required by section 2711 (relating to consents necessary to adoption) are attached as exhibits or the basis upon which the consents are not required.

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

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

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

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

(12) A statement that medical history information was obtained and if not obtained, a statement of the reason

therefor.

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

(d) **Permissible reimbursement of expenses.**--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):

(1) 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.

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

(3) 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.

(4) Reasonable administrative expenses incurred by the agency, to include overhead costs and attorney fees. (June 23, 1982, P.L.617, No.174, eff. 60 days; Jan. 15, 1988, P.L.16, No.7, eff. ind.)

1988 Amendment. Act 7 added subsec. (d). Section 2 of Act 7 provided that Act 7 shall apply to expenses incurred for adoption decrees made after the effective date of Act 7, regardless of whether the expenses were incurred prior to or after the effective date of Act 7.

1982 Amendment. Act 174 amended subsec. (b) and added subsec. (c).

Gross References. Section 2533 is referred to in sections 2535, 2701, 2901 of this title.

§ 2534. Exhibits.

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

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

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

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

Gross References. Section 2534 is referred to in section 2702 of this title.

§ 2535. Investigation.

(a) **General rule.**--When a report required by section 2531 (relating to report of intention to adopt) has been filed, the court shall cause an investigation to be made and a report filed by a local public child care agency, a voluntary child care agency with its consent or an appropriate person designated by the court. In lieu of the investigation, the court may accept an investigation made by the agency which placed the child and the report of investigation in such cases may be incorporated into the report of the intermediary required by section 2533 (relating to report of intermediary).

(b) **Matters covered.**--The investigation shall cover all pertinent information regarding the child's eligibility for adoption and the suitability of the placement, including the physical, mental and emotional needs and welfare of the child, and the child's and the adopting parents' age, sex, health and racial, ethnic and religious background.

(c) **Payment of costs.**--The court may establish the procedure for the payment of investigation costs.

Cross References. Section 2535 is referred to in sections 2724, 2901, 2905, 6344 of this title.

SUBCHAPTER E
PENNSYLVANIA ADOPTION COOPERATIVE EXCHANGE

Sec.

- 2551. Definitions.
- 2552. Pennsylvania Adoption Cooperative Exchange.
- 2553. Registration of children.
- 2554. Responsibilities of PACE.
- 2555. Responsibilities of public and private agencies.
- 2556. Related activities of agencies unaffected.
- 2557. Regulations and staff.
- 2558. Retroactive application of subchapter.

Enactment. Subchapter E was added December 19, 1990, P.L.1240, No.206, effective in 90 days.

§ 2551. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Public Welfare of the Commonwealth.

"PACE." The Pennsylvania Adoption Cooperative Exchange.

§ 2552. Pennsylvania Adoption Cooperative Exchange.

There shall be a Pennsylvania Adoption Cooperative Exchange in the Office of Children, Youth and Families of the Department of Public Welfare.

§ 2553. Registration of children.

(a) **Mandatory registration.**--PACE shall register and be responsible for the review and referral of children for whom parental rights have been terminated for 90 days and for whom no report of intention to adopt has been filed in the court of common pleas.

(b) **Optional registration.**--PACE may also register children where restoration to the biological family is neither possible nor appropriate, a petition to terminate parental rights has been filed and adoption is planned pending identification of an adoptive parent or parents. However, information about these children shall not be publicized without prior approval by the department, which shall ensure the anonymity of these children until such time as parental rights are terminated.

(c) **Children excluded from registration.**--A child for whom termination of parental rights is being appealed in a court shall not be registered with PACE as available for adoption. Identifying information of such children shall be forwarded to PACE by the agency, with reference to the specific reason for which the child is not to be placed on the listing service.

Cross References. Section 2553 is referred to in section 2555 of this title.

§ 2554. Responsibilities of PACE.

PACE shall be responsible for the following:

- (1) Registration of adoptive parent applicants who have been approved by agencies.
- (2) Accumulation and dissemination of statistical information regarding all children registered with PACE.
- (3) Creation and administration of a public information program designed to inform potential adoptive parents of the need for adoptive homes for children registered with PACE.
- (4) Preparation and distribution of a photographic listing service on children registered with PACE.
- (5) Preparation of annual reports concerning functions of PACE regarding the children and the prospective parents listed with PACE. The reports shall be submitted annually to the Health and Welfare and Judiciary Committees of the House of Representatives, to the Public Health and Welfare and Judiciary Committees of the Senate and to the Governor.
- (6) Coordination of its functions with other state, regional and national adoption exchanges.

§ 2555. Responsibilities of public and private agencies.

All public and licensed private child service agencies shall register all children with PACE for whom parental rights have been terminated for 90 days and for whom no report of intention to adopt has been filed in the court of common pleas. A public or licensed private agency may register other children as set forth in section 2553(b) (relating to registration of children).

§ 2556. Related activities of agencies unaffected.

This subchapter shall not be construed to limit or delay actions by agencies or institutions to arrange for adoptions or other related matters on their own initiative and shall not alter or restrict the duties, authority and confidentiality of the agencies and institutions in those matters.

§ 2557. Regulations and staff.

The department shall promulgate necessary regulations and shall hire the staff which is necessary to implement this subchapter.

§ 2558. Retroactive application of subchapter.

This subchapter shall apply retroactively to all children for whom:

- (1) Parental rights have been terminated and for whom no report of intention to adopt has been filed in the court of common pleas.
- (2) Restoration to the biological family is neither possible nor appropriate, a petition to terminate parental rights has been filed and adoption is planned pending identification of an adoptive parent or parents.

CHAPTER 27
PETITION FOR ADOPTION

Subchapter

- A. Petition
- B. Consents
- C. Hearings

Enactment. Chapter 27 was added October 15, 1980, P.L. 934, No.163, effective January 1, 1981.

SUBCHAPTER A
PETITION

Sec.

2701. Contents of petition for adoption.

2702. Exhibits.

§ 2701. Contents of petition for adoption.
A petition for adoption shall set forth:

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

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

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

(4) The full name of the adoptee and the fact and length of time of the residence of the adoptee with the adopting parent or parents.

(5) If there is no intermediary or if no report of the intermediary has been filed or if the adoptee is over the age of 18 years, all vital statistics and other information enumerated and required to be stated of record by section 2533, so far as applicable.

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

(7) That all consents required by section 2711 (relating to consents necessary to adoption) are attached as exhibits or the basis upon which such consents are not required.

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

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

(May 21, 1992, P.L.228, No.34, eff. 60 days)

§ 2702. Exhibits.

The petition shall have attached to it the following exhibits:

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

(2) If not already filed with a report of an intermediary, the exhibits enumerated in section 2534

(relating to exhibits).

SUBCHAPTER B
CONSENTS

Sec.

- 2711. Consents necessary to adoption.
 - 2712. Consents not naming adopting parents.
 - 2713. When other consents not required.
 - 2714. When consent of parent not required.
- § 2711. Consents necessary to adoption.**

(a) **General rule.**--Except as otherwise provided in this part, consent to an adoption shall be required of the following:

- (1) The adoptee, if over 12 years of age.
- (2) The spouse of the adopting parent, unless they join in the adoption petition.
- (3) The parents or surviving parent of an adoptee who has not reached the age of 18 years.
- (4) The guardian of an incapacitated adoptee.
- (5) The guardian of the person of an adoptee under the age of 18 years, if any there be, or of the person or persons having the custody of the adoptee, if any such person can be found, whenever the adoptee has no parent whose consent is required.

(b) **Husband of natural mother.**--The consent of the husband of the mother shall not be necessary if, after notice to the husband, it is proved to the satisfaction of the court by evidence, including testimony of the natural mother, that the husband of the natural mother is not the natural father of the child. Absent such proof, the consent of a former husband of the natural mother shall be required if he was the husband of the natural mother at any time within one year prior to the birth of the adoptee.

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

- (1) Except as otherwise provided in paragraph (3):
 - (i) For a consent to an adoption executed by a birth father or a putative father, the consent is irrevocable more than 30 days after the birth of the child or the execution of the consent, whichever occurs later.
 - (ii) For a consent to an adoption executed by a birth mother, the consent is irrevocable more than 30 days after the execution of the consent.
- (2) An individual may not waive the revocation period under paragraph (1).
- (3) Notwithstanding paragraph (1), the following apply:
 - (i) An individual who executed a consent to an adoption may challenge the validity of the consent only by filing a petition alleging fraud or duress within the earlier of the following time frames:

(A) Sixty days after the birth of the child or the execution of the consent, whichever occurs later.
(B) Thirty days after the entry of the adoption decree.

(ii) A consent to an adoption may be invalidated only if the alleged fraud or duress under subparagraph (i) is proven by:

(A) a preponderance of the evidence in the case of consent by a person 21 years of age or younger; or
(B) clear and convincing evidence in all other cases.

(d) Contents of consent.--

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

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

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

I understand such child will be placed for adoption. I understand I may revoke this consent to permanently give up all rights to this child by placing the revocation in writing and serving it upon the agency or adult to whom the child was relinquished.

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

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

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

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

(June 23, 1982, P.L.617, No.174, eff. 60 days; Apr. 16, 1992, P.L.108, No.24, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days; Mar. 24, 2004, P.L.159, No.21, eff. 60 days)

2004 Amendment. Act 21 amended subssecs. (c) and (d) (1).

Section 2 of Act 21 provided that the amendment of subssecs. (c) and (d) (1) shall apply to adoptions which are initiated on or after the effective date of section 2.

1992 Amendments. Act 24 amended subsec. (a) and Act 34 amended subssecs. (c) and (d).

Cross References. Section 2711 is referred to in sections 2504, 2533, 2534, 2701, 2702 of this title.

§ 2712. Consents not naming adopting parents.

A consent to a proposed adoption meeting all the requirements of this part but which does not name or otherwise identify the adopting parent or parents shall be valid if it contains a statement that it is voluntarily executed without disclosure of the name or other identification of the adopting parent or parents.

§ 2713. When other consents not required.

The court, in its discretion, may dispense with consents other than that of the adoptee to a petition for adoption when:

- (1) the adoptee is over 18 years of age; or
- (2) the adoptee is under 18 years of age and has no parent living whose consent is required.

§ 2714. When consent of parent not required.

Consent of a parent to adoption shall not be required if a decree of termination with regard to such parent has been entered. When parental rights have not previously been terminated, the court may find that consent of a parent of the adoptee is not required if, after notice and hearing as prescribed in section 2513 (relating to hearing), the court finds that grounds exist for involuntary termination under section 2511 (relating to grounds for involuntary termination).

SUBCHAPTER C
HEARINGS

Sec.

2721. Notice of hearing.

2722. Place of hearing.

2723. Attendance at hearing.

2724. Testimony and investigation.

2725. Religious belief.

§ 2721. Notice of hearing.

The court shall fix a time and place for hearing. Notice of the hearing shall be given to all persons whose consents are required and to such other persons as the court shall direct. Notice to the parent or parents of the adoptee, if required, may be given by the intermediary or someone acting on his behalf.

Notice shall be by personal service or by registered mail to the last known address of the person to be notified or in such other manner as the court shall direct.

§ 2722. Place of hearing.

The hearing shall be private or in open court as the court deems appropriate.

§ 2723. Attendance at hearing.

The adopting parent or parents and the adoptee must appear at and, if required, testify at the hearing under oath unless the court determines their presence is unnecessary. In addition, the court may require the appearance and testimony of all persons whose consents are required by this part and representatives of agencies or individuals who have acted as an intermediary if

their appearance or testimony would be necessary or helpful to the court.

§ 2724. Testimony and investigation.

(a) **Testimony.**--The court shall hear testimony in support of the petition and such additional testimony as it deems necessary to inform it as to the desirability of the proposed adoption. It shall require a disclosure of all moneys and consideration paid or to be paid to any person or institution in connection with the adoption.

(b) **Investigation.**--The court may request that an investigation be made by a person or public agency or, with its consent, a voluntary agency, specifically designated by the court to verify the statements of the petitioner and such other facts that will give the court full knowledge of the desirability of the proposed adoption, or the court may rely in whole or in part upon a report earlier made under section 2535 (relating to investigation). In any case, the age, sex, health, social and economic status or racial, ethnic or religious background of the child or adopting parents shall not preclude an adoption but the court shall decide its desirability on the basis of the physical, mental and emotional needs and welfare of the child.

(c) **Payment of investigation costs.**--The court may establish a procedure for the payment of investigation costs by the petitioners or by such other persons as the court may direct.

§ 2725. Religious belief.

The intermediary may honor the preference of the natural parents as to the religious faith in which the adoptive parents intend to rear the adopted child. No person shall be denied the benefits of this part because of a religious belief in the use of spiritual means or prayer for healing.

(May 21, 1992, P.L.228, No.34, eff. 60 days)

CHAPTER 29
DECREES AND RECORDS

- Sec.**
2901. Time of entry of decree of adoption.
2902. Requirements and form of decree of adoption.
2903. Retention of parental status.
2904. Name of adoptee.
2905. Impounding of proceedings and access to records.
2906. Docket entries.
2907. Certificate of adoption.
2908. Foreign decree of adoption.
2909. Medical history information.
2910. Penalty for unauthorized disclosure.

Enactment. Chapter 29 was added October 15, 1980, P.L. 934, No.163, effective January 1, 1981.

§ 2901. Time of entry of decree of adoption.

Unless the court for cause shown determines otherwise, no decree of adoption shall be entered unless the natural parent or parents' rights have been terminated, the investigation required by section 2535 (relating to investigation) has been completed, the report of the intermediary has been filed pursuant to section 2533 (relating to report of intermediary) and all other legal requirements have been met. If all legal requirements have been met, the court may enter a decree of adoption at any time. (June 23, 1982, P.L.617, No.174, eff. 60 days)

§ 2902. Requirements and form of decree of adoption.

(a) **General rule.**--If satisfied that the statements made in the petition are true, that the needs and welfare of the person proposed to be adopted will be promoted by the adoption and that all requirements of this part have been met, the court shall enter a decree so finding and directing that the person proposed to be adopted shall have all the rights of a child and heir of the adopting parent or parents and shall be subject to the duties of a child to him or them.

(b) **Withdrawal or dismissal of petition.**--In any case in which the petition is withdrawn or dismissed, the court shall enter an appropriate order in regard to the custody of the child.

§ 2903. Retention of parental status.

Whenever a parent consents to the adoption of his child by his spouse, the parent-child relationship between him and his child shall remain whether or not he is one of the petitioners in the adoption proceeding.

§ 2904. Name of adoptee.

If requested by the petitioners, the decree may provide that the adoptee shall assume the name of the adopting parent or parents and any given first or middle names that may be chosen.

Cross References. Section 2904 is referred to in section 2905 of this title.

§ 2905. Impounding of proceedings and access to records.

(a) **General rule.**--All petitions, exhibits, reports, notes of testimony, decrees, and other papers pertaining to any proceeding under this part or former statutes relating to adoption shall be kept in the files of the court as a permanent record thereof and withheld from inspection except on an order of court granted upon cause shown or except as otherwise

provided in this section. In the case of an adult adoptee who is assuming a name under section 2904 (relating to name of adoptee), an order of court is not required for the court to forward to the Pennsylvania State Police documentation in accordance with 54 Pa.C.S. § 702 (relating to change by order of court). Any report required to be filed under sections 2530 (relating to home study and preplacement report), 2531 (relating to report of intention to adopt) and 2535 (relating to investigation) shall be made available to parties to an adoption proceeding only after all identifying names and addresses in the report have been extirpated by the court.

(b) Petition to court for limited information.--Upon petition by any adoptee at least 18 years of age or, if less than 18, his adoptive parent or legal guardian to the court in the judicial district in which the permanent records relating to the adoption have been impounded, the court shall furnish to the adoptee as much information concerning the adoptee's natural parents as will not endanger the anonymity of the natural parents. The information shall first be reviewed, in camera, by the court to insure that no information is revealed which would endanger the anonymity of the natural parents. The court shall, upon motion of the adoptee, examine the entire record to determine if any additional information can safely be revealed without endangering the anonymity of the natural parents.

(c) Access to identity of natural parents.--

(1) Upon petition of an adoptee at least 18 years of age or, if less than 18, his adoptive parent or legal guardian, the court may also, through its designated agent, attempt to contact the natural parents, if known, to obtain their consent to release their identity and present place of residence to the adoptee. The petition may state the reasons why the adoptee desires to contact his natural parents, which reasons shall be disclosed to the natural parents if contacted. However, the court and its agents shall take care that none but the natural parents themselves are informed of the adoptee's existence and relationship to them. The court may refuse to contact the natural parents if it believes that, under the circumstances, there would be a substantial risk that persons other than the natural parents would learn of the adoptee's existence and relationship to the natural parents. The court shall appoint either the county children and youth agency, or a private agency which provides adoption services in accordance with standards established by the Department of Public Welfare, to contact the natural parents as its designated agent.

(2) In addition to petitioning the court to contact the natural parents, an adoptee at least 18 years of age or, if less than 18, his adoptive parent or legal guardian may request the agency that placed the adoptee to contact his natural parents. If the agency agrees to attempt to contact the natural parents, it shall do so pursuant to the same safeguards provided for court inquiries in paragraph (1).

(3) If the court or an agency contacts the natural parents of an adoptee pursuant to a petition or request made under paragraph (1) or (2), except as hereinafter provided, information relating to both natural parents shall only be disclosed to the adoptee if both natural parents agree to the disclosure. If both of the natural parents are deceased, their identities may be disclosed. If one parent is deceased,

his or her identity may be disclosed. If only one parent agrees to the disclosure, then only the information relating to the agreeing parent shall be disclosed.

(4) The Department of Public Welfare may, by regulation, prescribe procedures related to contact of natural parents by designated agents of the court.

(d) Disclosure of information.--

(1) No disclosure of information shall be made by the court, an agency, the Department of Health or any other Commonwealth agency regarding the adopted person's original certificate of birth or regarding the documents of proof on which the amended certificate of birth is based or relating in any way to the natural parents unless the disclosure is made pursuant to the provisions of this section.

(2) Notwithstanding any other provision in this section to the contrary, the natural parents may, at the time of the termination of their parental rights pursuant to Chapter 25 (relating to proceedings prior to petition to adopt) or at any time thereafter, place on file, with the court and with the Department of Health, a consent form granting permission for the court or the department to disclose the information contained in the adoptee's original certificate of birth, or any other identifying or nonidentifying information pertaining to the natural parents, at any time after the adoptee attains the age of 18 or, if less than 18, to his adoptive parent or legal guardian. If both parents give their consent, the information on the birth certificate may be disclosed. If only one parent gives consent, only the identity of the consenting parent shall be disclosed. The natural parents shall be entitled to update those records, as necessary, to reflect the natural parent's current address or any other information pertaining to the natural parents. The information may only be disclosed upon the request of the adoptee or his adoptive parent or legal guardian, and the consent of the natural parents may be withdrawn at any time by filing a withdrawal of consent form with the court and the department. The department shall prescribe by regulation the procedure and forms to be utilized for the giving, updating and withdrawal of the consent.

(3) An adoptee at least 18 years of age or, if less than 18 years of age, the parent or legal guardian of the adoptee shall have access to any original or updated medical history information on file with the court which entered the decree of termination or the Department of Public Welfare. No medical history information shall be released which would endanger the anonymity of the natural parents.

(Dec. 12, 1984, P.L.979, No.195, eff. 60 days; May 21, 1992, P.L.228, No.34, eff. 60 days; Dec. 20, 1995, P.L.685, No.76, eff. 60 days; Nov. 23, 2004, P.L.1154, No.148, eff. imd.)

2004 Amendment. Act 148 amended subsec. (a).

1995 Amendment. Act 76 amended the heading of subsec. (d) and added subsec. (d) (3).

1992 Amendment. Act 34 amended subsecs. (a) and (d).

Cross References. Section 2905 is referred to in sections 2503, 2504, 2511, 2909 of this title.

§ 2906. Docket entries.

Upon the filing of any decree under this part, the clerk shall enter on the docket an entry showing the date of the

decree. Information identifying the natural parents shall not be entered on the docket.

§ 2907. Certificate of adoption.

The clerk shall issue to the adopting parent or parents a certificate reciting that the court has granted the adoption. The certificate shall not disclose the name of any natural parent or the original name of the person adopted. The certificate shall be accepted in any legal proceedings in this Commonwealth as evidence of the fact that the adoption has been granted.

Cross References. Section 2907 is referred to in section 2908 of this title.

§ 2908. Foreign decree of adoption.

(a) **Registration.**--When a minor is adopted by a resident of this Commonwealth and a final decree of adoption is made or entered in conformity with the laws of a foreign country, the adopting parent shall file a properly authenticated copy of the foreign decree of adoption, a copy of the child's visa and either the child's birth certificate or some form of birth identification with the clerk of the court in the county of residence of the parent. If the foreign decree of adoption is not in English, the adopting parent shall also file a certified English translation. If no birth certificate or birth identification can be obtained, the adopting parent shall include an affidavit stating the reason therefor.

(b) **Foreign adoption registration form.**--The court shall develop a foreign adoption registration form and instructions for its use. The adopting parent or parents shall sign the foreign adoption registration form indicating that they have read and understand the information provided.

(c) Contents of form.--

(1) The form shall include statements indicating that the foreign adoption may not be a full and final adoption if:

- (i) Both parents, or just the sole parent if only one parent is adopting, were not present for the adoption hearing in the foreign country.
- (ii) The foreign court did not enter a final adoption decree or its equivalent.
- (iii) The child's visa is not the type that would afford the child full United States citizenship.

(2) The form shall notify the adopting parent or parents that an adoption decree may be obtained from the Commonwealth if the documents filed in subsection (a) are reviewed by the court and the court determines the foreign adoption was full and final.

(3) At the time of filing, a copy of the foreign decree of adoption and a certified English translation, if necessary, the child's visa and either the child's birth certificate or some form of birth identification shall be attached to the foreign registration form and submitted to the clerk of court.

(d) **Foreign adoption review.**--In cases where the court determines the foreign adoption was full and final, the court shall direct the clerk to enter upon the docket an entry showing the foreign court identification of the proceedings in that court and the date of the decree. The clerk shall issue to the parent a certificate of adoption as defined in section 2907 (relating to certificate of adoption). The clerk shall also send

documentation to the Department of Health. No hearing shall be required prior to the issuance of the certificate of adoption, and the parent shall not be required to obtain counsel.

(e) **Readoption.**--The court shall develop a standard petition, a standard court order and instructions for their use for occasions when a child must be readopted to finalize the adoption. The clerk shall provide the adopting parent with the standardized information.

(f) **Records.**--All documents required in subsection (a) as well as any other accompanying documents shall be kept in the files of the court as a permanent record and shall be withheld from inspection except on order of court granted upon cause shown. Information identifying the birth parents of the adoptee shall not be required. The clerk may charge a filing fee in accordance with the court's regular fee schedule as approved by the president judge.

(July 7, 2006, P.L.618, No.96, eff. 60 days)

§ 2909. Medical history information.

(a) **Delivery of information.**--Prior to the finalization of an adoption, medical history information shall, where practicable, be delivered by the attending physician or other designated person to the intermediary who shall deliver such information to the adopting parents or their physician. In cases where there is no intermediary, medical history information shall be delivered directly to the adopting parents or their physician.

(b) **Editing of information.**--Except as provided in section 2905 (relating to impounding of proceedings and access to records), medical history information shall be edited before delivery or release by the Department of Public Welfare so as to remove any contents which would identify the adoptee's natural family.

(c) **Availability of information forms.**--The Department of Public Welfare shall, upon request, 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.

(d) **Regulations.**--The Department of Public Welfare shall, in consultation with the Department of Health, prescribe by regulation the procedure to be utilized and to develop the content of medical history information forms.
(June 23, 1982, P.L.617, No.174, eff. 1 year; Dec. 20, 1995, P.L.685, No.76, eff. 60 days)

Cross References. Section 2909 is referred to in section 2102 of this title.

§ 2910. Penalty for unauthorized disclosure.

Any officer or employee of the court, other than a judge thereof, the Department of Health, the Department of Public Welfare or any agency who willfully discloses impounded or otherwise confidential information relating to an adoption, other than as expressly authorized and provided in this chapter, commits a misdemeanor of the third degree.

(Dec. 12, 1984, P.L.979, No.195, eff. 60 days; Dec. 20, 1995, P.L.685, No.76, eff. 60 days)