
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 58 Session of
2017

INTRODUCED BY PETRI, MILLARD, MURT, STAATS, WATSON AND DeLUCA,
JANUARY 25, 2017

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, JANUARY 25, 2017

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 report of intention to adopt, for consents necessary to
4 adoption and for notice of hearing.

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

7 Section 1. Sections 2531(b)(6), 2711(c) and (d) and 2721 of
8 Title 23 of the Pennsylvania Consolidated Statutes are amended
9 to read:

10 § 2531. Report of intention to adopt.

11 * * *

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

13 * * *

14 (6) The name, address and signature of the person or
15 persons making the report. Immediately above the signature of
16 the person or persons intending to adopt the child shall
17 appear the following statement:

18 I acknowledge that I have been advised or know and
19 understand that the birth father or putative father may

1 revoke the consent to the adoption of this child within
2 [30 days] 14 days after the later of the birth of the
3 child or the date he has executed the consent to an
4 adoption and that the birth mother may revoke the consent
5 to an adoption of this child within [30 days] 14 days
6 after the date she has executed the consent.

7 * * *

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
17 adoption may only be revoked as set forth in this subsection.
18 The revocation of a consent shall be in writing and shall be
19 served upon the agency or adult to whom the child was
20 relinquished. The following apply:

21 (1) Except as otherwise provided in paragraph (3):

22 (i) For a consent to an adoption executed by a birth
23 father or a putative father, the consent is irrevocable
24 more than [30 days] 14 days after the birth of the child
25 or the execution of the consent, whichever occurs later.

26 (ii) For a consent to an adoption executed by a
27 birth mother, the consent is irrevocable more than [30
28 days] 14 days after the execution of the consent.

29 (2) An individual may not waive the revocation period
30 under paragraph (1).

1 (3) Notwithstanding paragraph (1), the following apply:

2 (i) An individual who executed a consent to an
3 adoption may challenge the validity of the consent only
4 by filing a petition alleging fraud or duress [within the
5 earlier of the following time frames:

6 (A) Sixty days after the birth of the child or
7 the execution of the consent, whichever occurs later.

8 (B) Thirty days after the entry of the adoption
9 decree.] prior to the termination of parental rights.

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

13 (A) a preponderance of the evidence in the case
14 of consent by a person 21 years of age or younger; or

15 (B) clear and convincing evidence in all other
16 cases.

17 (4) Once the individual's parental rights are terminated
18 and the individual has executed a consent to an adoption, the
19 individual has no further standing to contest the adoption or
20 to revoke the individual's consent.

21 (d) Contents of consent.--

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

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

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

1 child.

2 I understand such child will be placed for adoption.

3 I understand I may revoke this consent to permanently
4 give up all rights to this child by placing the
5 revocation in writing and serving it upon the agency or
6 adult to whom the child was relinquished.

7 If I am the birth father or putative father of the
8 child, I understand that this consent to an adoption is
9 irrevocable unless I revoke it within [30 days] 14 days
10 after either the birth of the child or my execution of
11 the consent, whichever occurs later, by delivering a
12 written revocation to (insert the name and address of the
13 agency coordinating the adoption) or (insert the name and
14 address of an attorney who represents the individual
15 relinquishing parental rights or prospective adoptive
16 parent of the child) or (insert the court of the county
17 in which the voluntary relinquishment form was or will be
18 filed).

19 If I am the birth mother of the child, I understand
20 that this consent to an adoption is irrevocable unless I
21 revoke it within [30 days] 14 days after executing it by
22 delivering a written revocation to (insert the name and
23 address of the agency coordinating the adoption) or
24 (insert the name and address of an attorney who
25 represents the individual relinquishing parental rights
26 or prospective adoptive parent of the child) or (insert
27 the court of the county in which the voluntary
28 relinquishment form was or will be filed).

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

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

5 § 2721. Notice of hearing.

6 The court shall fix a time and place for hearing. Notice of
7 the hearing shall be given to all persons whose consents are
8 required and to such other persons as the court shall direct.
9 Notice to the parent or parents of the adoptee[, if required,
10 may be given by the intermediary or someone acting on his
11 behalf.] is not required if the parents have consented to the
12 adoption and parental rights have been terminated. Notice shall
13 be by personal service or by registered mail to the last known
14 address of the person to be notified or in such other manner as
15 the court shall direct.

16 Section 2. This act shall take effect in one year.