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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 738 Session of  
2013

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INTRODUCED BY PETRI, MICOZZIE AND WATSON, FEBRUARY 14, 2013

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REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, FEBRUARY 14, 2013

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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 and for consents necessary to  
4 adoption; repealing provisions relating to consents not  
5 naming adopting parents; and further providing for notice of  
6 hearing.

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

9 Section 1. Sections 2531(b)(6) and 2711(c) and (d) of Title  
10 23 of the Pennsylvania Consolidated Statutes are amended to  
11 read:

12 § 2531. Report of intention to adopt.

13 \* \* \*

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

15 \* \* \*

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

20 I acknowledge that I have been advised or know and

1 understand that the birth father or putative father may  
2 revoke the consent to the adoption of this child within  
3 [30 days] 96 hours after the later of the birth of the  
4 child or the date he has executed the consent to an  
5 adoption and that the birth mother may revoke the consent  
6 to an adoption of this child within [30 days] 96 hours  
7 after the date she has executed the consent.

8 \* \* \*

9 § 2711. Consents necessary to adoption.

10 \* \* \*

11 (c) Validity of consent.--

12 (1) No consent shall be valid if it was executed prior  
13 to or within 72 hours after the birth of the child. A  
14 putative father may execute a consent at any time after  
15 receiving notice of the expected or actual birth of the  
16 child.

17 (2) If consent is executed by the putative father prior  
18 to the birth of the child, the child shall be named "Baby  
19 (Mother's Last Name)" for the purpose of the consent. Further  
20 notice as required by section 2721 (relating to notice of  
21 hearing) to the putative father is not necessary if consent  
22 is executed prior to the birth of the child. Further notice  
23 as required by section 2721 is not required to the natural  
24 mother or her husband if consent was timely executed.

25 (3) Any consent given outside this Commonwealth shall be  
26 valid for purposes of this section if it was given in  
27 accordance with the laws of the jurisdiction where it was  
28 executed.

29 (4) A consent to an adoption may only be revoked as set  
30 forth in this subsection. The revocation of a consent shall

1 be in writing and shall be served upon the agency or adult to  
2 whom the child was relinquished. [The following apply:]

3 (c.1) Nature of consent.--

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

5 (i) For a consent to an adoption executed by a birth  
6 father or a putative father, the consent is irrevocable  
7 more than [30 days] 96 hours after the birth of the child  
8 or the execution of the consent, whichever occurs later.

9 (ii) For a consent to an adoption executed by a  
10 birth mother, the consent is irrevocable more than [30  
11 days] 96 hours after the execution of the consent.

12 (2) An individual may not waive the revocation period  
13 under paragraph (1).

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

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

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

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

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

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

28 (B) clear and convincing evidence in all other  
29 cases.

30 (4) Once the individual's parental rights are terminated

1 and the individual has executed a consent to an adoption, the  
2 individual has no further standing to contest the adoption or  
3 to revoke his or her consent.

4 (d) Contents of consent.--

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

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

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

15 I understand such child will be placed for adoption.

16 I understand I may revoke this consent to permanently  
17 give up all rights to this child by placing the  
18 revocation in writing and serving it upon the agency or  
19 adult to whom the child was relinquished.

20 If I am the birth father or putative father of the  
21 child, I understand that this consent to an adoption is  
22 irrevocable unless I revoke it within [30 days] 96 hours  
23 after either the birth of the child or my execution of  
24 the consent, whichever occurs later, by delivering a  
25 written revocation to (insert the name and address of the  
26 agency coordinating the adoption) or (insert the name and  
27 address of an attorney who represents the individual  
28 relinquishing parental rights or prospective adoptive  
29 parent of the child) or (insert the court of the county  
30 in which the voluntary relinquishment form was or will be

1 filed).

2 If I am the birth mother of the child, I understand  
3 that this consent to an adoption is irrevocable unless I  
4 revoke it within [30 days] 96 hours after executing it by  
5 delivering a written revocation to (insert the name and  
6 address of the agency coordinating the adoption) or  
7 (insert the name and address of an attorney who  
8 represents the individual relinquishing parental rights  
9 or prospective adoptive parent of the child) or (insert  
10 the court of the county in which the voluntary  
11 relinquishment form was or will be filed).

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.

18 Section 2. Section 2712 of Title 23 is repealed:

19 [§ 2712. Consents not naming adopting parents.

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

26 Section 3. Section 2721 of Title 23 is amended to read:

27 § 2721. Notice of hearing.

28 The court shall fix a time and place for hearing. Notice of  
29 the hearing shall be given to all persons whose consents are  
30 required and to such other persons as the court shall direct.

1 Notice to the parent or parents of the adoptee[, if required,  
2 may be given by the intermediary or someone acting on his  
3 behalf.] is not required if the parents have consented to the  
4 adoption and parental rights have been terminated. Notice shall  
5 be by personal service or by registered mail to the last known  
6 address of the person to be notified or in such other manner as  
7 the court shall direct.

8 Section 4. This act shall take effect in 60 days.