

[Purdon's Pennsylvania Statutes and Consolidated Statutes](#)

[Title 23 Pa.C.S.A. Domestic Relations \(Refs & Annos\)](#)

[Part III. Adoption \(Refs & Annos\)](#)

[Chapter 21. Preliminary Provisions \(Refs & Annos\)](#)

23 Pa.C.S.A. § 2101

§ 2101. Short title of part

[Currentness](#)

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

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

[Notes of Decisions \(20\)](#)

23 Pa.C.S.A. § 2101, PA ST 23 Pa.C.S.A. § 2101

Current through 2016 Regular Session Acts 1 to 169 and 171 to 175

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23 Pa.C.S.A. § 2102

§ 2102. Definitions

[Currentness](#)

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 Welfare¹ 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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1982, June 23, P.L. 617, No. 174, § 1, effective in 60 days; 1992, May 21, P.L. 228, No. 34, § 1, effective in 60 days; 1995, Dec. 20, P.L. 685, No. 76, § 1, effective in 60 days.

Editors’ Notes

JT. ST. GOVT. COMM. COMMENT--1970

“Court”: Prior to the revision of the Pennsylvania Constitution in 1968, jurisdiction over adoption matters was placed by Section 1(a) of the 1925 Act in the Philadelphia Municipal Court and elsewhere in the orphans’ courts; the revised Judiciary Article abolished orphans’ courts and the municipal court, placing adoption jurisdiction in the orphans’ court division of the several courts of common pleas (Pa.Const., Art. V, Sch. § 4) with two exceptions: in the First Judicial District (Philadelphia) the Constitution placed adoption jurisdiction in the family court division (Art. V, Sch. § 16(q)(iii)) and in the Fifth Judicial District (Allegheny County) the court by local rule, adopted under the authority of Article V, Schedule Section 17(b), retained adoption jurisdiction in the orphans’ court division.

Footnotes

1

Now Department of Human Services; see [62 P.S. § 103](#).

23 Pa.C.S.A. § 2102, PA ST 23 Pa.C.S.A. § 2102
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[Chapter 23. Jurisdiction and Parties](#)

[Subchapter A. Jurisdiction](#)

23 Pa.C.S.A. § 2301

§ 2301. Court

[Currentness](#)

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

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

For the appropriate division of the court of common pleas, see 1970 Comment to "Court," Section 2102 preceding; see also Probate, Estates and Fiduciaries Code, [20 Pa.C.S. Sections 711\(7\), 713](#).

[Notes of Decisions \(3\)](#)

23 Pa.C.S.A. § 2301, PA ST 23 Pa.C.S.A. § 2301

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Chapter 23. Jurisdiction and Parties

Subchapter A. Jurisdiction

23 Pa.C.S.A. § 2302

§ 2302. Venue

Currentness

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section modifies the venue provisions of Section 1(d) of the 1925 Act by (1) not requiring leave of court to bring the proceeding in the county where the adoptee resides or where the agency's office is located, and (2) by authorizing with leave of court venue in the county where an adoptee formerly resided. The latter change was considered advisable since "pre-adoption" termination proceedings may result in the petitioner and adoptee being nonresidents by the time of the adoption proceeding. The court prior to granting "leave" will assure itself of the appropriateness of proceeding.

JT. ST. GOVT. COMM. COMMENT--1980

Clause (2) is amended to broaden and clarify the venue possibilities. In particular, this amendment deals with the situation in which an agency in one county has custody of the child but an agency in another county does the actual placing of the child. This amendment specifically allows proceedings for voluntary relinquishment, involuntary termination and adoption to be brought in the county where the agency having placed the child is located.

[Notes of Decisions \(2\)](#)

23 Pa.C.S.A. § 2302, PA ST 23 Pa.C.S.A. § 2302
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Part III. Adoption (Refs & Annos)

Chapter 23. Jurisdiction and Parties

Subchapter B. Parties

23 Pa.C.S.A. § 2311

§ 2311. Who may be adopted

[Currentness](#)

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

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

23 Pa.C.S.A. § 2311, PA ST 23 Pa.C.S.A. § 2311

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[Chapter 23. Jurisdiction and Parties](#)

[Subchapter B. Parties](#)

23 Pa.C.S.A. § 2312

§ 2312. Who may adopt

[Currentness](#)

Any individual may become an adopting parent.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section modifies the provision of Section 1(d) of the 1925 Act which limited adopting parents to “adults” and a minor spouse adopting his stepchild, the latter being added by the amendment of March 18, 1970, Act No. 70. The increased flexibility is considered appropriate in view of the court’s ultimate power to refuse an adoption petition if the circumstances, such as the age of the petitioner, so warrant.

[Notes of Decisions \(21\)](#)

23 Pa.C.S.A. § 2312, PA ST 23 Pa.C.S.A. § 2312

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Chapter 23. Jurisdiction and Parties

Subchapter B. Parties

23 Pa.C.S.A. § 2313

§ 2313. Representation

Currentness

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1982, June 23, P.L. 617, No. 174, § 2, effective in 60 days; 1992, May 21, P.L. 228, No. 34, § 2, effective in 60 days.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This new provision requires the court to appoint counsel for a child when parental rights are being involuntarily terminated and, when necessary, to appoint a guardian ad litem for a child who has not reached the age of 18 years. The guardian ad litem concept is broad enough to allow the appointment of a person other than a lawyer. For example, a social worker could be appointed guardian ad litem within this provision; in an appropriate case a nonlawyer guardian ad litem could request appointment of counsel.

[Notes of Decisions \(20\)](#)

23 Pa.C.S.A. § 2313, PA ST 23 Pa.C.S.A. § 2313

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T. 23 Pa.C.S.A., Pt. III, Ch. 25, Refs & Annos

[Currentness](#)

T. 23 Pa.C.S.A., Pt. III, Ch. 25, Refs & Annos, PA ST T. 23 Pa.C.S.A., Pt. III, Ch. 25, Refs & Annos
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Chapter 25. Proceedings Prior to Petition to Adopt (Refs & Annos)

Subchapter A. Voluntary Relinquishment

23 Pa.C.S.A. § 2501

§ 2501. Relinquishment to agency

Currentness

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section, derived from the first paragraph of Section 1.1 of the 1925 Act, was expanded to provide for the relinquishment of parental duties as well as parental rights in the case of agency placements.

JT. ST. GOVT. COMM. COMMENT--1980

In addition to editorial changes, subsection (a) adds an alternate condition that if met allows the parent or parents of the child to petition the court for permission to relinquish all parental rights and duties. This new provision permits the court to entertain a petition of the parent or parents of the child if the agency has received a written notice executed by the parent of the present intent to transfer custody. The agency is not required to have physical care of the child.

Subsection (a) also reduces the minimum period of time from five days to three days that a child under the age of 18 years has to be in the care of an agency before the parent or parents may file a petition under the first alternative.

Subsection (b) is amended to eliminate the requirement of a written consent of a parent or guardian of a petitioner who has not reached the age of 18 years. Furthermore, the agency having the care of the child is no longer required to join in the petition, but must still consent to accept custody of the child. Since notice of the hearing must be given to the parents of a minor parent pursuant to Section 2503(b), the grandparents' objection if presented to the court may be taken into consideration.

[Notes of Decisions \(18\)](#)

23 Pa.C.S.A. § 2501, PA ST 23 Pa.C.S.A. § 2501

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[Chapter 25. Proceedings Prior to Petition to Adopt \(Refs & Annos\)](#)

[Subchapter A. Voluntary Relinquishment](#)

23 Pa.C.S.A. § 2502

§ 2502. Relinquishment to adult intending to adopt child

Effective: May 24, 2004

[Currentness](#)

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended [2004, March 24, P.L. 159, No. 21, § 1](#), effective in 60 days [May 24, 2004].

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section, which has no counterpart in the 1925 Act, should reduce the uncertainties in private placements during the six-month waiting period required by Section 2901, *infra*.

JT. ST. GOVT. COMM. COMMENT--1980

Subsection (b) is amended to eliminate the requirement of a written consent of a parent or guardian of a petitioner who has not reached the age of 18 years. See comment to Section 2501(b).

[Notes of Decisions \(13\)](#)


§ 2502. Relinquishment to adult intending to adopt child, PA ST 23 Pa.C.S.A. § 2502

23 Pa.C.S.A. § 2502, PA ST 23 Pa.C.S.A. § 2502

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Subchapter A. Voluntary Relinquishment

23 Pa.C.S.A. § 2503

§ 2503. Hearing

Effective: April 25, 2011

Currentness

(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 Subchapter B of Chapter 29¹ (relating to records and access to information).

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1982, June 23, P.L. 617, No. 174, § 3, effective in 60 days; 1992, May 21, P.L. 228, No. 34, § 2, effective in 60 days; 1995, Dec. 20, P.L. 685, No. 76, § 2, effective in 60 days; 2010, Oct. 27, P.L. 961, No. 101, § 1, effective in 180 days [April 25, 2011].

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Subsection (a) is amended to make the petitioner's appearance at the hearing mandatory. The petitioner's in-court ratification of consent assures due process requirements in view of the finality of the termination decree as to the parent.

New subsection (b) requires notice of the hearing to be given to the petitioner, other parent and the parents or guardian of a petitioner who has not reached the age of 18 years. See comments to Sections 2501(b) and 2502(b).

Subsection (c) is amended to reverse [Commonwealth v. Woolf, 419 A.2d 535, 276 Pa.Super. 433 \(March 21, 1980\)](#) which held that the support obligation was not a duty terminated by a decree of voluntary relinquishment to an agency. This decision, contrary to the plain meaning of the existing statutory language, frustrates the policy to make certain children more available for agency placement for adoption. See 1970 comment to Section 2501, *supra*.

Notes of Decisions (8)

Footnotes

1


[23 Pa.C.S.A. § 2911 et seq.](#)

23 Pa.C.S.A. § 2503, PA ST 23 Pa.C.S.A. § 2503

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[Chapter 25. Proceedings Prior to Petition to Adopt \(Refs & Annos\)](#)

[Subchapter A. Voluntary Relinquishment](#)

23 Pa.C.S.A. § 2504

§ 2504. Alternative procedure for relinquishment

Effective: April 25, 2011

[Currentness](#)

(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 Subchapter B of Chapter 29¹ (relating to records and access to information).

Credits

1982, June 23, P.L. 617, No. 174, § 4, effective in 60 days. Amended 1992, May 21, P.L. 228, No. 34, § 2, effective in 60 days; 1995, Dec. 20, P.L. 685, No. 76, § 2, effective in 60 days; 2004, March 24, P.L. 159, No. 21, § 1, effective in 60 days [May 24, 2004]; 2010, Oct. 27, P.L. 961, No. 101, § 1, effective in 180 days [April 25, 2011].

Notes of Decisions (3)

Footnotes

1

23 Pa.C.S.A. § 2911 et seq.

23 Pa.C.S.A. § 2504, PA ST 23 Pa.C.S.A. § 2504

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Subchapter A. Voluntary Relinquishment

23 Pa.C.S.A. § 2504.1

§ 2504.1. Confidentiality

Currentness

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.

Credits

1992, May 21, P.L. 228, No. 34, § 3, effective in 60 days.

Notes of Decisions (1)

23 Pa.C.S.A. § 2504.1, PA ST 23 Pa.C.S.A. § 2504.1

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[Subchapter A. Voluntary Relinquishment](#)

23 Pa.C.S.A. § 2505

§ 2505. Counseling

Currentness

(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.

Credits


1982, June 23, P.L. 617, No. 174, § 4, effective in 60 days. Amended [1992, May 21, P.L. 228, No. 34, § 4](#), effective in 60 days.

23 Pa.C.S.A. § 2505, PA ST 23 Pa.C.S.A. § 2505

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[Subchapter B. Involuntary Termination](#)

23 Pa.C.S.A. § 2511

§ 2511. Grounds for involuntary termination

Effective: October 28, 2016

[Currentness](#)

(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).

(10) The parent has been found by a court of competent jurisdiction to have committed sexual abuse against the child or another child of the parent based on a judicial adjudication as set forth in paragraph (1)(i), (ii), (iii) or (iv) or (4) of the definition of "founded report" in section 6303(a) (relating to definitions) where the judicial adjudication is based on a finding of "sexual abuse or exploitation" as defined in section 6303(a).

(11) The parent is required to register as a sexual offender under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders)¹ or to register with a sexual offender registry in another jurisdiction or foreign country.

(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 Subchapter B of Chapter 29² (relating to records and access to information).

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1992, May 21, P.L. 228, No. 34, § 4, effective in 60 days; 1995, Dec. 20, P.L. 685, No. 76, § 3; 1996, April 4, P.L. 58, No. 20, § 1, effective in 60 days; 2006, Nov. 9, P.L. 1358, No. 146, § 1, effective in 180 days [May 8, 2007]; 2010, Oct. 27, P.L. 961, No. 101, § 1, effective in 180 days [April 25, 2011]; 2016, Oct. 28, P.L. 966, No. 115, § 1, imd. effective.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section is derived from Section 1.2 of the 1925 Act which required a finding of abandonment for at least six months as codified in clause (1). However, the grounds for abandonment have been broadened; relinquishment of parental claim or failure or refusal to perform parental duties is now sufficient.

Clause (2), suggested by Section 19(c) of the Revised Uniform Juvenile Court Act (1969), differs from "abandonment" in that it centers judicial inquiry upon the welfare of the child rather than the fault of the parent.

Clause (3) is included to allow the court to prevent injustice where a legal father unreasonably withholds consent to an adoption.

JT. ST. GOVT. COMM. COMMENT--1980

Clauses (a)(4) and (a)(5) are two new grounds for involuntary termination.

Clause (4) provides an agency with another ground to terminate parental rights where the child has been abandoned and is in its custody. The agency must show that after a diligent search the identity or whereabouts of the parent cannot be ascertained and that the parent did not claim the child within three months after the child was found.

Clause (5) provides an additional ground in foster care and similar situations. The court must consider the services offered by or available from the agency and the efforts made by the parents to effect a lasting adjustment of the conditions which led to the child's removal from the home. This reverses [In re I.R.A., 487 Pa. 563, 410 A.2d 755 \(1980\)](#).

Subsection (b) directs the court to give primary consideration to the child's needs and welfare. See [Adoption of R.I., 468 Pa. 287, 361 A.2d 294 \(1976\)](#). Furthermore, the court is directed not to terminate parental rights solely on the basis of environmental factors.

[Notes of Decisions \(782\)](#)

Footnotes

1

[42 Pa.C.S.A. § 9799.10 et seq.](#)

2

[23 Pa.C.S.A. § 2911 et seq.](#)

23 Pa.C.S.A. § 2511, PA ST 23 Pa.C.S.A. § 2511
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Subchapter B. Involuntary Termination

23 Pa.C.S.A. § 2512

§ 2512. Petition for involuntary termination

Currentness

(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).¹

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended [1995, Dec. 20, P.L. 685, No. 76, § 4](#), effective in 60 days.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Section 312 of the Adoption Act of 1970, amended to eliminate the requirement that a parent of a petitioner who is under the age of 18 years must join in the petition. See Section 2513 for requirement that such grandparents be notified of the hearing; also see comment to Section 2501(b), *supra*.

Subsection (b) provides that the petition shall set forth specifically those grounds and facts alleged as the basis for terminating parental rights; further, an agency-petitioner is not required to plead and prove that an adoption is presently contemplated or that a person with a present intention to adopt exists. This reverses [In re Burns, 474 Pa. 615, at 627, 379 A.2d 535 \(1977\)](#).

Subsection (c) adds that if the father of the child is not identified in the petition, then the petition must state whether a claim of paternity has been filed under Section 8303, *infra*.

[Notes of Decisions \(74\)](#)

Footnotes

¹

Former 23 Pa.C.S.A. § 8303 repealed; see now, [23 Pa.C.S.A. § 5103](#).

23 Pa.C.S.A. § 2512, PA ST 23 Pa.C.S.A. § 2512

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23 Pa.C.S.A. § 2513

§ 2513. Hearing

Currentness

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1982, June 23, P.L. 617, No. 174, § 5, effective in 60 days; 1992, May 21, P.L. 228, No. 34, § 4, effective in 60 days.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Subsection (b) is amended to expand the classes of persons who are to receive notice of the hearing to include a putative parent and parent of a minor parent. Subsection (b) specifically includes within the term "putative parent" one who has filed a claim of paternity as provided in Section 8303 prior to the institution of the proceedings. The reference to certified mail is deleted since [1 Pa.C.S. § 1991](#) defines "registered mail" as including certified mail.

Subsection (c) continues the existing law making the mother a competent witness as to the paternity of the child.

[Notes of Decisions \(34\)](#)

23 Pa.C.S.A. § 2513, PA ST 23 Pa.C.S.A. § 2513
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[Subchapter C. Decree of Termination](#)

23 Pa.C.S.A. § 2521

§ 2521. Effect of decree of termination

[Currentness](#)

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section is derived from the second paragraphs of Sections 1.1 and 1.2 of the 1925 Act. In addition, it clarifies the relationship established between the child and the person or institution to whom custody is awarded. The phrase "decree of termination" is used throughout the act to refer to the decree of the court granting a petition to terminate the parent-child relationship whether voluntary (Chapter 25A) or involuntary (Chapter 25B), supra.

[Notes of Decisions \(7\)](#)

§ 2521. Effect of decree of termination, PA ST 23 Pa.C.S.A. § 2521

23 Pa.C.S.A. § 2521, PA ST 23 Pa.C.S.A. § 2521

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Subchapter D. Reports and Investigation

23 Pa.C.S.A. § 2530

§ 2530. Home study and preplacement report

Effective: December 31, 2014

Currentness

(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 employees having contact with children; adoptive and foster parents).

(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.

Credits

1992, May 21, P.L. 228, No. 34, § 5, effective in 60 days. Amended 2014, Oct. 22, P.L. 2529, No. 153, § 1, effective Dec. 31, 2014.

Notes of Decisions (2)

23 Pa.C.S.A. § 2530, PA ST 23 Pa.C.S.A. § 2530
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Subchapter D. Reports and Investigation

23 Pa.C.S.A. § 2531

§ 2531. Report of intention to adopt

Effective: May 24, 2004

[Currentness](#)

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1982, June 23, P.L. 617, No. 174, § 5, effective in 60 days; 1992, May 21, P.L. 228, No. 34, § 6, effective in 60 days; 2004, March 24, P.L. 159, No. 21, § 1, effective in 60 days [May 24, 2004].

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Subsections (a), (b) and (c) have been amended to delete the terms "possession" and "control." The term "physical care" has been inserted for the term "control." These changes were made to comport with the spirit of the amendments that the child should now be treated as a party to the action.

Subsection (b)(4) includes within the report of intention to adopt "an itemized accounting of moneys and consideration."

Subsection (c) clarifies when no report is required by adding "or adoption." The relationship which triggers this subsection could be created by adoption.

Notes of Decisions (4)

§ 2531. Report of intention to adopt, PA ST 23 Pa.C.S.A. § 2531

23 Pa.C.S.A. § 2531, PA ST 23 Pa.C.S.A. § 2531

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Subchapter D. Reports and Investigation

23 Pa.C.S.A. § 2532

§ 2532. Filing of report

Currentness

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

See source and comment to preceding section concerning substitution of certain terms.

23 Pa.C.S.A. § 2532, PA ST 23 Pa.C.S.A. § 2532

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Subchapter D. Reports and Investigation

23 Pa.C.S.A. § 2533

§ 2533. Report of intermediary

Currentness

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1982, June 23, P.L. 617, No. 174, § 6, effective in 60 days; 1988, Jan. 15, P.L. 16, No. 7, § 1, imd. effective.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section is suggested in part by the last paragraph of Section 1(c) of the 1925 Act. The report, now required of all intermediaries, will provide the court with much of the information which previously was required to be included in the adoption petition. Including the information in the report rather than in the petition helps to preserve anonymity between natural and adopting parents.

JT. ST. GOVT. COMM. COMMENT--1980

Subsection (a) is amended to provide a time frame in which the intermediary must make its written report. The report must be made "within six months after filing the report of intention to adopt." This provision attempts to eliminate any possible delays in the adoption process.

Subsection (b)(4) is amended to comport with present constitutional law. See [Adoption of Walker, 468 Pa. 165, 360 A.2d 603 \(1976\)](#).

Subsection (b)(8) is amended to substitute the phrase "an itemized accounting of moneys and considerations" for the deleted phrase "the fee or expenses."

Subsection (b)(10) is amended to clarify the clause.

Subsection (b)(11) is partially derived from Section 334(1) of the Adoption Act of 1970 as amended by the act of October 14, 1977 (P.L. 211, No. 61). It provides that the reasons for being unable to obtain a birth certificate or certification of registration are to be set forth within the report.

[Notes of Decisions \(5\)](#)

23 Pa.C.S.A. § 2533, PA ST 23 Pa.C.S.A. § 2533
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[Subchapter D. Reports and Investigation](#)

23 Pa.C.S.A. § 2534

§ 2534. Exhibits

Currentness

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Clause (2) is amended to require all consents required by Section 2711 (relating to consents necessary to adoption) be attached to the intermediary's report. Clause (2) eliminates the second and third sentences of Section 334(1) of the Adoption Act, as amended, since the reasons required by the eliminated language should be in the report.

The phrase "of parental rights or parental rights and duties" is added to clarify clause (3).

23 Pa.C.S.A. § 2534, PA ST 23 Pa.C.S.A. § 2534
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23 Pa.C.S.A. § 2535

§ 2535. Investigation

Currentness

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Clause (1) is amended to eliminate the requirement that a local public child care agency consent to making an investigation, while clause (2) is amended by requiring the consent of a voluntary child care agency. Public policy is better satisfied by allowing a voluntary agency the option to decline to make an investigation.


Subsection (b) adds that among the matters covered by the investigation shall be the "physical, mental and emotional

needs and welfare of the child.” Furthermore, the racial, ethnic and religious background of the child and the adopting parents must be covered in the investigation. This makes the investigative report more complete.

23 Pa.C.S.A. § 2535, PA ST 23 Pa.C.S.A. § 2535
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[Chapter 25. Proceedings Prior to Petition to Adopt \(Refs & Annos\)](#)

[Subchapter E. Pennsylvania Adoption Cooperative Exchange](#)

23 Pa.C.S.A. § 2551

§ 2551. Definitions

Currentness

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.

Credits

1990, Dec. 19, P.L. 1240, No. 206, § 2, effective in 90 days.

23 Pa.C.S.A. § 2551, PA ST 23 Pa.C.S.A. § 2551

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[Subchapter E. Pennsylvania Adoption Cooperative Exchange](#)

23 Pa.C.S.A. § 2552

§ 2552. Pennsylvania Adoption Cooperative Exchange

Currentness

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

Credits

1990, Dec. 19, P.L. 1240, No. 206, § 2, effective in 90 days.

23 Pa.C.S.A. § 2552, PA ST 23 Pa.C.S.A. § 2552

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Subchapter E. Pennsylvania Adoption Cooperative Exchange

23 Pa.C.S.A. § 2553

§ 2553. Registration of children

Currentness

(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.

Credits

1990, Dec. 19, P.L. 1240, No. 206, § 2, effective in 90 days.

23 Pa.C.S.A. § 2553, PA ST 23 Pa.C.S.A. § 2553

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[Subchapter E. Pennsylvania Adoption Cooperative Exchange](#)

23 Pa.C.S.A. § 2554

§ 2554. Responsibilities of PACE

[Currentness](#)

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.

Credits

[1990, Dec. 19, P.L. 1240, No. 206, § 2](#), effective in 90 days.

23 Pa.C.S.A. § 2554, PA ST 23 Pa.C.S.A. § 2554

§ 2554. Responsibilities of PACE, PA ST 23 Pa.C.S.A. § 2554

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[Subchapter E. Pennsylvania Adoption Cooperative Exchange](#)

23 Pa.C.S.A. § 2555

§ 2555. Responsibilities of public and private agencies

[Currentness](#)

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).

Credits

[1990, Dec. 19, P.L. 1240, No. 206, § 2](#), effective in 90 days.

23 Pa.C.S.A. § 2555, PA ST 23 Pa.C.S.A. § 2555

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Subchapter E. Pennsylvania Adoption Cooperative Exchange

23 Pa.C.S.A. § 2556

§ 2556. Related activities of agencies unaffected

[Currentness](#)

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.

Credits

[1990, Dec. 19, P.L. 1240, No. 206, § 2](#), effective in 90 days.

23 Pa.C.S.A. § 2556, PA ST 23 Pa.C.S.A. § 2556

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[Subchapter E. Pennsylvania Adoption Cooperative Exchange](#)

23 Pa.C.S.A. § 2557

§ 2557. Regulations and staff

[Currentness](#)

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

Credits

[1990, Dec. 19, P.L. 1240, No. 206, § 2](#), effective in 90 days.

23 Pa.C.S.A. § 2557, PA ST 23 Pa.C.S.A. § 2557

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Subchapter E. Pennsylvania Adoption Cooperative Exchange

23 Pa.C.S.A. § 2558

§ 2558. Retroactive application of subchapter

Currentness

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.

Credits

1990, Dec. 19, P.L. 1240, No. 206, § 2, effective in 90 days.

23 Pa.C.S.A. § 2558, PA ST 23 Pa.C.S.A. § 2558

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[Chapter 27. Petition for Adoption](#)

[Subchapter A. Petition](#)

23 Pa.C.S.A. § 2701

§ 2701. Contents of petition for adoption

Currentness

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1992, May 21, P.L. 228, No. 34, § 6, effective in 60 days.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section is derived from Section 1(d) of the 1925 Act. The requirement of a statement “whether the person proposed to be adopted is heir to property or assets of any sort through his or her natural parent or parents”--which always has been answered “no” with hesitancy--is deleted.

This section and Section 2533 require all essential information. Omitting the information concerning the adoptee and his natural parents from the petition when possible, preserves anonymity.

JT. ST. GOVT. COMM. COMMENT--1980

Clause (7) is amended to require that all consents required by Section 2711 be attached to the petition as exhibits.

Clause (9) is derived from Section 402(2) of the Adoption Act of 1970 as amended by the act of October 14, 1977 (P.L. 211, No. 61); this is included in the petition since a request is being made of the court.

23 Pa.C.S.A. § 2701, PA ST 23 Pa.C.S.A. § 2701

Current through 2016 Regular Session Acts 1 to 169 and 171 to 175



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[Chapter 27. Petition for Adoption](#)

[Subchapter A. Petition](#)

23 Pa.C.S.A. § 2702

§ 2702. Exhibits

Currentness

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).

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Clause (1) is amended to mandate that all consents required by Section 2711 be attached to the petition.

23 Pa.C.S.A. § 2702, PA ST 23 Pa.C.S.A. § 2702
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[Subchapter B. Consents](#)

23 Pa.C.S.A. § 2711

§ 2711. Consents necessary to adoption

Effective: May 24, 2004

[Currentness](#)

(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.

Credits

1980, Oct. 15 P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1982, June 23, P.L. 617, No. 174, § 7, effective in 60 days; 1992, April 16, P.L. 108, No. 24, § 18, effective in 60 days; 1992, May 21, P.L. 228, No. 34, § 6, effective in 60 days; 2004, March 24, P.L. 159, No. 21, § 1, effective in 60 days [May 24, 2004].

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

§ 2711. Consents necessary to adoption, PA ST 23 Pa.C.S.A. § 2711

Language is deleted from clause (3) to reflect that a person is now an adult at 18 years of age and to conform with the decision in [Adoption of Walker, 468 Pa. 165, 360 A.2d 603 \(1976\)](#), which held that the provision that required only the consent of the mother of an illegitimate child was unconstitutional.

Clause (4) is new.

The requirement of consent of a husband of the mother formerly in clause (3) is codified as subsection (b).

[Notes of Decisions \(38\)](#)

23 Pa.C.S.A. § 2711, PA ST 23 Pa.C.S.A. § 2711

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23 Pa.C.S.A. § 2712

§ 2712. Consents not naming adopting parents

Currentness

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

23 Pa.C.S.A. § 2712, PA ST 23 Pa.C.S.A. § 2712

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23 Pa.C.S.A. § 2713

§ 2713. When other consents not required

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

[Notes of Decisions \(6\)](#)

23 Pa.C.S.A. § 2713, PA ST 23 Pa.C.S.A. § 2713
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23 Pa.C.S.A. § 2714

§ 2714. When consent of parent not required

[Currentness](#)

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).

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

[Notes of Decisions \(1\)](#)

23 Pa.C.S.A. § 2714, PA ST 23 Pa.C.S.A. § 2714

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[Chapter 27. Petition for Adoption](#)

[Subchapter C. Hearings](#)

23 Pa.C.S.A. § 2721

§ 2721. Notice of hearing

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section is derived from Section 3 of the 1925 Act. To preserve anonymity the intermediary or someone in his behalf is authorized to give notice to the parents of the adoptee.

JT. ST. GOVT. COMM. COMMENT--1980

The section is amended to broaden the notice requirement to include all persons whose consents for adoption are required rather than only those whose required consents had not been obtained. For the omission of "certified mail," see comment to Section 2513(b), *supra*.

[Notes of Decisions \(3\)](#)

23 Pa.C.S.A. § 2721, PA ST 23 Pa.C.S.A. § 2721

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[Subchapter C. Hearings](#)

23 Pa.C.S.A. § 2722

§ 2722. Place of hearing

[Currentness](#)

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

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

[Notes of Decisions \(1\)](#)

23 Pa.C.S.A. § 2722, PA ST 23 Pa.C.S.A. § 2722

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23 Pa.C.S.A. § 2723

§ 2723. Attendance at hearing

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Section 423 of the Adoption Act of 1970, amended to eliminate the reference to agency consents to conform with Section 2711. In addition, representatives of agencies and individuals who have acted as intermediaries are added to those required to appear if necessary.

[Notes of Decisions \(1\)](#)

23 Pa.C.S.A. § 2723, PA ST 23 Pa.C.S.A. § 2723

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Subchapter C. Hearings

23 Pa.C.S.A. § 2724

§ 2724. Testimony and investigation

Currentness

(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 petition 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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Subsection (a) is clarified by substituting the phrase "moneys and consideration" for "costs and fees of any type." The phrase "including the fees of any intermediary" is deleted since these fees are included in earlier language.

Subsection (b) is amended to authorize the court to use its discretion in causing an investigation to be made. Subsection (b) is also amended to set forth certain factors that should not preclude an adoption; the court is directed to decide the desirability of the adoption on the basis of the child's best interest.

[Notes of Decisions \(14\)](#)

23 Pa.C.S.A. § 2724, PA ST 23 Pa.C.S.A. § 2724
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[Subchapter C. Hearings](#)

23 Pa.C.S.A. § 2725

§ 2725. Religious belief

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended [1992, May 21, P.L. 228, No. 34, § 6](#), effective in 60 days.

23 Pa.C.S.A. § 2725, PA ST 23 Pa.C.S.A. § 2725

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23 Pa.C.S.A. § 2731

§ 2731. Purpose of subchapter

Effective: April 25, 2011

[Currentness](#)

The purpose of this subchapter is to provide an option for adoptive parents and birth relatives to enter into a voluntary agreement for ongoing communication or contact that:

- (1) is in the best interest of the child;
- (2) recognizes the parties' interests and desires for ongoing communication or contact;
- (3) is appropriate given the role of the parties in the child's life; and
- (4) is subject to approval by the courts.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2731, PA ST 23 Pa.C.S.A. § 2731

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23 Pa.C.S.A. § 2732

§ 2732. Definitions

Effective: April 25, 2011

[Currentness](#)

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:

“Agency.” A public or private entity, including a county agency, that:

(1) is licensed, supervised or regulated by the Department of Public Welfare;¹ and

(2) provides adoption services.

“Agreement.” A voluntary written agreement between an adoptive parent and a birth relative that is approved by a court and provides for continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative as provided under this subchapter.

“Birth relative.” A parent, grandparent, stepparent, sibling, uncle or aunt of the child’s birth family, whether the relationship is by blood, marriage or adoption.

“Child.” An individual who is under 18 years of age.

“County agency.” A county children and youth social service agency established under section 405 of the act of June 24, 1937 (P.L. 2017, No. 396),² known as the County Institution District Law, or its successor, and supervised by the Department of Public Welfare under Article IX of the act of June 13, 1967 (P.L. 31, No. 21),³ known as the Public Welfare Code.

“Department.” The Department of Public Welfare of the Commonwealth.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

Footnotes

¹ Now Department of Human Services; see 62 P.S. § 103.

² 62 P.S. § 2305.

³ 62 P.S. § 901 et seq.

23 Pa.C.S.A. § 2732, PA ST 23 Pa.C.S.A. § 2732
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23 Pa.C.S.A. § 2733

§ 2733. Parties to agreement

Effective: April 25, 2011

[Currentness](#)

(a) Prospective adoptive parents and birth relatives.--A prospective adoptive parent of a child may enter into an agreement with a birth relative of the child to permit continuing contact or communication between the child and the birth relative or between the adoptive parent and the birth relative.

(b) Guardians ad litem for siblings of adoptees.--Where siblings have been freed for adoption through the termination of parental rights, following a dependency proceeding, and the prospective adoptive parent is not adopting all of the siblings, each such sibling who is under 18 years of age shall be represented by a guardian ad litem in the development of an agreement.

(c) Notification.--An agency or anyone representing the parties in an adoption shall provide notification to a prospective adoptive parent, a birth parent and a child who can be reasonably expected to understand that a prospective adoptive parent and a birth relative of a child have the option to enter into a voluntary agreement for continuing contact or communication.

(d) Construction.--Nothing in this chapter shall be construed to prohibit the parties from agreeing to mediation of an agreement at their own cost, including the modification of an agreement, before seeking a remedy from the court.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2733, PA ST 23 Pa.C.S.A. § 2733

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23 Pa.C.S.A. § 2734

§ 2734. Consent of a child

Effective: April 25, 2011

[Currentness](#)

If the child is 12 years of age or older, an agreement made under this subchapter may not be entered into without the child's consent.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 2](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2734, PA ST 23 Pa.C.S.A. § 2734
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23 Pa.C.S.A. § 2735

§ 2735. Filing and approval of an agreement

Effective: April 25, 2011

[Currentness](#)

(a) General rule.--An agreement shall be filed with the court that finalizes the adoption of the child.

(b) Conditions for approval.--The court shall approve the agreement if the court determines that:

(1) The agreement has been entered into knowingly and voluntarily by all parties. An affidavit made under oath must accompany the agreement affirmatively stating that the agreement was entered into knowingly and voluntarily and is not the product of coercion, fraud or duress. The affidavit may be executed jointly or separately.

(2) The agreement is in the best interest of the child. In making that determination, factors that the court may consider include, but are not limited to, the following:

(i) The length of time that the child has been under actual care, custody and control of a person other than a birth parent and the circumstances relating thereto.

(ii) The interaction and interrelationship of the child with birth relatives and other persons who routinely interact with the birth relatives and may significantly affect the child's best interests.

(iii) The adjustment to the child's home, school and community.

(iv) The willingness and ability of the birth relative to respect and appreciate the bond between the child and prospective adoptive parent.

(v) The willingness and ability of the prospective adoptive parent to respect and appreciate the bond between the child and the birth relative.

(vi) Any evidence of abuse or neglect of the child.

(c) Legal effect.--An agreement shall not be legally enforceable unless approved by the court.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2735, PA ST 23 Pa.C.S.A. § 2735
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23 Pa.C.S.A. § 2736

§ 2736. Failure to comply

Effective: April 25, 2011

[Currentness](#)

Failure to comply with the terms of an agreement that has been approved by the court pursuant to this subchapter shall not be grounds for setting aside an adoption decree.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2736, PA ST 23 Pa.C.S.A. § 2736

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23 Pa.C.S.A. § 2737

§ 2737. Modification of agreement

Effective: April 25, 2011

[Currentness](#)

(a) General rule.--Only the adoptive parent or a child who is 12 years of age or older may seek to modify an agreement by filing an action in the court that finalized the adoption.

(b) Standard for modification.--Before the court may enter an order modifying the agreement, it must find by clear and convincing evidence that modification serves the needs, welfare and best interest of the child.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2737, PA ST 23 Pa.C.S.A. § 2737

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23 Pa.C.S.A. § 2738

§ 2738. Enforcement of agreement

Effective: April 25, 2011

[Currentness](#)

(a) General rule.--Any party to an agreement, a sibling or a child who is the subject of an agreement may seek to enforce an agreement by filing an action in the court that finalized the adoption.

(b) Remedies.--Any party to an agreement, a sibling or a child who is the subject of an agreement may request only specific performance in seeking to enforce an agreement and may not request monetary damages or modification of an agreement.

(c) Requirements.--For an agreement to be enforceable, it must be:

- (1) In writing.
- (2) Approved by the court on or before the date for any adoption decree.
- (3) If the child is 12 years of age or older when the agreement is executed, the child must consent to the agreement at the time of its execution.

(d) Prerequisites.--Before the court may enter an order enforcing an agreement, it must find all of the following:

- (1) The party seeking enforcement of the agreement is in substantial compliance with the agreement.
- (2) By clear and convincing evidence, enforcement serves the needs, welfare and best interest of the child.

(e) Cessation of enforceability.--

(1) An agreement shall cease to be enforceable on the date the child turns 18 years of age unless the agreement otherwise stipulates or is modified by the court.

(2) The court issuing final approval of an agreement shall have continuing jurisdiction over enforcement of the agreement until the child turns 18 years of age, unless the agreement otherwise stipulates or is modified by the court.

(f) Exclusivity of remedy.--This section constitutes the exclusive remedy for enforcement of an agreement, and no statutory or common law remedy shall be available for enforcement or damages in connection with an agreement.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 2](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2738, PA ST 23 Pa.C.S.A. § 2738
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23 Pa.C.S.A. § 2739

§ 2739. Discontinuance of agreement

Effective: April 25, 2011

[Currentness](#)

(a) General rule.--A party to an agreement or a child that is at least 12 years of age or older may seek to discontinue an agreement by filing an action in the court that finalized the adoption.

(b) Standard for discontinuation.--Before the court may enter an order discontinuing an agreement, it must find by clear and convincing evidence that discontinuance serves the needs, welfare and best interest of the child.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2739, PA ST 23 Pa.C.S.A. § 2739

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23 Pa.C.S.A. § 2740

§ 2740. Procedures for facilitating and resolving agreements involving a county child welfare agency

Effective: April 25, 2011

[Currentness](#)

(a) Department to develop procedures.--In termination of parental rights and adoption proceedings involving a county child welfare agency arising from a juvenile dependency case under 42 Pa.C.S. Ch. 63 (relating to juvenile matters), the department shall develop, in consultation with the Administrative Office of the Pennsylvania Courts and the Juvenile Courts Judges Commission, procedures to do the following:

- (1) Facilitate the development of an agreement, when appropriate, before it is presented to the court.

- (2) Resolve any requests to modify, enforce or discontinue an agreement consistent with the provisions of this subchapter.

(b) Requirements.--The procedures shall, among other provisions to be determined by the department, clearly inform the parties to and subject of an agreement how to seek modification, enforcement or discontinuance of an agreement that was approved by the court.

(c) Availability to county agencies.--The department shall make the procedures available to county agencies no later than 180 days after the effective date of this subchapter.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2740, PA ST 23 Pa.C.S.A. § 2740
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23 Pa.C.S.A. § 2741

§ 2741. Counsel

Effective: April 25, 2011

[Currentness](#)

(a) General rule.--In proceedings under sections 2737 (relating to modification of agreement), 2738 (relating to enforcement of agreement) and 2739 (relating to discontinuance of agreement), parties shall not be entitled to court-appointed counsel.

(b) Guardians ad litem.--

(1) Notwithstanding the provisions of subsection (a), the court may appoint a guardian ad litem to represent the interests of a child in proceedings under sections 2737, 2738 and 2739 and a sibling under 18 years of age who seeks to enforce or to discontinue an agreement.

(2) When appointing a guardian ad litem under this subchapter, the court may appoint the same attorney who represents or has represented the child in any dependency proceedings or termination of parental rights proceedings.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 2, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2741, PA ST 23 Pa.C.S.A. § 2741

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23 Pa.C.S.A. § 2742

§ 2742. Costs

Effective: April 25, 2011

[Currentness](#)

If the court finds that an action brought under section 2737 (relating to modification of agreement), 2738 (relating to enforcement of agreement) or 2739 (relating to discontinuance of agreement) was wholly insubstantial, frivolous or not advanced in good faith, the court may award attorney fees and costs to the prevailing parties.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 2](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2742, PA ST 23 Pa.C.S.A. § 2742
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[Subchapter A. General Provisions](#)

23 Pa.C.S.A. § 2901

§ 2901. Time of entry of decree of adoption

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended 1982, June 23, P.L. 617, No. 174, § 8, effective in 60 days.

[Notes of Decisions \(4\)](#)

23 Pa.C.S.A. § 2901, PA ST 23 Pa.C.S.A. § 2901

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Subchapter A. General Provisions

23 Pa.C.S.A. § 2902

§ 2902. Requirements and form of decree of adoption

[Currentness](#)

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section is derived from the second sentence of Section 4 of the 1925 Act. No reference is made to rights of inheritance which are set forth in the Probate, Estates and Fiduciaries Code, [20 Pa.C.S. Section 2108](#) and are not within the scope of this act. Subsection (b) is added to assure that some agency or person is responsible for the child.

[Notes of Decisions \(20\)](#)

23 Pa.C.S.A. § 2902, PA ST 23 Pa.C.S.A. § 2902

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[Chapter 29. Decrees and Records](#)

[Subchapter A. General Provisions](#)

23 Pa.C.S.A. § 2903

§ 2903. Retention of parental status

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section is declaratory of existing law.

[Notes of Decisions \(14\)](#)

23 Pa.C.S.A. § 2903, PA ST 23 Pa.C.S.A. § 2903
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Subchapter A. General Provisions

23 Pa.C.S.A. § 2904

§ 2904. Name of adoptee

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

23 Pa.C.S.A. § 2904, PA ST 23 Pa.C.S.A. § 2904

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment§ 2905. Repealed by 2010, Oct. 27, P.L. 961, No. 101, § 4, effective in 180 days [April 25, 2011]

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[Chapter 29. Decrees and Records](#)

[Subchapter A. General Provisions](#)

23 Pa.C.S.A. § 2905

§ 2905. Repealed by 2010, Oct. 27, P.L. 961, No. 101, § 4, effective in 180 days [April 25, 2011]

Effective: April 25, 2011

[Currentness](#)

23 Pa.C.S.A. § 2905, PA ST 23 Pa.C.S.A. § 2905

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[Subchapter A. General Provisions](#)

23 Pa.C.S.A. § 2906

§ 2906. Docket entries

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section is derived from the fifth sentence of Section 4 of the 1925 Act. The last sentence is added to preserve anonymity.

23 Pa.C.S.A. § 2906, PA ST 23 Pa.C.S.A. § 2906

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23 Pa.C.S.A. § 2907

§ 2907. Certificate of adoption

[Currentness](#)

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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981.

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1970

This section has no counterpart in the 1925 Act. This certificate should not be confused with an amended certificate of birth issued by the Department of Health, Division of Vital Statistics, under Section 603(a) of the Vital Statistics Law of 1953, June 29, P.L. 304, [35 P.S. 450.603](#).

[Notes of Decisions \(1\)](#)

23 Pa.C.S.A. § 2907, PA ST 23 Pa.C.S.A. § 2907

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Subchapter A. General Provisions

23 Pa.C.S.A. § 2908

§ 2908. Foreign decree of adoption

Effective: September 5, 2006

[Currentness](#)

(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.

Credits

1980, Oct. 15, P.L. 934, No. 163, § 1, effective Jan. 1, 1981. Amended [2006, July 7, P.L. 618, No. 96, § 1](#), effective in 60 days [Sept. 5, 2006].

Editors' Notes

JT. ST. GOVT. COMM. COMMENT--1980

Section 509 of the Adoption Act of 1970 with the penultimate sentence deleted since no use has been made of the reports filed with the Department of Welfare.

Notes of Decisions (1)

23 Pa.C.S.A. § 2908, PA ST 23 Pa.C.S.A. § 2908
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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment§ 2909. Repealed by 2010, Oct. 27, P.L. 961, No. 101, § 4, effective in 180 days [April 25, 2011]

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23 Pa.C.S.A. § 2909

§ 2909. Repealed by 2010, Oct. 27, P.L. 961, No. 101, § 4, effective in 180 days [April 25, 2011]

Effective: April 25, 2011

[Currentness](#)

23 Pa.C.S.A. § 2909, PA ST 23 Pa.C.S.A. § 2909

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[Subchapter A. General Provisions](#)

23 Pa.C.S.A. § 2910

§ 2910. Penalty for unauthorized disclosure

[Currentness](#)

Any officer or employee of the court, other than a judge thereof, the Department of Health, the Department of Public Welfare¹ 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.

Credits

1984, Dec. 12, P.L. 979, No. 195, § 2, effective in 60 days. Amended [1995, Dec. 20, P.L. 685, No. 76, § 6](#), effective in 60 days.

[Notes of Decisions \(1\)](#)

Footnotes

¹

Now Department of Human Services; see [62 P.S. § 103](#).

23 Pa.C.S.A. § 2910, PA ST 23 Pa.C.S.A. § 2910

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T. 23 Pa.C.S.A., Pt. III, Ch. 29, Subch. B, Refs & Annos

[Currentness](#)

T. 23 Pa.C.S.A., Pt. III, Ch. 29, Subch. B, Refs & Annos, PA ST T. 23 Pa.C.S.A., Pt. III, Ch. 29, Subch. B, Refs & Annos
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23 Pa.C.S.A. § 2911

§ 2911. Definitions

Effective: November 3, 2016

[Currentness](#)

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:

“Agency records.” All information collected by an agency relating to a birth family, an adoptive family and an adoptee.

“Authorization form.” A form provided by the department on which an adoptee, an adoptive parent or a birth relative can authorize or prohibit the release of identifying information pursuant to the requirements of this chapter.

“Authorized representative.” An individual who is appointed to conduct a search under this chapter and who has completed a standardized training program as required by the department under this chapter.

“Court records.” All petitions, exhibits, reports, notes of testimony, decrees and other papers pertaining to a proceeding under this chapter or former statutes relating to adoption.

“Department.” The Department of Public Welfare of the Commonwealth.¹

“Medical history information.” Medical records and other information concerning an adoptee or an adoptee’s birth family that is relevant to the present or future health care or medical treatment of the adoptee or the adoptee’s birth family. The term includes, but is not limited to, the following:

(1) Otherwise confidential or privileged information, if identifying information has been removed under section 2925 (relating to providing information from registry).

(2) Information about the birth parents of a child that may concern a potential hereditary or congenital medical problem.

“Noncertified copy of original birth record.” A summary of original birth record, similar in form to a certified copy of an original birth record and consisting of only the names and ages of the birth parents, the date and county of the birth of the child and the name given to the child at birth.

“Social history information.” The term includes, but is not limited to, the following:

- (1) Information about the adoptee and birth relatives of the adoptee, including economic, cultural and ethnic information.
- (2) A developmental history of the adoptee, including the circumstances at birth, early development and subsequent age-appropriate task development.
- (3) The social experiences of the adoptee, including abuse and neglect, out-of-home care and patterns of interpersonal relationships.
- (4) The educational experiences of the adoptee, including the name of schools attended and dates of enrollment, academic performance, extracurricular activities and special interests.
- (5) The current functioning of the adoptee, including behavioral patterns and relationships.
- (6) The circumstances surrounding the adoption.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011]. Amended 2016, Nov. 3, P.L. 993, No. 127, § 1, imd. effective.

Footnotes

¹

Now Department of Human Services; see [62 P.S. § 103](#).

23 Pa.C.S.A. § 2911, PA ST 23 Pa.C.S.A. § 2911
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23 Pa.C.S.A. § 2912

§ 2912. Combined request for information

Effective: April 25, 2011

[Currentness](#)

An individual authorized to receive both nonidentifying information and identifying information may file a single written request under Subchapter D¹ (relating to release of information).

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

Footnotes

¹

[23 Pa.C.S.A. § 2931 et seq.](#)

23 Pa.C.S.A. § 2912, PA ST 23 Pa.C.S.A. § 2912

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23 Pa.C.S.A. § 2913

§ 2913. Reasonable fees

Effective: April 25, 2011

[Currentness](#)

Any court or agency may charge reasonable fees for services provided under this chapter.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2913, PA ST 23 Pa.C.S.A. § 2913

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23 Pa.C.S.A. § 2914

§ 2914. Immunity from liability

Effective: April 25, 2011

[Currentness](#)

(a) General rule.--A person or agency, including the Commonwealth and any of its governmental subdivisions, that participates in good faith in providing services under this chapter has immunity from civil liability that may otherwise result by reason of an action or a failure to act under this chapter.

(b) Presumption of good faith.--For the purpose of a civil proceeding, the good faith of any person or agency that provides services pursuant to this chapter is presumed.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2914, PA ST 23 Pa.C.S.A. § 2914

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23 Pa.C.S.A. § 2915

§ 2915. Court and agency records

Effective: April 25, 2011

[Currentness](#)

(a) General rule.--All court and agency records shall be maintained as a permanent record and withheld from inspection except as provided under this chapter.

(b) Who may access court or agency records.--Only the following are authorized to access court or agency records for the purpose of releasing nonidentifying or identifying information under this chapter:

- (1) The court which finalized the adoption.
- (2) The agency that coordinated the adoption.
- (3) A successor agency authorized by the court which finalized the adoption.

(c) Disposition of agency records upon closure.--

(1) As soon as practicable, but not less than 30 days prior to the date on which an agency ceases to operate as a legal entity in this Commonwealth, the agency shall, unless it has applied to operate as a new legal entity, notify the department of its intention to cease operating.

(2) Within this time period, the agency shall submit a plan to the department relating to the closure and transfer of case records to another agency. The plan shall be subject to approval by the department.

(3) In preparation for its closure and transfer of case records, the agency shall label its case records to identify the respective court that finalized an adoption or where a petition to terminate parental rights or to adopt has been filed.

(4) The department shall notify each court so identified by the agency of the name, address and telephone number of the agency to which case records have been transferred.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2915, PA ST 23 Pa.C.S.A. § 2915
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23 Pa.C.S.A. § 2916

§ 2916. Attorney records

Effective: April 25, 2011

[Currentness](#)

An attorney representing a party to an adoption proceeding or acting as counsel or guardian ad litem for a child in a proceeding under this part may forward records and information relating to the child, the child's birth family and the adoptive family to the court which finalized the adoption, as established by general rule by the Supreme Court. Such records and information shall be treated as court records for purposes of this chapter.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2916, PA ST 23 Pa.C.S.A. § 2916

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[Subchapter C. Information Registry \(Refs & Annos\)](#)

23 Pa.C.S.A. § 2921

§ 2921. Establishment of registry

Effective: April 25, 2011

[Currentness](#)

The department shall do all of the following:

- (1) Establish a Statewide confidential registry for the receipt, filing and retention of medical and social history information and authorization forms for all adoptions finalized or registered in this Commonwealth.

- (2) Prescribe and distribute forms on which an adoptee, an adoptive parent and a birth parent may:
 - (i) Request identifying information or contact.

 - (ii) Authorize or refuse to authorize the release of identifying information or contact.

 - (iii) File and update information with the registry.

- (3) Retain information filed with the registry as a permanent record.

- (4) Disseminate the information pursuant to the requirements of this subchapter.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2921, PA ST 23 Pa.C.S.A. § 2921
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23 Pa.C.S.A. § 2922

§ 2922. Informational material

Effective: April 25, 2011

[Currentness](#)

The department shall publicize the availability of the registry and the manner in which information may be filed with and obtained from the registry.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2922, PA ST 23 Pa.C.S.A. § 2922

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23 Pa.C.S.A. § 2923

§ 2923. Filing information with registry

Effective: April 25, 2011

[Currentness](#)

An adoptee, an adoptive parent and a birth parent may at any time file and update medical and social history information with the registry on a form developed by the department.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2923, PA ST 23 Pa.C.S.A. § 2923

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Subchapter C. Information Registry (Refs & Annos)

23 Pa.C.S.A. § 2924

§ 2924. Who may request information from registry

Effective: April 25, 2011

[Currentness](#)

The following individuals may request information from the registry:

- (1) An adoptee who is at least 18 years of age.
- (2) An adoptive parent of an adoptee who is under 18 years of age, adjudicated incapacitated or deceased.
- (3) A legal guardian of an adoptee who is under 18 years of age or adjudicated incapacitated.
- (4) A descendant of a deceased adoptee.
- (5) The birth parent of an adoptee who is at least 21 years of age.
- (6) A parent of a birth parent of an adoptee who is at least 21 years of age if the birth parent consents, is adjudicated incapacitated or is deceased.
- (7) A birth sibling of an adoptee, if both the birth sibling and adoptee are at least 21 years of age, and:
 - (i) the birth sibling remained in the custody of the birth parent and the birth parent consents, is deceased or adjudicated incapacitated;

(ii) both the birth sibling and adoptee were adopted out of the same birth family; or

(iii) the birth sibling was not adopted out of the birth family and did not remain in the custody of the birth parent.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2924, PA ST 23 Pa.C.S.A. § 2924

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Subchapter C. Information Registry (Refs & Annos)

23 Pa.C.S.A. § 2925

§ 2925. Providing information from registry

Effective: April 25, 2011

[Currentness](#)

(a) Nonidentifying information.--Nonidentifying information, if available, shall be provided to the requester within 30 days of the request.

(b) Identifying information.--

(1) If an authorization form is on file, the department shall notify the requester within 30 days of the request whether information may be released.

(2) If there is no authorization on file, the department shall designate an authorized representative to:

(i) Use reasonable efforts to locate the subject of the request.

(ii) If the subject of the request is located, obtain written authorization from the subject before any information is released.

(c) Confidentiality of information.--In conducting a search, the court or agency shall ensure that no individual, other than a birth parent, is informed of the adoptee's existence and relationship to the birth parent.

(d) When inquiry not mandatory.--An authorized representative of the court or agency conducting a search may not make an inquiry which the representative reasonably believes may compromise the confidentiality relating to the relationship between the adoptee and a birth parent of the adoptee.

(e) Authorization form.--An authorization form allowing the release of identifying information may be withdrawn at any time by the individual who signed the authorization form.

(f) Editing information.--Before the release of information from the registry, the department shall remove any identifying information, unless authorized in writing by the subject of the information to release the identifying information.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2925, PA ST 23 Pa.C.S.A. § 2925
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23 Pa.C.S.A. § 2926

§ 2926. Rules and regulations

Effective: April 25, 2011

[Currentness](#)

The department shall promulgate rules and regulations necessary to implement this subchapter. The department may request, but shall not require, an agency to submit medical and social history information for adoptions finalized or registered in this Commonwealth prior to the effective date of this subchapter.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2926, PA ST 23 Pa.C.S.A. § 2926

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[Subchapter D. Release of Information \(Refs & Annos\)](#)

23 Pa.C.S.A. § 2931

§ 2931. Access to information

Effective: April 25, 2011

[Currentness](#)

(a) Who may access information.--The following individuals may file a written request for nonidentifying information or identifying information or contact with the court which finalized the adoption, the agency which coordinated the adoption or a successor agency:

- (1) An adoptee who is at least 18 years of age.

- (2) An adoptive parent of an adoptee who is:
 - (i) under 18 years of age;

 - (ii) adjudicated incapacitated and is 18 years of age or older; or

 - (iii) deceased.

- (3) A legal guardian of an adoptee who is under 18 years of age or adjudicated incapacitated.

- (4) A descendant of a deceased adoptee.

- (5) A birth parent of an adoptee who is 21 years of age or older.

(6) A parent of a birth parent of an adoptee who is 21 years of age or older, if the birth parent consents, is adjudicated incapacitated or is deceased.

(7) A birth sibling of an adoptee, if both the birth sibling and adoptee are 21 years of age or older and:

(i) the birth sibling remained in the custody of the birth parent and the birth parent consents, is deceased or adjudicated incapacitated;

(ii) both the birth sibling and the adoptee were adopted out of the same birth family; or

(iii) the birth sibling was not adopted out of the birth family and did not remain in the custody of the birth parent.

(b) Who may be the subject of a request for information.--An individual enumerated under subsection (a) may request nonidentifying or identifying information regarding or contact with the following individuals:

(1) An adoptee who is 21 years of age or older.

(2) A birth parent of an adoptee.

(3) A parent of a birth parent of an adoptee who is 21 years of age or older, if the birth parent consents, is adjudicated incapacitated or is deceased.

(4) A birth sibling of an adoptee, if both the birth sibling and the adoptee are 21 years of age or older and:

(i) the birth sibling remained in the custody of the birth parent and the birth parent consents, is deceased or adjudicated incapacitated;

(ii) both the birth sibling and the adoptee were adopted out of the same birth family; or

(iii) the birth sibling was not adopted out of the birth family and did not remain in the custody of the birth parent.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

[Notes of Decisions \(6\)](#)

23 Pa.C.S.A. § 2931, PA ST 23 Pa.C.S.A. § 2931

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23 Pa.C.S.A. § 2932

§ 2932. Nonidentifying information

Effective: April 25, 2011

[Currentness](#)

(a) Notice of receipt of request.--When the court or agency receives a written request for nonidentifying information, it shall, within 30 days, notify the individual requesting the information of its receipt of the request.

(b) Furnishing nonidentifying information.--The court or agency shall, within 120 days, review its records and furnish to the requester any information concerning the adoption that will not compromise the confidentiality of the relationship between the adoptee and the adoptee's birth parent.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2932, PA ST 23 Pa.C.S.A. § 2932

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23 Pa.C.S.A. § 2933

§ 2933. Identifying information

Effective: April 25, 2011

[Currentness](#)

(a) Notice of availability of records.--The court or agency shall, within 120 days of receiving a written request for identifying information or contact, do all of the following:

- (1) Determine whether it has in its possession any records relating to the adoptee.

- (2) Conduct a good faith search for identifying information, which search shall be commenced within 120 days. The search for information shall only be conducted by an authorized representative appointed by:
 - (i) the court in which the adoption was finalized;

 - (ii) the agency that coordinated the adoption;

 - (iii) a successor, by merger or acquisition, of the agency that coordinated the adoption; or

 - (iv) if neither the agency nor a successor exists, by an agency authorized by the court.

The authorized representative shall review the court and agency record for identifying information regarding the birth or adoptive family and shall determine whether an authorization form has been filed with the court or agency.

- (3) Notify any other court or agency listed in its records of the existence of the request for identifying information.

(4) Ask any other court or agency listed in its records to advise if an authorization form has been filed.

(5) Contact the information registry established under Subchapter C¹ (relating to information registry), advise the registry of the request for identifying information and ask whether an authorization form has been filed.

(6) Notify the requesting individual of its findings pursuant to this subsection.

(b) No authorization form.--If an applicable authorization form is not located, all of the following apply:

(1) The authorized representative shall use reasonable efforts to locate the subject of the search.

(2) If the subject of the search is located, the authorized representative shall obtain written authorization from the subject before any identifying information is released or contact between the parties is made.

(3) If the requester is an adoptee seeking the identity of a birth parent, the identity of a deceased birth parent may be disclosed.

(4) If the requester is an adoptee seeking the identity of both birth parents and only one birth parent agrees to the disclosure, only the information relating to that birth parent shall be disclosed.

(c) Withdrawal of authorization form.--An individual may withdraw the individual's authorization form at any time.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

Footnotes

¹

23 Pa.C.S.A. § 2921 et seq.

23 Pa.C.S.A. § 2933, PA ST 23 Pa.C.S.A. § 2933
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23 Pa.C.S.A. § 2934

§ 2934. Statement of medical and social history information

Effective: April 25, 2011

[Currentness](#)

(a) Filing places.--A statement regarding medical and social history information may be filed with the following:

- (1) The court that terminated parental rights.
- (2) The court that finalized the adoption.
- (3) The agency that coordinated the adoption.
- (4) The information registry established under Subchapter C¹ (relating to information registry).

(b) Individuals authorized to file and request.--The following individuals may at any time file, update and request a statement regarding medical and social history information:

- (1) An adoptee who is 18 years of age or older.
- (2) An adoptive parent or legal guardian of an adoptee who is under 18 years of age or adjudicated incapacitated.
- (3) A descendant of a deceased adoptee.

(4) A birth parent.

(5) A legal guardian of an adjudicated incapacitated birth parent.

(6) A survivor of a deceased birth parent.

(c) Maintenance of record.--A statement regarding medical and social history information shall be maintained as a permanent record.

(d) Forwarding statement.--If a statement regarding medical and social history information is filed in the court that terminated parental rights, a copy of the statement shall be forwarded to the court that finalized the adoption and the information registry established under Subchapter C.

(e) Notice of filing.--

(1) Within 30 days of filing of a statement regarding medical and social history information, the court, agency or information registry shall give notice of its receipt to the individual who filed the statement.

(2) Within 120 days after a statement is filed, the court, agency or information registry shall give notice of the filing to the individual who is at least 21 years of age and to whom the information is intended to benefit, if known or identified in its records.

(f) Request for information.--

(1) When the court or agency receives a written request for medical and social history information, it shall notify the requester within 120 days whether it possesses any medical and social history information relating to the adoption.

(2) Within 120 days of locating medical and social history information, the court or agency shall do the following:

(i) For nonidentifying information, review and furnish to the requester any medical and social history information that will not compromise the confidentiality of the relationship between the adoptee and the adoptee's birth parent.

(ii) For identifying information, if an authorization form is on file with the court, agency or information registry, furnish to the requester the available identifying information in its records.

(g) No information or authorization form on file.--If a court or agency receives a request for medical and social history information and finds that no such information is in its records or that no authorization form is on file, the court or agency shall do the following:

(1) Contact the subject of the request and ask that the subject:

(i) provide nonidentifying information for the benefit of the requester; or

(ii) file an authorization form.

(2) If the subject of the request cannot be located from information contained in the court records, appoint an authorized representative to use reasonable efforts to locate the subject.

(3) If nonidentifying information is provided by the subject of the request, provide the nonidentifying information to the requester.

(4) If an authorization form is filed, provide identifying information to the requester.

(h) Deceased birth parent.--If the requester is an adoptee seeking information about a birth parent and the birth parent is deceased, any information on file regarding the deceased birth parent may be disclosed.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

Footnotes

¹

[23 Pa.C.S.A. § 2921 et seq.](#)

23 Pa.C.S.A. § 2934, PA ST 23 Pa.C.S.A. § 2934
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23 Pa.C.S.A. § 2935

§ 2935. Confidentiality

Effective: April 25, 2011

[Currentness](#)

(a) General rule.--In conducting a search, the court or agency shall ensure that no individual, other than a birth parent, is informed of the adoptee's existence and relationship to the birth parent of the adoptee.

(b) When inquiry not mandatory.--An authorized representative of the court or agency conducting a search may not make an inquiry which the representative reasonably believes may compromise the confidentiality relating to the relationship between the adoptee and a birth parent of the adoptee.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2935, PA ST 23 Pa.C.S.A. § 2935

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23 Pa.C.S.A. § 2936

§ 2936. Refusal to search

Effective: April 25, 2011

[Currentness](#)

(a) Agency.--

(1) If an agency is satisfied that a request could cause physical or emotional harm to the requesting individual or others, the agency may decline to conduct a search to determine whether an individual will authorize the disclosure of identifying information or contact under this chapter.

(2) An agency may decline to commence or conduct a search required under this chapter if the requester fails to pay the reasonable costs associated with commencing or conducting the search.

(3)(i) An agency that declines to conduct a search shall refer the request to the court that finalized the adoption and inform the court of its reasons for declining the request.

(ii) The agency shall notify the requester of the referral and identify the court to which the referral was made.

(b) Court.--

(1) If a court is satisfied that a request could cause physical or emotional harm to the requesting individual or others, the court receiving a request for identifying information or contact may decline to perform a search.

(2) A court that declines to conduct a search shall inform the requesting individual of its decision in writing and of the procedures for appeal of that decision.

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2936, PA ST 23 Pa.C.S.A. § 2936
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23 Pa.C.S.A. § 2937

§ 2937. Original birth record

Effective: November 3, 2016 to November 2, 2017

[Currentness](#)

<Section effective until Nov. 3, 2017. See also, section effective Nov. 3, 2017.>

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

(b) Filing of consent to issue copy of summary of original birth record.--

(1) The birth parents may, at the time their parental rights are terminated or at any time thereafter, place on file with the court and the Department of Health a consent form granting permission for the court or the Department of Health to issue a copy of the summary of the adoptee's original birth record, which summary discloses the identity of the birth parents, at any time after the adoptee turns 18 years of age or, if less than 18 years of age, to the adoptive parent or legal guardian.

(2) If only one birth parent has filed a consent, a copy of the summary of the original birth record naming only the consenting birth parent shall be issued.

(3) The consent of a birth parent may be withdrawn at any time by filing a withdrawal of consent form with the court and the Department of Health.

(c) Duty of Department of Health.--The Department of Health shall prescribe by regulation the procedure and forms to be utilized for the giving, updating and withdrawal of consent.

(d) Reserved.

(e) **Application procedures.**--The Department of Health shall develop policies and procedures necessary to comply with this section¹ within 210 days of the effective date of this subsection.²

Credits

2010, Oct. 27, P.L. 961, No. 101, § 5, effective in 180 days [April 25, 2011]. Amended 2016, Nov. 3, P.L. 993, No. 127, § 2.

Footnotes

1

See 23 Pa.C.S.A. § 2937 as effective Nov. 3, 2017.

2

Subsec. (e) added by 2016, Nov. 3, P.L. 993, No. 127, § 2, imd. effective.

23 Pa.C.S.A. § 2937, PA ST 23 Pa.C.S.A. § 2937

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[Subchapter D. Release of Information \(Refs & Annos\)](#)

23 Pa.C.S.A. § 2938

§ 2938. Rules and regulations

Effective: April 25, 2011

[Currentness](#)

The department shall promulgate rules and regulations implementing a standardized training program for court-appointed and agency-appointed authorized representatives conducting searches under this subchapter.

Credits

[2010, Oct. 27, P.L. 961, No. 101, § 5](#), effective in 180 days [April 25, 2011].

23 Pa.C.S.A. § 2938, PA ST 23 Pa.C.S.A. § 2938

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