
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 179 Session of
2023

INTRODUCED BY DiSANTO, BAKER, GEBHARD, MARTIN, MASTRIANO,
PENNYCUICK, STEFANO AND J. WARD, JANUARY 19, 2023

REFERRED TO JUDICIARY, JANUARY 19, 2023

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in adoption, further providing for
3 definitions; in proceedings prior to petition to adopt,
4 further providing for hearing, for grounds for involuntary
5 termination and for petition for involuntary termination and
6 providing for notice if identity or whereabouts of birth
7 parent or putative father unknown; and, in petition for
8 adoption, further providing for consents necessary to
9 adoption and repealing provisions relating to consents not
10 naming adopting parents.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 2102 of Title 23 of the Pennsylvania
14 Consolidated Statutes is amended by adding definitions to read:

15 § 2102. Definitions.

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

19 * * *

20 "Denial of paternity." The written statement of a putative
21 father declaring all of the following:

22 (1) The individual is not the father of the child.

1 (2) The individual does not acknowledge paternity of the
2 child.

3 (3) No court has determined that the individual is the
4 father of the child.

5 (4) The individual has no interest in proceedings under
6 this part concerning the child.

7 * * *

8 "Putative father." An alleged birth father of a child
9 conceived or born outside of wedlock whose parental status has
10 not been legally established.

11 Section 2. Sections 2503(a), (b) (1) and (3) and (d), 2511(a)
12 (9) and 2512(c) of Title 23 are amended to read:

13 § 2503. Hearing.

14 (a) General rule.--Upon presentation of a petition prepared
15 pursuant to section 2501 (relating to relinquishment to agency)
16 or section 2502 (relating to relinquishment to adult intending
17 to adopt child), the court shall fix a time for hearing which
18 shall not be less than ten days, nor more than 30 days, after
19 filing of the petition[.] unless the petitioner requests a later
20 date, in which case the hearing shall be scheduled not later
21 than 40 days after filing of the petition. The petitioner must
22 appear at the hearing.

23 (b) Notice.--

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

30 * * *

1 (3) The [copy of the notice which is given to the
2 putative father] birth parent, putative father and parent or
3 guardian of a petitioner who has not reached 18 years of age
4 shall [state that his rights may also be subject to
5 termination pursuant to subsection (d) if he fails to file
6 either an acknowledgment of paternity or claim of paternity
7 pursuant to section 5103 (relating to acknowledgment and
8 claim of paternity) and fails to either appear at the hearing
9 for the purpose of objecting to the termination of his rights
10 or file a written objection to such termination with the
11 court prior to the hearing.] be given notice in the form
12 provided in section 2513(b) (relating to hearing). If the
13 identity or whereabouts of the birth parent or a putative
14 father are unknown, notice shall be given under section
15 2515(b) (relating to notice if identity or whereabouts of
16 birth parent or putative father unknown). Notice under this
17 paragraph shall state that the birth parent or a putative
18 father's rights may also be terminated under subsection (d)
19 if any of the following applies:

20 (i) The birth parent or putative father fails to
21 file with the court prior to the hearing a written
22 objection to the termination.

23 (ii) The birth parent or putative father fails to
24 appear at the hearing for the purpose of objecting to the
25 termination.

26 * * *

27 (d) [Putative father] Termination of putative father's
28 parental rights.--If a putative father [will not file a petition
29 to voluntarily relinquish his parental rights pursuant to
30 section 2501 (relating to relinquishment to agency) or 2502

1 (relating to relinquishment to adult intending to adopt child),
2 has been given notice of the hearing being held pursuant to this
3 section [and], the court may enter a decree terminating his
4 parental rights, whether or not the putative father has filed a
5 claim of paternity under section 5103(b) (relating to
6 acknowledgment and claim of paternity), if the putative father
7 fails to [either]:

8 (1) file a written objection to the termination with the
9 court prior to the hearing; or

10 (2) appear at that hearing for the purpose of objecting
11 to termination of his parental rights [or file a written
12 objection to such termination with the court prior to the
13 hearing and has not filed an acknowledgment of paternity or
14 claim of paternity pursuant to section 5103, the court may
15 enter a decree terminating the parental rights of the
16 putative father pursuant to subsection (c)].

17 * * *

18 § 2511. Grounds for involuntary termination.

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

22 * * *

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

25 (i) an offense under 18 Pa.C.S. Ch. 25 (relating to
26 criminal homicide);

27 (ii) a felony under 18 Pa.C.S. § 2702 (relating to
28 aggravated assault) [;], 3121 (relating to rape), 3122.1
29 (relating to statutory sexual assault), 3123 (relating to
30 involuntary deviate sexual intercourse), 3124.1 (relating

1 to sexual assault) or 3125 (relating to aggravated
2 indecent assault);

3 (iii) a felony or misdemeanor under 18 Pa.C.S. §
4 3126 (relating to indecent assault);

5 [(iii)] (iv) an offense in another jurisdiction
6 equivalent to an offense in subparagraph (i) [or], (ii)
7 or (iii); or

8 [(iv)] (v) an attempt, solicitation or conspiracy to
9 commit an offense in subparagraph (i), (ii) [or], (iii)
10 or (iv).

11 * * *

12 § 2512. Petition for involuntary termination.

13 * * *

14 [(c) Father not identified.--If the petition does not
15 identify the father of the child, it shall state whether a claim
16 of paternity has been filed under section 8303 (relating to
17 claim of paternity).]

18 Section 3. Title 23 is amended by adding a section to read:

19 § 2515. Notice if identity or whereabouts of birth parent or
20 putative father unknown.

21 (a) Diligent search.--

22 (1) The court shall determine under sections 2501
23 (relating to relinquishment to agency), 2502 (relating to
24 relinquishment to adult intending to adopt child), 2504
25 (relating to alternative procedure for relinquishment) and
26 2512 (relating to petition for involuntary termination)
27 whether a diligent search has been made to identify and
28 locate a birth parent or putative father for the purpose of
29 providing notice in a proceeding under this part.

30 (2) A diligent search for a birth parent or putative

1 father under paragraph (1) shall include, but not be limited
2 to, the following:

3 (i) An inquiry to the United States Postal Service
4 to determine a forwarding address for the individual, if
5 the petitioner has a last known address.

6 (ii) A search of the records that are available to
7 the general public of the Department of Transportation,
8 or its equivalent in the state in which the petitioner
9 has a reasonable basis to believe the individual may
10 reside.

11 (iii) A search of at least one publicly available
12 database to locate Federal and state inmates.

13 (iv) An inquiry or search of publicly available
14 records of prothonotary, dockets of the clerk of courts
15 and tax records in the jurisdiction in which the
16 petitioner has a reasonable basis to believe the
17 individual may reside.

18 (v) A reasonable search of Internet sources, which
19 may include a general query, social media or other
20 resources designed to assist in locating an individual.

21 (vi) Any other source the court determines to be
22 necessary to identify and locate a birth parent or
23 putative father for the purpose of providing notice in an
24 adoption proceeding.

25 (3) Any inquiries made under paragraph (2) that are not
26 answered within 45 days shall be considered answered as
27 having no record and complete, unless the court makes a
28 negative determination under paragraph (4).

29 (4) The court shall review the efforts made by the
30 petitioner or petitioner's representative to locate the birth

1 parent or putative father and determine if those efforts were
2 reasonable and carried out in good faith.

3 (b) Notice by publication.--If the court determines that an
4 unsuccessful diligent search has been made to identify or locate
5 a birth parent or putative father, notice of the proceeding may
6 be provided in a manner prescribed by the court that is
7 consistent with Pa.O.C. Rule No. 15.6 (relating to notice to
8 persons; method; notice of Orphans' Court proceedings filed on
9 dependency docket), or any successor rule.

10 Section 4. Section 2711(c) of Title 23 is amended and the
11 section is amended by adding subsections to read:

12 § 2711. Consents necessary to adoption.

13 * * *

14 (c) Validity of consent.--

15 (1) No consent shall be valid if it was executed prior
16 to or within 72 hours after the birth of the child[. A],
17 except that the birth father or a putative father may execute
18 a consent or a denial of paternity at any time after
19 receiving notice of the expected or actual birth of the
20 child.

21 (2) If consent is executed by the birth father or a
22 putative father prior to the birth of the child, the child
23 shall be named "Baby (Mother's Last Name)" for the purpose of
24 the consent. Further notice as required by section 2721
25 (relating to notice of hearing) to the birth father or a
26 putative father is not necessary if consent is executed prior
27 to the birth of the child. Further notice as required by
28 section 2721 is not required to the birth mother or her
29 spouse if consent is valid.

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

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

4 (4) A consent to an adoption may only be revoked as set
5 forth in this subsection. The revocation of a consent shall
6 be in writing and shall be served upon the agency or adult to
7 whom the child was relinquished. [The following apply:]

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

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

10 (i) For a consent to an adoption executed by a birth
11 father or a putative father, the consent is irrevocable
12 more than 30 days after the birth of the child or the
13 execution of the consent, whichever occurs later.

14 (ii) For a consent to an adoption executed by a
15 birth mother, the consent is irrevocable more than 30
16 days after the execution of the consent.

17 (2) An individual may not waive the revocation period
18 under paragraph (1).

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

20 (i) An individual who executed a consent to an
21 adoption may challenge the validity of the consent only
22 by filing a petition alleging fraud or duress within the
23 earlier of the following time frames:

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

26 (B) Thirty days after the entry of the adoption
27 decree.

28 (ii) A consent to an adoption may be invalidated
29 only if the alleged fraud or duress under subparagraph

30 (i) is proven by:

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

5 * * *

6 (e) Waiver of notice requirements.--

7 (1) A birth parent or putative father who has consented
8 to an adoption may execute a waiver of notice of all legal
9 proceedings concerning the child.

10 (2) A person who has executed a waiver of further notice
11 under this subsection shall be provided with the advisement
12 required by section 2504(d) (relating to alternative
13 procedure for relinquishment) of the continuing right to file
14 personal and medical history pursuant to Subchapter B of
15 Chapter 29 (relating to records and access to information).

16 Section 5. Section 2712 of Title 23 is repealed:

17 [§ 2712. Consents not naming adopting parents.

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

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