

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 56 Session of  
2017

INTRODUCED BY WATSON, BENNINGHOFF, TOOIL, PETRI, MURT, LEWIS,  
SIMMONS, PHILLIPS-HILL, BOBACK, M. QUINN, SCHWEYER,  
PASHINSKI, ROZZI, KORTZ, RYAN AND JOZWIAK, JANUARY 31, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 20, 2018

## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in proceedings prior to petition to  
3 adopt, repealing provisions relating to counseling and  
4 providing for adoption-related counseling services.

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

7 Section 1. Section 2505 of Title 23 of the Pennsylvania  
8 Consolidated Statutes is repealed:

9 [§ 2505. Counseling.]

10 (a) List of counselors.--Any hospital or other facility  
11 providing maternity care shall provide a list of available  
12 counselors and counseling services compiled pursuant to  
13 subsection (b) to its maternity patients who are known to be  
14 considering relinquishment or termination of parental rights  
15 pursuant to this part. The patient shall sign an acknowledgment  
16 of receipt of such list prior to discharge, a copy of which  
17 receipt shall be provided to the patient.

18 (b) Compilation of list.--The court shall compile a list of

1 qualified counselors and counseling services (including all  
2 adoption agencies) which are available to counsel natural  
3 parents within the county who are contemplating relinquishment  
4 or termination of parental rights pursuant to this part. Such  
5 list shall be distributed to every agency, hospital or other  
6 facility providing maternity care within the county and shall be  
7 made available upon request to any intermediary or licensed  
8 health care professional.

9 (c) Court referral.--Prior to entering a decree of  
10 termination of parental rights pursuant to section 2503  
11 (relating to hearing) or 2504 (relating to alternative procedure  
12 for relinquishment), if the parent whose rights are to be  
13 terminated is present in court, the court shall inquire whether  
14 he or she has received counseling concerning the termination and  
15 the alternatives thereto from an agency or from a qualified  
16 counselor listed by a court pursuant to subsection (b). If the  
17 parent has not received such counseling, the court may, with the  
18 parent's consent, refer the parent to an agency or qualified  
19 counselor listed by a court pursuant to subsection (b) for the  
20 purpose of receiving such counseling. In no event shall the  
21 court delay the completion of any hearing pursuant to section  
22 2503 or 2504 for more than 15 days in order to provide for such  
23 counseling.

24 (d) Application for counseling.--Any parent who has filed a  
25 petition to relinquish his or her parental rights, or has  
26 executed a consent to adoption, and is in need of counseling  
27 concerning the relinquishment or consent, and the alternatives  
28 thereto, may apply to the court for referral to an agency or  
29 qualified counselor listed by a court pursuant to subsection (b)  
30 for the purpose of receiving such counseling. The court, in its

1 discretion, may make such a referral where it is satisfied that  
2 this counseling would be of benefit to the parent.

3 (e) Counseling fund.--Except as hereinafter provided, each  
4 report of intention to adopt filed pursuant to section 2531  
5 (relating to report of intention to adopt) shall be accompanied  
6 by a filing fee in the amount of \$75 which shall be paid into a  
7 segregated fund established by the county. The county may also  
8 make supplemental appropriations to the fund. All costs of  
9 counseling provided pursuant to subsection (c) or (d) to  
10 individuals who are unable to pay for such counseling shall be  
11 paid from the fund. No filing fee may be exacted under this  
12 subsection with respect to the adoption of a special needs child  
13 who would be eligible for adoption assistance pursuant to  
14 regulations promulgated by the Department of Public Welfare. In  
15 addition, the court may reduce or waive the fee in cases of  
16 demonstrated financial hardship.]

17 Section 2. Title 23 is amended by adding a section to read:  
18 § 2506. Adoption-related counseling services.

19 (a) Purpose of counseling.--Counseling under this section  
20 shall provide a birth parent with assistance in understanding  
21 the adoption process, the birth parent's rights and obligations,  
22 the consequences of a decision to relinquish parental rights and  
23 the alternatives to relinquishment and adoption.

24 (b) Right to counseling.--A birth parent or ~~presumptive~~ <--  
25 father, putative father, or an agency or attorney acting on <--  
26 behalf of the parent may apply for counseling under this section  
27 if the individual:

28 (1) is considering relinquishing parental rights with  
29 respect to a child or placing a child for adoption; or

30 (2) has relinquished parental rights with respect to a

1 child or placed a child for adoption.

2 (c) Compilation of list.--Each court shall compile a list of  
3 qualified counselors and counseling service providers, including  
4 agencies, which are available within the county and surrounding  
5 area to provide counseling under this section.

6 (d) Distribution of list.--

7 (1) Each court shall provide the list compiled under  
8 subsection (c) to the following:

9 (i) Each agency within the county.

10 (ii) Each health care provider of obstetrical or  
11 maternity care within the county.

12 (iii) Any person upon request.

13 (2) An agency or a health care provider of obstetrical  
14 or maternity care that receives the list compiled under  
15 subsection (c) shall provide the list to any individual it  
16 knows is considering relinquishing parental rights with  
17 respect to a child or placing a child for adoption.

18 (e) Notice of availability of list.--The Department of Human  
19 Services shall provide notice of the availability of the list  
20 compiled under subsection (c) to any person filing either an  
21 acknowledgment of paternity or a claim of paternity under  
22 section 5103 (relating to acknowledgment and claim of  
23 paternity).

24 (f) Referral for counseling.--

25 (1) If a parent decides to receive counseling, the  
26 parent shall contact the court for a referral authorizing  
27 counseling.

28 (2) The court shall provide the parent with a referral  
29 within three days of receiving the request.

30 (3) The court shall advise the parent of the procedures

1 to obtain counseling services.

2 (g) Counseling fund.--Each county shall establish a separate  
3 fund to pay for adoption-related counseling services under this  
4 section. The source of the counseling fund shall be the fee  
5 collected under subsection (h). The county may make supplemental  
6 ~~appropriations~~ ALLOCATIONS to the counseling fund. <--

7 (h) Filing fee.--

8 (1) Each report of intention to adopt filed under  
9 section 2531 (relating to report of intention to adopt) shall  
10 be accompanied by a filing fee in the amount of \$75, which  
11 shall be transferred to the county and deposited into the  
12 counseling fund required under subsection (g). All costs of  
13 counseling services provided to individuals who are unable to  
14 pay for those services shall be paid from the fund.

15 (2) No filing fee may be required under this subsection  
16 with respect to the adoption of a ~~special needs child who~~ <--  
17 ~~would be eligible for adoption assistance pursuant to~~  
18 ~~regulations promulgated by the Department of Human Services.~~  
19 CHILD IN THE LEGAL CUSTODY OF THE COUNTY CHILDREN AND YOUTH <--  
20 AGENCY.

21 (3) The court may reduce or waive the filing fee in  
22 cases of demonstrated financial hardship.

23 (i) Additional counseling.--The frequency of adoption-  
24 related counseling services shall be determined by the court in  
25 accordance with regulations promulgated by the Department of  
26 Human Services that take into account the needs of the birth  
27 parent.

28 (j) Designation by court.--Each court may designate an  
29 agency within the county to implement the provisions of this  
30 section.

1 Section 3. This act shall take effect in 60 days.