

Understanding Infant Adoption 7

Pennsylvania Adoption Guide for Healthcare Providers & Staff

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Disclaimer: This resource guide is intended for informational purposes only and does not constitute legal advice. It is not a substitute for consultation with hospital legal counsel or a licensed adoption attorney. Adoption laws and procedures vary by jurisdiction and are subject to change. Healthcare providers and staff are strongly encouraged to seek professional legal guidance to ensure compliance with applicable laws and regulations.

Introduction to Adoption

What is Adoption?

Adoption is a legal process where biological parents (also referred to herein as "placing parents" or "birth parents" relinquish their parental rights to their child, allowing the child to be placed in the care of adoptive parents. However, adoption is more than just a legal agreement; it is a life-altering experience that reflects a commitment to a child's love, care, and well-being.

Healthcare providers should have a basic understanding of the three main types of adoption to offer informed support for their patients:

- **Private Adoption:** This is a direct arrangement between birth parents and adoptive parents, often through a licensed adoption agency or attorney. In a private adoption, the birth parents have voluntarily relinquished their parental rights to the child, and the child is placed directly into the legal and physical custody of the adoptive parents. Most private adoptions are "open adoptions," meaning there will be ongoing contact between the birth parents and adoptive parents. Private adoption is the most common type of adoption that healthcare providers encounter when working in mother-baby and neonatal units.
- Adoption from Foster Care: This occurs when a child in state foster care is legally available for adoption
 after a court has terminated the parental rights of the birth parents. Foster care adoptions often involve
 older children. Every state has laws and regulations governing foster care and adoption, which are
 managed by the state's public child welfare agency. If the child is placed for adoption in another state,
 compliance with the Interstate Compact on the Placement of Children (ICPC) is required.

Intercountry Adoption: The process by which a child born in one country is adopted by a family in
another country. The State Department serves as the oversight authority for intercountry adoption in the
United States.

For expectant mothers, the adoption journey is filled with complex emotions and culminates in a life-changing decision. The private adoption process allows mothers to create an adoption plan at any point during their pregnancy or after giving birth. In this journey, healthcare providers play a crucial role, providing neutral care and support, facilitating fully informed decision-making, and making ethical referrals to adoption providers. Your role in this process is integral in ensuring the well-being of all patients considering this option.

Important Terminology

The biological parent signs adoption consent or relinquishment, authorizing the court to terminate her parental rights:

- Before adoption consents are signed, refer to the biological parent as an "expectant parent" or "parent"
- A parent making an adoption plan for their child is called a "placing parent"
- After adoption consents are signed, refer to the biological parent as a "birth parent."

Support for Patients Considering Adoption

Expectant parents should have access to a variety of support resources from the moment they begin considering adoption through the completion of the process and beyond. Below is a summary of some of the available services and providers that patients can access to find appropriate support.

→ Pregnancy Options Counseling

Many non-profit organizations in Pennsylvania offer pregnancy options counseling for expectant mothers. The purpose of this counseling is to help women consider their available options during pregnancy. It is important to note that not all pregnancy centers provide the same services. For instance, some pregnancy resource centers do not offer information or referrals for abortion. However, most centers typically provide services such as pregnancy testing, ultrasounds, maternity clothes, parenting assistance, resource referrals, parenting classes, and counseling. Generally, these organizations do not charge fees unless they also operate a licensed medical clinic on site.

→ Ethical & Effective Referrals

Empowering patients in their decision-making process is key. When making a referral to an adoption provider, it's important to present at least three options. This allows the patient to understand the range of services available and choose the one that best suits her needs. See the Understanding Infant Adoption curriculum handouts <u>Questions for Healthcare Practitioners to Ask Adoption Agencies and/or Attorneys</u> and <u>Questions for Patients to Ask Adoption Agencies and/or Attorneys</u> for suggestions.

→ Choosing an Adoption Provider

The internet is full of adoption providers offering help to expectant parents, but not all of these entities have your patients' best interests at heart. It's essential to understand the different types of adoption professionals available:

Licensed Adoption Agencies: Adoption agencies are licensed by the state to provide adoption services to
expectant/birth parents and adoptive families. These services can include social work, home studies,
adoption education, pregnancy counseling, adoption matching, and post-placement care. Agencies work
to ensure that social and emotional challenges are addressed through social work and counseling, while
also ensuring compliance with adoption rules and regulations.

- Licensed Adoption Attorneys: Attorneys play a vital role in the adoption process. Ideally, the adoptive parents should have their own attorney, and the expectant or birth parents should be represented by a separate attorney. This ensures that everyone's rights are protected and that there are no conflicts of interest. Attorneys in Pennsylvania are licensed by the Pennsylvania State Bar Association.
- Unlicensed Adoption Intermediaries: Some adoption providers are not licensed to offer adoption services. Unlicensed adoption intermediaries are also referred to as "advertisers," "matchmakers," "brokers," or "marketers." They solicit expectant and adoptive parents for their services through online ads and other marketing tactics and collect substantial matching fees from hopeful adoptive parents. Working with an unlicensed adoption provider can complicate the process for expectant mothers trying to find suitable adoptive parents for their children and can prevent them from getting adequate support and guidance. It is very appropriate to ask an agency to see a copy of their state-issued child-placing agency license.

More than half of the states in the U.S. have laws prohibiting the use of unlicensed adoption intermediaries, but such laws are frequently overlooked. Pennsylvania allows unlicensed adoption facilitators to provide adoption services. See <u>Pennsylvania Adoption Laws</u>, below, for further information.

Out-of-State Adoption Providers: With the increasing use of the Internet in the adoption process,
patients may choose to work with adoption providers located outside of Pennsylvania. It's crucial to
ensure these out-of-state providers are licensed to provide adoption services and that they work
cooperatively with a Pennsylvania-licensed adoption agency and attorney to ensure that the placing
parents receive local support before, during, and after adoption. This not only ensures legal compliance
but also the safety and well-being of the patient and the child.

→ Choosing Prospective Adoptive Parents

The process of selecting adoptive parents requires careful consideration. Expectant parents often have a specific vision of the type of family they wish to find for their child. A Pennsylvania-licensed child-placing agency or attorney can assist expectant parents in identifying potential adoptive families that align with their desired characteristics. Once the expectant parent has reviewed profiles of suitable prospective adoptive parents, she should have the opportunity to meet with them in person whenever possible before making a final decision.

Expectant parents should create a list of questions to ask prospective adoptive parents to ensure they find the right family for their child. However, compiling this list can be overwhelming. See the handout <u>Questions for Patients to Ask Adoption Agencies and/or Attorneys</u> for suggestions.

Support After Adoption

Birth parents often experience grief and a range of intense emotional and psychological effects after placing a child for adoption. It is important to provide them with mental health support during this time. Support following adoption can take various forms, including individual counseling, group therapy, and support groups.

Pennsylvania Adoption Laws

Adoption is a complex legal process. Violating state laws can jeopardize the safety of all parties involved, as well as the child's permanency. Below are frequently asked questions regarding Pennsylvania's adoption laws.

Does Pennsylvania allow independent (non-agency) adoptions?

Yes. Pennsylvania does allow independent (non-agency) adoptions, often referred to as "private" or "independent" adoptions. In these cases, the adoption is arranged directly between the birth parents and the adoptive parents, typically with the assistance of an attorney rather than a licensed adoption agency.

Does Pennsylvania allow unlicensed adoption facilitators?

Yes. Pennsylvania allows unlicensed adoption facilitators to provide adoption services. However, Pennsylvania does not regulate these entities or provide oversight. Therefore, anyone working with unlicensed adoption facilitators in Pennsylvania should proceed at their own risk.

Does Pennsylvania require that placing parents have separate legal representation?

No, but the court shall appoint counsel for a parent who petitions for and is found to be unable to afford legal counsel. No attorney shall represent both the prospective adoptive parents and the placing parents. <u>Pa. Cons. Stat.</u> § 2313 (2024)

Are adoptive parents allowed to pay an expectant mother's living expenses?

No. However, adoptive parents may pay a third party for the expectant mother's medical and hospital expenses only. <u>Pa. Cons. Stat. § 2533(a,c) (2024)</u>

When can the placing parents sign the adoption consent or relinquishment?

The placing parent can sign the consent no sooner than 72 hours after the child's birth. <u>Pa. Cons. Stat. § 2711(c-d)</u> (2024)

Can placing parents who have consented to an adoption change their mind and revoke their consent?

Yes. For a consent to an adoption executed by a birth mother, the consent becomes irrevocable 30 days after it is signed. <u>Pa. Cons. Stat. § 2711(c) (2020)</u>

Are post-adoption contact agreements legally binding in Pennsylvania?

Yes, subject to the child's best interests. Pa. Cons. Stat. § 2731-39 (2020)

What legal rights do birth fathers have in a Pennsylvania adoption?

In all states, including Pennsylvania, birth fathers' legal rights in adoption depend on various factors, such as their legal relationship with the child's mother and their actions before and after being notified of the adoption proceedings. Birth fathers who wish to understand and enforce their legal rights should consult with a Pennsylvania adoption attorney for guidance.

What to do when you suspect a violation in your hospital?

If you witness violations of Pennsylvania law in your hospital or healthcare clinic, you should immediately file a report. Where you file the report will depend on the type of entity or individual who has committed the offense. If you are witnessing repeated offenses, alert your healthcare administration office.

Type of Entity	Where to Report	Contact Information
Licensed Adoption Agency	Pennsylvania Department of Human Services, Office of Children, Youth and Families	Contact the regional OCYF office: https://www.pa.gov/agencies/dhs/contact/ocyf-regional-offices.html
Licensed Adoption Attorney	Disciplinary Board of the Supreme Court of Pennsylvania	https://www.padisciplinaryboard.org/for-the-public/file-complaint

Child Protection in Pennsylvania

Child Protective Services Referrals

Among state-mandated reporters are all persons licensed or certified to practice in any health-related field; emergency medical services providers; clergy, and employees of social services who have direct contact with children in the course of their employment. 23 Pa. Cons. Stat. § 6311 (2024)

To learn more about mandated reporting in Pennsylvania, visit https://www.pa.gov/agencies/dhs/resources/keep-kids-safe/mandated-reporter-training.html.

Child Abuse, Neglect, and Exploitation Definitions under Pennsylvania Law

Under Pennsylvania law, a child is any person under the age of 18. 23 Pa. Cons. Stat. § 6303 (2024)

- **Child abuse** shall mean intentionally, knowingly, or recklessly causing bodily injury to a child through any recent act or failure to act. Includes, among other definitions, creating a reasonable likelihood of bodily injury to a child through any recent act or failure to act; causing serious physical neglect; and forcefully shaking, slapping, or striking a child younger than age 1. 23 Pa. Cons. Stat. § 6303 (2024)
- Serious physical neglect means any of the following acts when committed by a perpetrator that endangers a child's life or health; threatens a child's well-being; causes bodily injury; or impairs a child's health, development, or functioning:
 - A repeated, prolonged, or egregious failure to supervise a child in a manner that is appropriate, considering the child's developmental age and abilities
 - The failure to provide a child with adequate essentials of life, including food, shelter, or medical care.

23 Pa. Cons. Stat. § 6303 (2024)

Pennsylvania Child Abuse and Neglect Hotline Contact Information

To report concerns about child abuse, neglect or sexual abuse, contact the Pennsylvania Department of Human Services.

- State ChildLine Hotline: (800) 932-0313
- Online Child Welfare Portal (non-emergency): https://www.compass.dhs.pa.gov/cwis

Safe Haven/Safe Surrender Laws and Process

Safe Haven/Safe Surrender laws are designed to prevent the abandonment and endangerment of infants by providing a safe and legal way for parents to relinquish unharmed newborns. These laws allow parents to safely surrender their infant directly to a designated provider, while generally protecting them from criminal liability and prosecution. Additionally, these laws ensure that the relinquishing parent can remain anonymous. It is important to note that Safe Haven/Safe Surrender laws are intended for use in extreme circumstances and are not a substitute for the resources provided in the public child welfare system or private adoption processes.

For more information about Safe Haven in Pennsylvania, visit https://www.pa.gov/agencies/dhs/resources/secret-safe.

- National Safe Haven Alliance: Call or text the 24/7 Safe Haven Crisis Helpline at 1-888-510-BABY (2229)
- Pennsylvania Safe Haven Helpline: 1-866-921-SAFE (7233)

What are the age restrictions for a Safe Haven/Safe Surrender relinquishment in Pennsylvania?

The newborn child must be 28 days old or younger as reasonably determined by a physician. <u>23 Pa. Cons. Stat. §</u> 6502 (2024)

Who can relinquish the infant under Safe Haven/Safe Surrender laws?

A parent of the newborn may relinquish the infant to a Safe Haven provider or to a newborn incubator at a Safe Haven location. 23 Pa. Cons. Stat. §§ 6503, 6504 (2024)

Who are the designated Safe Haven/Safe Surrender providers?

In Pennsylvania, healthcare providers at a hospital, police officers at a police station, and emergency services providers are all considered Safe Haven providers. For purposes of accepting a newborn and for immunity provided, the term healthcare provider includes administrative, managerial, and security personnel, and any other person employed by a hospital or urgent care center. <u>23 Pa. Cons. Stat. §§ 6502, 6503, 6504 (2024)</u>

Putative Father Registry

A putative father is a person who claims to be the father of a child and wants to establish paternity. The purpose of a registry is to allow an unmarried father of a born or unborn child to register his name so he will be notified before the child is placed for adoption. The father does not have to be listed on the birth certificate to register.

Pennsylvania does not have a putative father registry, but does provide for voluntary acknowledgement of paternity process. Those seeking to establish parentage may learn more about options and procedures at https://www.humanservices.dhs.pa.gov/csws/CSWS_controller.aspx?PageId=CSWS%2festablish_paternity.ascx.

Pennsylvania Adoption Service Providers

Licensed Private Adoption Agencies

In Pennsylvania, adoption agencies are licensed by the state Department of Social Services, Child Division. The following licensed agencies focus on domestic infant adoption with counseling and/or services available for expectant parents. A full listing of state-licensed agencies is available from

https://www.pa.gov/agencies/dhs/resources/adopt-pa-kids/resources. Some agencies are licensed in multiple states.

Contact ascc@adoptioncouncil.org with any additions, corrections, or updates.

Absolute Love Adoptions

3330 W 26th St Ste 4 Erie, PA 16506

Phone: (724) 473-3183

<u>absoluteloveadoptions@gmail.com</u> https://absoluteloveadoptions.com/

^{*} Denotes a for-profit agency.

Adoption by Choice

4408 Peach St Ste #202 Erie, PA 16509-1371 Phone: (814) 836-9887

Contact Form: https://adoptionbychoice.org/contact-us

https://adoptionbychoice.org/

Adoption Connection, PA

700 Turnpike St Beaver, PA 15009 Phone: (724) 371-0671 Fax: (724) 371-0674

info@adoptionconnectionpa.org
https://adoptionconnectionpa.org/

Adoption Services, Inc.

28 Central Blvd
Camp Hill, PA 17011
Phone: (800) 943-0400
vince@adoptionservices.org
https://www.adoptionservices.org/

Adoptions From The Heart

30-31 Hampstead Cir Wynnewood, PA 19096 Phone: (888) 612-3631 adoption@afth.org https://afth.org/

All About Love Adoptions*

600 Eagleview Blvd Ste 300

Exton, PA 19341

Phone: (484) 359-7252 Fax: (484) 206-7692

info@allaboutloveadoptions.com

https://www.allaboutloveadoptions.com/

• Alliance for Children

4 Terry Dr Ste 1 Newtown, PA 19103 Phone: (267) 518-3267

Contact Form: https://www.allforchildrenadoption.org/contact-new/

https://www.allforchildrenadoption.org/

American Adoptions

3 W Monument Sq Ste 210 Lewistown, PA 17044 Phone: (800) 236-7846

Contact Form: https://www.americanadoptions.com/pregnant/free info

https://www.americanadoptions.com/

A Baby Step Adoption*

340 Morgantown Rd Ste 2

Reading, PA 19611

Phone: (610) 998-3340

info@ababystepadoption.com
https://ababystepadoption.com/

Catholic Charities Counseling & Adoption Services

329 W 10th St Erie, PA 16502

Phone: (814) 616-2298

Contact Form: https://www.cccas.org/contact/

https://www.cccas.org/

Catholic Charities Diocese of Allentown

402 W Chew St

Allentown, PA 18102 Phone: (610) 435-1541

https://www.catholiccharitiesad.org/

Catholic Charities Diocese of Harrisburg

939 E Park Dr Ste 103 Harrisburg, PA 17111 Phone: (717) 564-7115 Fax: (717) 564-7180 gpfeifer@cchbg.org https://www.cchbg.org/

CSS Adoption Services

4400 N Reese St

Philadelphia, PA 19140 Phone: (267) 331-2463 adoption@chs-adphila.org https://adoption-phl.org/

Children's Aid Society in Clearfield County

1008 S 2nd St

Clearfield, PA 16830 Phone: (814) 765-2686 info@childaid.com

https://www.childaid.org/

Children's Aid Society of Mercer County

PO Box 167 350 W Market St Mercer, PA 16137

Phone: (724) 662-4730 Fax: (724) 662-4295 casmc@casmercer.org https://casmercer.org/

The Children's Home Society of New Jersey

635 S Clinton Ave Trenton, NJ 08611 Phone: (609) 695-6274

info@chsofnj.org https://chsofnj.org/

The Children's Home of Pittsburgh & Lemieux Family Center

5324 Penn Ave

Pittsburgh, PA 15224 Phone: (412) 736-2908 Fax: (412) 441-0167

birthparentspecialist@chomepgh.org https://www.childrenshomepgh.org/

City Plan

383 N Main St

Carrolltown, PA 15722 Phone: (814) 344-5946

Contact Form: https://cityplan.tv/#contact

https://cityplan.tv/

CommonSense Adoption & Foster Care

1215 Manor Dr Ste 206 Mechanicsburg, PA 17055 Phone: (717) 412-0772

<u>Contact@CommonSenseAdoption.org</u> https://commonsenseadoption.org/

• Families United Network

276 Ashler Manor Dr Muncy, PA 17756 Phone: (570) 546-8797

Fax: (570) 546-3198 info@families4kids.org https://families4kids.org/

Genesis of Pittsburgh

550 California Ave Pittsburgh, PA 15202 Phone: (412) 766-5212

Contact Form: https://genesispgh.org/contact/

https://genesispgh.org

Gladney Center for Adoption

6300 John Ryan Dr

Fort Worth, TX 76132-4122 Phone: (717) 369-8534

Contact Form: https://adoptionsbygladney.com/contact

https://adoptionsbygladney.com/

Haven Adoptions*

328 E Ormandy Pl Ambler, PA 19002

Phone: (800) 716-8220 info@havenadoptions.com/

Open Arms Adoption Network - JCFS of Greater Philadelphia

345 Montgomery Ave Bala Cynwyd, PA 19004 Phone: (267) 256-2229

Contact Form: https://openarmsadoption.net/contact-us/

https://openarmsadoption.net/

• Pennsylvania Adoption ARC

4247 Locust St #404 Philadelphia, PA 19104 Phone: (215) 607-8301

Contact Form: https://www.adoptionarc.com/contact-us/

https://www.adoptionarc.com/

Saint Joseph's Center

2010 Adams Ave Scranton, PA 18509 Phone: (570) 342-8379 Fax: (570) 342-6080

Contact Form: https://stjosephscenter.org/contact/

https://stjosephscenter.org/

Transitions Adoption Agency*

219 W Main St Ste 2R Trappe, PA 19426 Phone: (610) 642-4155 Fax: (610) 234-2909

<u>Emily@transitionsadoption.com</u> https://transitionsadoption.com/

Licensed Adoption Attorneys

This listing reflects the current Pennsylvania fellows of the <u>Academy of Adoption & Assisted Reproduction</u>
<u>Attorneys</u> and may not be representative of all attorneys in the state working in the field of adoption law. Some attorneys hold licensure in more than one state.

Contact ascc@adoptioncouncil.org with any additions, corrections, or updates.

Denise M. Bierly

201 W High St

Bellefonte, PA 16823 Phone: (814) 237-7900 Fax: (814) 260-4440

Contact Form: https://bierlylaw.com/contact/

https://bierlylaw.com/

Craig B. Bluestein

1126-B Horsham Rd Ste J Maple Glen, PA 19002 Phone: (215) 366-7839 Fax: (215) 710-8141 jpeck@bloompeters.com

https://www.bloompeters.com/

Barbara L. Binder Casey

340 Morgantown Rd Ste 2 Reading, PA 19611

Phone: (610) 376-9742

Fax: (610) 376-6783 info@ahabystepadopti

info@ababystepadoption.com https://ababystepadoption.com/

• Donald C. Cofsky

660 Two Logan Sq Philadelphia, PA 19103 Phone: (215) 563-2150 https://www.209law.com/

• Deborah E. Crum

4431 N Front St 3rd Fl Harrisburg, PA 17110-1778 Phone: (717) 234-2401 Fax: (717) 234-3611 kkrone@sasllp.com https://www.sasllp.com/

• Robin A. Fleischner

374 Milburn Ave Ste 303E Millburn, NJ 07091 Phone: (212) 362-6945 formfamilies@gmail.com https://adoptsurrogatelaw.com/

• Dorota Gasienica-Kozak

One W Broad St Ste 700 Bethlehem, PA 18018 Phone: (610) 332-0390 Fax: (610) 332-0314

contact@kingspry.com
http://www.kingspry.com/

Joshua D. Gitelson

201 W High St

Bellefonte, PA 16823 Phone: (814) 237-7900 Fax: (814) 260-4440

Contact Form: https://bierlylaw.com/contact/

https://bierlylaw.com/

• Tara E. Gutterman

5 Village Dr

Voorhees, NJ 08043 Phone: (609) 471-3227

• Tyler J. Jones

412 Main St

Irwin, PA 15642

Phone: (724) 861-8333 Fax: (724) 861-9594

Contact Form: https://petrillojones.com/contact-petrillo-jones/

https://petrillojones.com/

• Deborah L. Lesko

373 Vanadium Rd Pittsburgh, PA 15243 Phone: (412) 276-4200 Fax: (412) 730-2575

Contact Form: https://www.leskolawandmediation.com/contact-us/

https://www.leskolawandmediation.com/

• C. J. Lyford

632 Germantown Pike Lafayette Hill, PA 19444 Phone: (610) 260-4055

lyfordesq@aol.com

https://www.lyfordlaw.com/

• Debra A. Moshinski

3472 Bent Rd

Huntingdon Valley, PA 19006

Phone: (215) 416-0729 Fax: (215) 701-6581

moshinskilawpc@gmail.com

http://www.moshinskilawpc.com/

Stuart S. Sacks

4431 N Front St 3rd Fl Harrisburg, PA 17110-1778

Phone: (717) 234-2401 Fax: (717) 234-3611 kkrone@sasllp.com https://www.sasllp.com/

Deborah E. Spivack

1515 Market St Ste 1200 Philadelphia, PA 19102 Phone: (215) 763-5550

<u>Debbie@familybuildinglaw.net</u> https://www.familybuildinglaw.net/

Samuel C. Totaro, Jr.

2005 S Easton Rd Ste 100 Doylestown, PA 18901 Phone: (267) 898-0570 Fax: (215) 340-3929

Contact Form: https://curtinheefner.com/contact-us/

http://www.curtinheefner.com/

• Joseph R. Williams

1 Marcus Blvd Ste 200 Albany, NY 12205 Phone: (518) 436-4170 Fax: (518) 436-1456

Office@theCDSLawFirm.com https://thecdslawfirm.com/

Resources

- Academy of Adoption & Assisted Reproduction Attorneys
- Pennsylvania Department of Human Services, Office of Children, Youth and Families
- Disciplinary Board of the Supreme Court of Pennsylvania
- Pennsylvania Legislature: Consolidated Statutes
- AdoptChange
- Child Welfare Information Gateway: State, Territory, and Tribal Resources

About the Adoption-Sensitive Clinical Care Project

It is critical that expectant parents who may wish to place a child for adoption have access to appropriately trained staff and comprehensive supports throughout the adoption process. The federally-funded Adoption-Sensitive Clinical Care Project and the Understanding Infant Adoption curriculum are being administered by National Council For Adoption (NCFA), The Adoption & Foster Care Clinic, Spaulding for Children, and University of Washington School of Social Work for the project period 2024-2026.

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