

No. 1984-64

AN ACT

HB 58

Creating the Pennsylvania Adoption Cooperative Exchange; prescribing responsibilities; requiring certain agencies to cooperate with the exchange; and providing for regulations and staff.

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

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Adoption Cooperative Exchange Act.

Section 2. Creation of Pennsylvania Adoption Cooperative Exchange.

There is hereby created within the Office of Children, Youth and Families of the Department of Public Welfare a Pennsylvania Adoption Cooperative Exchange, referred to in this act as PACE.

Section 3. Responsibilities and duties of PACE.

(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 Office of Children, Youth and Families of the Department of Public Welfare, 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.

(d) Information and reporting responsibilities of PACE.—PACE shall be responsible for the following:

(1) The registration of adoptive parent applicants who have been approved by agencies.

(2) The accumulation and dissemination of statistical information regarding all children registered with PACE.

(3) The 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) The preparation and distribution of a photographic listing service on children registered with PACE.

(5) The preparation of annual reports concerning functions of PACE regarding the children and the prospective parents listed with PACE. Such reports shall be submitted annually to the Health and Welfare and Judiciary Committees of the House of Representatives and also to the Senate Public Health and Welfare and Judiciary Committees, as well as to the Governor.

(6) The coordination of its functions with other state, regional and national adoption exchanges.

Section 4. Responsibilities of public and private agencies.

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. Any public and licensed private agencies may register other children as set forth in section 3(b).

Section 5. Related agencies' activities.

This act 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. This act shall not alter or restrict the duties, authority and confidentiality of the agencies and institutions in those matters.

Section 6. Regulations and staff.

The Department of Public Welfare shall promulgate necessary regulations and shall hire the staff which is necessary to implement this act.

Section 7. Retroactive application of act.

This act 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.

Section 8. Effective date.

This act shall take effect in 60 days.

APPROVED—The 24th day of May, A. D. 1984.

DICK THORNBURGH