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EVALUATION OF PRIVATE ADOPTION PROCESSES IN PENNSYLVANIA

June 1991

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I. INTRODUCTION

Study Authority and Purpose

A study of laws and practices involved in the adoption processes in Pennsylvania was adopted as a staff project by the Legislative Budget and Finance Committee in June 1990. The study is divided into two phases: Phase 1, private adoptions, and Phase 2, adoption of children with special needs. Full-time work on the project began in late November 1990 and Phase 1 continued through May 1991.

The purpose of this report on Phase 1 is to review current laws, regulations, and standards of practice governing adoption processes in the Commonwealth as they pertain to private agency-based and independently arranged adoptions. The report is further intended to develop a profile of how the adoption system operates in Pennsylvania and to identify issues related to private adoption practices. A second report (Phase 2) pertaining to Pennsylvania's adoption processes for children with special needs will be released in the fall of 1991.

Study Objectives

The objectives of this report on Pennsylvania's adoption processes are:

1. To provide a profile on how the adoption processes work in Pennsylvania for private agency-based and independently arranged adoptions, including costs to adoptive parents, services, and standards of practice.
2. To provide information on what kinds of criteria are typically established by private agencies in determining the eligibility of prospective adopting parents (e.g., age, marital status, income, home environment, religion, prior number of children, etc.).
3. To describe the role of the court in the various types of child adoptions including, in general terms, how the role and procedures of the courts may vary among counties.
4. To ascertain whether or not private adoption processes in Pennsylvania provide reasonable protections to (a) ensure the well-being of the child and (b) ensure that both the birth parents and adoptive parents are treated fairly.

The planned objectives of the Phase 2 report, which will be released this fall, on adoption of children with special needs are as follows:

1. To provide an overview of how special needs adoptions are processed in Pennsylvania, including costs and services provided.
2. To determine what barriers exist in the area of adopting children with special needs and what incentives are provided to support adoption of these children.
3. To describe how the Adoption Assistance Program is administered in the state.
4. To describe the relationship between permanency planning and the adoption of children with special needs.
5. To assess the extent to which post-adoptive services are provided in adoptions involving children with special needs.

Study Scope and Methodology

Private adoption practices in Pennsylvania were reviewed primarily for calendar years 1989 and 1990. This study was conducted in accordance with generally accepted government auditing standards and was designed to provide information on and evaluate issues of concern regarding the adequacy of safeguards in Pennsylvania's private adoption processes.

In addressing all objectives for the private adoption study, LB&FC staff reviewed appropriate sections of Pennsylvania statutes that dealt with adoption and child protective services. LB&FC staff also reviewed applicable regulations on adoptions published by the Department of Public Welfare. In addition, laws and regulations pertaining to adoption in 16 other states, including the 6 states contiguous to Pennsylvania, were reviewed and compared with those of Pennsylvania. LB&FC staff also utilized a factbook published by the National Committee for Adoption, which contains information on adoption laws and practices in all 50 states.

In order to examine the costs to adoptive parents and the eligibility criteria established by private agencies to evaluate prospective adoptive parents, LB&FC staff completed a number of activities. LB&FC staff compiled and analyzed responses to survey questionnaires sent to adoption agencies, attorneys involved in independent adoptions, president judges, adoption support groups, and adoptive parents. (Appendix A contains information on the survey questionnaires administered in this study along with the associated response rates.) In addition, LB&FC staff reviewed reports and studies published by national organizations on adoption practices and policies relating to the issues of costs and eligibility criteria.

To complete the objective regarding the role of the court in the various types of adoptions, LB&FC staff interviewed certain judges, court administrators and clerks of court, as well as officials from the Administrative Office of PA Courts. Information on the role of the court was also obtained from questionnaire responses from individuals and agencies mentioned in the preceding paragraph.

Survey responses (including those from birth parents) and interviews were also utilized in assessing the degree to which private adoption processes in Pennsylvania provide reasonable protections to ensure the well-being of the child as well as to ensure that both birth and adoptive parents are treated fairly.

Agencies administering various aspects of the adoption process in the state also served as primary sources of information for this study and were instrumental in furthering LB&FC staff understanding of the issues. These agencies included the Department of Public Welfare, the Pennsylvania State Police, the Department of Health's Division of Vital Records, and the Administrative Office of Pennsylvania Courts. Other primary sources of information included legislative staff, officials of adoption support groups and associations within the state, and national organizations which have an interest in adoption practices and policies. In addition, LB&FC staff attended a DPW-sponsored conference and a public hearing of the House Health and Welfare Committee in October 1990 at which adoption issues were discussed.

No information has been omitted from this report because it is deemed privileged or confidential.

Report Structure and Acknowledgements

This study report consists of five chapters: Chapter I, Introduction, contains information on the study authority and purpose, objectives, and scope and methodology; Chapter II contains a brief summary of the results of this study; Chapter III presents the study findings and recommendations; Chapter IV provides background descriptive information on the history of adoption laws and practices in Pennsylvania, the administration of adoption laws, and the role of DPW in adoptions throughout the state; and Chapter V, Appendices, sets forth various supplemental information related to adoption processes in the Commonwealth.

The LB&FC staff expresses appreciation to Department of Public Welfare officials; staff of the Administrative Office of Pennsylvania Courts and of the Department of Health, especially the Division of Vital Records; and the Pennsylvania State Police for the cooperation and assistance they provided during this study. Special thanks are extended to Mr. Robert Gioffre, Office of Children, Youth and Families, who served as liaison with the Department of Public Welfare, and Dr. John Pierce, Executive Director of the Pennsylvania Council of Children's Services.

Input received from President Judges, adoption agencies, adoption support groups, county children and youth services agencies, independent attorneys, adoptive parents, and birth parents was also instrumental in the development of this report.

LB&FC staff involved in this study was under the direction of Executive Director Philip R. Durgin and Assistant Chief Analyst Robert C. Frymoyer. The Audit Team Leader was Senior Analyst David C. Johnson. Deborah A. Blackburn and Linda G. Brown, Analysts, worked on the study on a full-time basis. Jonathan P. Nase, Counsel, and Krista L. Keisling, Paralegal, also assisted in the study effort. Secretarial support was provided by Beverly L. Brown, B. Anne Gange, Shannon M. Opperman, and Anne L. Ritter. Additional staff assistance was provided by Michael G. McKenna and Charles V. Saia.

IMPORTANT NOTE

This report contains information developed by the Legislative Budget and Finance Committee staff. The release of this report should not be construed as an indication that members of the Legislative Budget and Finance Committee necessarily concur with all the information contained in this report. The LB&FC, as a body, supports the publication of the information and believes it will be of use to the members of the General Assembly by promoting improved understanding of the issues.

Any questions or comments regarding the contents of this report should be directed to Philip R. Durgin, Executive Director, Legislative Budget and Finance Committee, Room 400, Finance Building, P.O. Box 8737, Harrisburg, Pennsylvania, 17105-8737.

II. REPORT SUMMARY

A. FINDINGS AND CONCLUSIONS

Most private adoptions occur through either an adoption agency or an independent intermediary, who is typically an attorney. Unlike adoption agencies, independent intermediaries are not regulated by the Pennsylvania Department of Public Welfare (DPW). All adoptions, however, are subject to judicial review by judges of the Courts of Common Pleas.

This study compares practices and procedures used in agency adoptions to those used in independent adoptions, compares various adoption procedures in Pennsylvania to procedures in other states, and provides information on how adoption practices and procedures differ among judicial districts within Pennsylvania.

Differences Between Agency Adoptions and Adoptions Arranged By Independent Intermediaries

While adoption agencies and independent intermediaries who facilitate adoptions are both required to adhere to Pennsylvania's Adoption Act, only agency adoptions are regulated by the Department of Public Welfare, and the two approaches differ in several significant respects. Because independent intermediaries are not monitored as closely as adoption agencies, independent adoptions are considered by many, including some judges, to provide fewer safeguards and assurances that birth parents and adoptive children are adequately protected. Adoptions through agencies, however, can be more restrictive and costly than adoptions through an independent intermediary. In particular, the study found:

- All adoption agencies are approved and inspected by DPW annually to ensure that they are meeting established criteria and standards of operation. Independent attorneys and intermediaries are not required to be certified by DPW nor are they required to follow DPW regulations in facilitating adoption. (p. 11)
- Adoption agencies are required to conduct investigations, including home studies, of prospective adoptive parents prior to placing a child in custody of those parents. Although some independent attorneys reported they arrange for preplacement investigations, such investigations are not required and are not typically done in independent adoptions. The lack of preplacement investigations was one of the major reasons why Pennsylvania judges responding to an LB&FC survey expressed somewhat less confidence in the safeguards for independent versus agency adoptions. (p. 30)

- In the case of a voluntary relinquishment of parental rights by birth parents, a hearing to terminate rights can be held as early as 14 days following the birth of the child if the case is handled by an adoption agency. The earliest hearing date permitted by law in a similar case handled by an independent attorney is 41 days following the child's birth. (p. 45)
- DPW regulations require that counseling be made available to birth parents, and such counseling is typically provided in agency-arranged adoptions. Birth parent counseling is not required to be made available and is typically not provided in adoptions arranged by independent attorneys. (p. 41)
- Eligibility criteria used by adoption agencies for prospective adoptive parents are typically more restrictive than the criteria, if any, applied by independent attorneys. In particular, many adoption agencies set age limits for adoptive parents, commonly at age 40. (p. 25)
- Adoptive parents reported slightly higher average costs for agency adoptions (\$5,630) than for independent adoptions (\$5,440). If foreign and special needs adoptions are excluded, the cost difference between agency and independent adoptions increases (\$6,956 vs. \$4,612). Very few adoptive parents, however, expressed concern over the costs of adoption. (p. 18)
- Although DPW has the authority to monitor the reasonableness of fees charged by adoption agencies, it does not include such a review in its annual inspections of adoption agencies. Further, there appears to be some confusion over what costs are allowed to be reimbursed to the birth parents, and some questionable costs paid to birth parents were noted in an LB&FC survey. (p. 18)
- In both agency and independent adoptions, prospective adoptive parents are required to complete child abuse and criminal history checks. However, shortcomings in the methods that PA state agencies use to conduct these checks may limit their effectiveness. (p. 36)

Comparison of Pennsylvania With Other States

Pennsylvania law is similar to the 1969 Revised Uniform Adoption Act, but is less stringent in several respects than the 1980 federal Model State Adoption Act and adoption legislation in many other states. A comparison to other states found:

- Pennsylvania is one of 44 states in which independent adoption is legal. However, four of the six states contiguous to Pennsylvania appear to be more restrictive regarding the regulation of independent adoptions. (p. 11)
- While laws in 12 of the 50 states stipulate that birth parents cannot revoke their relinquishment of parental rights, in Pennsylvania birth parents can do so at any time prior to a court decree terminating birth parent rights. Laws in an additional 15 states limit to 30 days or less the time during which birth parents can revoke their relinquishment of parental rights. (p. 45)
- When compared to a sample of 16 states, Pennsylvania is one of nine which require criminal records checks for prospective adoptive parents. While four of these nine states routinely conduct FBI checks as part of this process, Pennsylvania does not. Like Pennsylvania, five of the sampled states require child abuse registry checks. (p. 36)
- Pennsylvania, along with 6 out of 16 sampled states, requires preplacement investigations of prospective adoptive parents only for agency adoptions. Four of these states do not require preplacement investigations for either agency or independent adoptions; six other states require preplacement investigations for all adoptions, both agency and independently arranged. (p. 30)
- Currently, little statistical information is collected in Pennsylvania on adoption activity. New federal guidelines encourage states to collect information on private adoptions, and some states have begun efforts to collect and use this information to improve the planning and management of adoption and other related programs and services. (p. 53)

Variations in Procedures Among Judicial Districts

Responses to LB&FC survey questionnaires from adoptive parents, adoption support groups, and attorneys often expressed satisfaction with the procedures followed by the courts in processing adoption cases, although certain differences in procedures were noted among the courts. For example:

- Fourteen of 33 judges who responded to an LB&FC survey indicated that they limit in some way the fees and expenses charged to adoptive parents. These judges report basing their decisions on fairness or reasonableness of the attorney fees and medical expenses. Four-fifths of adoptive parents responding to an LB&FC survey indicated that they believed adoption costs were reasonable. (p. 18)

- According to 33 responding judges, the average time to process a voluntary termination varies from 1 month to 6 months, with an overall average of 2.5 months. Judges also reported averages ranging from 1 to 15 months, with an overall average of 3.9 months, to finalize the adoption following termination of parental rights. (p. 45)
- Certain judicial districts have developed court rules which, in effect, add requirements to the adoption process. For example, court rules in Bucks County require a home study prior to placement of the child in independent adoptions, and in Chester County the court requires adoptive parents from out of state to submit a state police clearance from their state of residence. (p. 62)
- Some judges may impose different adoption requirements based on their discretion. For instance, one judge reports that he will not accept a consent to adopt^{1/} and requires the birth parent to appear in court to relinquish parental rights. (p. 45)
- Adoption agency representatives and independent attorneys responding to LB&FC surveys report that some courts are slow to terminate parental rights, thereby causing a delay in freeing the child for adoption. In one county, the court reportedly does not usually terminate parental rights in an independent adoption until the adoption is ready to be finalized, and in another county, if not contested, the termination of parental rights and the adoption occur at the same hearing. Other courts permit termination of parental rights to occur far earlier in the process. (p. 45)

B. REPORT RECOMMENDATIONS

The General Assembly should consider amending the Adoption Act to:

1. Require that birth parents be given an opportunity for counseling prior to the termination of parental rights and create a mechanism which would provide funds for such counseling.^{2/} (p. 44)

1/According to the Adoption Act, a birth parent who chooses to sign a consent to adopt is not required to appear in court at the hearing when termination of parental rights is considered. A birth parent who signs a relinquishment of parental rights is, however, required by statute to appear at the termination of rights hearing.
 2/Although not a specific endorsement, a current legislative Initiative, HB 79, offers one approach for such a process.

2. Require that investigations of all prospective adoptive parents at least be initiated prior to placement.²⁷ (p. 35)
3. Require (with certain protections) that the birth parents' consent to relinquish their rights becomes irrevocable after a set period of time. (p. 52)
4. Require all agencies and intermediaries who facilitate adoptions to submit designated information to the county clerks of court when adoptions are finalized and require the clerks of court to forward this information to the Department of Public Welfare. (p. 58)
5. Require that the Department of Public Welfare provide an annual adoption statistics report, based on the information collected from the clerks of court (see #4 above), to the pertinent standing committees in the House and Senate. (p. 59)

The General Assembly should also consider amending the Child Protective Services Law to:

1. Require that the State Police conduct FBI records checks of all prospective adoptive parents. (p. 40)
2. Allow DPW to share child abuse information with authorized personnel from other states. (p. 40)

The Department of Public Welfare should:

1. Review and analyze fees and expenses incurred by adoptive parents as part of its annual inspection process of private adoption agencies and provide guidance as necessary to ensure appropriate practices. (p. 24)
2. Include a review of eligibility criteria as part of its annual inspection of these agencies and develop guidance and regulations necessary to prevent overly restrictive practices. (p. 29)
3. Attempt to obtain child abuse information on prospective adoptive parents who have recently resided in other states. (p. 40)
4. Require that child abuse information forms provided by adoptive parents be notarized. (p. 40)
5. Provide periodic reports on adoption statistics to the Administrative Office of Pennsylvania Courts (AOPC) and to interested persons upon request. (p. 59)

The Pennsylvania State Police should:

1. Obtain criminal records information on prospective adoptive parents through fingerprints. (p. 40)
2. Require that criminal records information forms provided by adoptive parents be notarized. (p. 40)

III. STUDY FINDINGS AND RECOMMENDATIONS

A. INDEPENDENT ADOPTIONS ARE NOT MONITORED AS EXTENSIVELY AS AGENCY ADOPTIONS

Private adoptions in Pennsylvania typically occur either through adoption agencies or through independent intermediaries, who are often attorneys. Both approaches must comply with the Pennsylvania Adoption Act, but adoptions undertaken through agencies are subject to additional regulation by the Department of Public Welfare (DPW). However, all adoptions, including independent adoptions, must include an investigation of prospective adoptive parents and certain other checks and are subject to review by the courts before they can be finalized.

Eight of 16 states reviewed by LB&FC staff are similar to Pennsylvania in that they permit but do not regulate independent adoptions other than through court proceedings.¹¹ However, four of the six states which border Pennsylvania appear to be more stringent than Pennsylvania in that three of the states, New York, New Jersey, and Maryland, have additional provisions governing independent adoptions, and the fourth, Delaware, requires that all adoptions be handled by agencies.

Although the majority of Pennsylvania judges responding to an LB&FC survey believe the safeguards in place for independent adoptions are adequate, the judges expressed greater confidence in the safeguards over agency adoptions, particularly in protecting children and birth parents, than they did for independent adoptions. In particular, judges indicated concern over the lack of preplacement investigations and the lack of counseling for birth parents in independent adoptions. Adoption support groups were much more critical of independent adoptions; their responses indicated a general lack of confidence in the safeguards over independent adoptions in Pennsylvania.

DISCUSSION

The Department of Public Welfare (DPW) has authority to develop standards and regulate adoption agencies, primarily through the Public Welfare Code, 62 P.S. §101 et seq. DPW regulations (55 Pa. Code §3680.1 et seq. and §3680.1 et seq.) specify the standards and practices to be used by adoption agencies in Pennsylvania. DPW does not, however, have regulatory authority over

¹¹/Please see Appendix B for an explanation of the methodology used by LB&FC staff in selecting the 16 states for comparative analysis.

attorneys and other intermediaries who arrange independent adoptions in the state.^{2/}

Information is not available to determine the number of adoptions handled by agencies and by independent intermediaries in the state (please see Finding H). However, based on information provided in survey questionnaire responses by judges from throughout the state, it appears that independent intermediaries facilitated about one-half (52 percent) of all adoptions finalized in the state in 1990, while adoption agencies and county children and youth services agencies each facilitated approximately one-quarter (25 and 24 percent) of all adoptions, respectively.^{3/}

The attorneys involved in arranging adoptions who responded to an LB&FC survey indicated that an average of 57 percent of prospective adoptive parents came to them after having been told that they were ineligible to adopt through an agency. This indicates that independent adoption may be the only feasible route of adoption available to many prospective adoptive parents due to the eligibility criteria maintained by some adoption agencies (please see Finding C for a discussion of adoption agency eligibility criteria).

DPW'S ROLE IN REGULATING AGENCY ADOPTIONS

In accordance with regulations, DPW personnel annually inspect all 65 adoption agencies in Pennsylvania. If an agency meets the relevant criteria contained in these regulations (55 Pa. Code §3350.1 et seq. and §3680.1 et seq.), then a Certificate of Compliance is issued. During these inspections, DPW officials review case files and examine documents which the agencies are required to maintain, such as a budget, a current annual audit, and a service plan. When deficiencies are noted, the agencies are to submit a plan of correction before a new Certificate of Compliance is issued.

LB&FC staff reviewed the files of all adoption agencies in DPW's central region. This check indicated that DPW had inspected all agencies in the past year and that all agencies had current Certificates of Compliance. The review also found that identified deficiencies and actions taken by the agency to remedy the

^{2/}Attorneys often act as independent intermediaries. A key distinction, however, is that intermediaries (who can be attorneys or others including physicians/social workers) are only involved in coordinating placement of children. Attorneys, on the other hand, may act as intermediaries but may also be involved solely in providing legal services.

^{3/}The total percentage does not equal 100 due to rounding.

deficiencies are documented and that copies of inspection sheets and certificates from at least the past five years are evident in the files.

LB&FC staff also reviewed other DPW information which indicated that all 65 adoption agencies in Pennsylvania had been inspected in the past year and have current Certificates of Compliance. One agency, however, has been prohibited from operating subsequent to a DPW investigation in February 1988. The investigation found that this agency had engaged in "gross incompetence, negligence, and misconduct . . . in charging excessive, improper, and illegal fees to adoptive parents"

REGULATION OF INDEPENDENT ADOPTIONS

An independent adoption is considered to be any adoption which takes place outside of an agency setting. In Pennsylvania an independent adoption may occur as a result of a birth parent placement or as a result of an independent intermediary placing a child with prospective adoptive parents.

The Department of Public Welfare does not have authority to regulate adoptions arranged through independent intermediaries, except for Pennsylvania adoptive parents adopting an out-of-state child.^{4/} Therefore, specific standards of conduct for independent intermediaries do not exist beyond those which may be associated with particular professional standards (for example, those of the American Bar Association or the American Medical Association).

As such, the primary means of monitoring independent adoptions is through the courts. Specifically, Court of Common Pleas judges review every adoption case at the point of finalization. Typically included in this review is a report of investigation, an assessment of the suitability of the placement (including the physical, mental, and emotional needs and welfare of the child), and an itemized accounting of moneys and consideration paid relating to the adoption. All adoptive parents are also required to undergo a criminal history and child abuse check (see Finding E).

COMPARISON OF PENNSYLVANIA WITH OTHER STATES

In Pennsylvania, as in Ohio and West Virginia, independent intermediaries are permitted to place children for adoption. Four of six states contiguous to Pennsylvania, however, appear to be

^{4/}In this instance, the intermediary must contact DPW's Interstate Compact Unit and obtain an approval of the proposed placement prior to the placement of the child in the home.

more stringent than Pennsylvania regarding the regulation of independent adoptions. In Delaware, for example, all adoptions must be handled through licensed adoption agencies.

New York, New Jersey, and Maryland are similar to each other in that all adoptions must be handled through approved adoption agencies except when the birth parent or guardian wishes to place a child independently. These states allow independent adoptions; however, only a birth parent or guardian may place a child independently. The laws in these states do not allow an independent intermediary to place children.

All of the states in an LB&FC sample of 16 states^{5/} have some form of explicit requirements in their laws and/or regulations that adoption agencies be licensed or authorized to operate by a state agency. Fourteen of the 16 states permit independent adoptions.^{6/} Eight of these 14 states are similar to Pennsylvania in that they permit but do not regulate independent adoptions other than through court proceedings. The other six states are more restrictive as regards independent adoption practices in that only birth parents or guardians are permitted to place children.^{7/}

VIEWS FROM THE NATIONAL LEVEL ON THE REGULATION OF ADOPTIONS

The federal Model State Adoption Act, proposed by the Model Adoption Legislation and Procedures Advisory Panel, contains a provision that all persons or entities providing adoption services are to be licensed by the state. The model law states that "licensing serves not only to eliminate poor service providers: licensees are encouraged by the very existence of licensing standards to keep their performance from falling to unacceptable levels." Akin to this concept, Maryland requires that intermediaries be licensed as agencies in order to arrange adoptive placements.

The National Committee for Adoption, an advocate group, has issued a position paper entitled "Principles of Sound Practice in Infant Adoption."^{8/} In this paper, the Committee states that

5/See Appendix B for an explanation of the methodology used by LB&FC staff in selecting the 16 states for comparative analysis.

6/Delaware and Michigan require all adoptions to occur through adoption agencies.

7/As indicated above, three of these states (New York, Maryland, and New Jersey) are contiguous to Pennsylvania. The other three states in this category are California, Nevada, and Virginia.

8/The National Committee for Adoption further advocates having all future adoptions handled only by public or licensed not-for-profit adoption agencies.

because attorneys, physicians, and social workers are becoming increasingly involved in adoption outside of the agency setting, it may be necessary to "create a mechanism for certifying or recognizing such individuals" The Committee has developed standards for this "adoption specialist" and a plan for implementing the process. Included in the standards are requirements for special training, a licensing procedure, and a professional degree.

VIEWS OF JUDGES, ADOPTION SUPPORT GROUPS, AGENCIES, AND OTHERS SURVEYED REGARDING REGULATION OF ADOPTIONS

Generally, Court of Common Pleas judges who responded to an LB&FC survey indicated a high level of satisfaction with the safeguards in agency adoptions (please see Table 1). However, one judge reported that he had found that some agencies had made some inappropriate placements and submitted false intermediary reports, and a few survey responses indicated a concern with excessive fees charged by some agencies. Overall, 91 percent of the judges responding to the survey indicated that they believe agency adoptions provide sufficient safeguards for the welfare of the child, 88 percent believe birth parents are treated fairly, and 97 percent believe that adoptive parents receive fair treatment in agency-arranged adoptions.

TABLE 1. PERCENTAGE OF JUDGES RESPONDING TO AN LB&FC QUESTIONNAIRE WHO BELIEVE SAFEGUARDS ARE ADEQUATE IN AGENCY AND INDEPENDENT ADOPTIONS

<u>Adequate Safeguards Exist for:</u>	<u>Agency Adoption</u>	<u>Independent Adoption</u>
Child	91% (29)	77% (23)
Adoptive Parents	97 (30)	90 (27)
Birth Parent	88 (28)	79 (23)

Source: Developed by LB&FC staff from 33 responses to survey questionnaires sent to 60 President Judges. Percentages are based on actual number of responses on each particular question.

The majority of judges responding to the LB&FC survey also indicated that they believe independent adoption procedures provide sufficient safeguards for all involved in the adoption process. However, as shown in Table 1, judges expressed somewhat less confidence in independent adoptions than in agency adoptions. While 90 percent of the judges who responded indicated that independent

adoption provides sufficient safeguards to the adoptive parents, only 79 percent believed birth parents are sufficiently safeguarded, and only 77 percent believed the child has sufficient safeguards. The judges indicated concern in particular with the lack of preplacement investigations in independent adoptions, the lack of counseling, and pressure that may be placed on birth parents by intermediaries.

One judge stated that the extent of safeguards in an independent adoption "depends on the ethical standards of the lawyer involved." Another judge made the following recommendation: "Require all adoptions, other than step-parent adoptions, to be handled through an accredited and state supervised agency. Otherwise, too many opportunities for abuse." A third judge stated, "I am much more comfortable with agency adoptions than private adoptions."

Many adoption support group representatives who responded to the LB&FC survey indicated that they did not believe that independent adoptions provided sufficient safeguards for the child, the birth parents, or the adoptive parents in the adoption process.^{9/} For example, an average of 71 percent of the respondents believed that there are sufficient safeguards in agency-arranged adoptions, while only 23 percent believed that sufficient safeguards exist in independently arranged adoptions. One support group respondent stated, "I think that independent adoptions should remain. However, I think that all parties should be required to be seen by an adoption counselor prior to placement."

Although not specifically requested in an LB&FC survey, a number of adoption agency officials (12 of 37) also put forth comments in questionnaire responses that independent adoptions should be regulated or eliminated. One agency spokesperson stated, "Private (independent) adoption should have to conform to the same standards as an agency for the protection of the children and the adoptive couple." Another stated, "I would suggest some monitoring of private/independent adoptions to assure that the adoptive parents have had some contact with an agency capable of educating them about adoption issues and to assure that birth parents are also making educated decisions."

The subject of adequacy of safeguards in independent adoptions was addressed in a recent legislative hearing. At an October 1990 public hearing of the House Health and Welfare Committee, various witnesses expressed concern about the sufficiency of safeguards in independent adoptions.

^{9/}Twenty-three of 74 adoption support groups contacted by LB&FC staff responded to the questionnaire.

SUGGESTIONS FOR INCREASED OVERSIGHT OF INDEPENDENT ADOPTIONS

Recommendations made in Findings D, F, and H of this report would have the effect of adding state monitoring and accountability mechanisms to the practice of independent adoption. In particular, a requirement for preplacement investigations of prospective adoptive parents would provide an additional safeguard to the independent adoption process. As discussed in Finding F, the courts could verify that all birth parents have been offered the opportunity for counseling prior to termination of parental rights in independent as well as agency adoptions. Finally, a requirement that all agencies and individuals facilitating adoptions submit certain statistical data would provide for a more accurate record of independent adoptions, which could assist in the monitoring process.

RECOMMENDATIONS

Recommendations included in other findings of this report call for the General Assembly to consider actions which would serve to improve accountability and enhance safeguards in independent adoption practices. Specifically:

- 1. See Recommendation #1, Finding D, pertaining to a requirement for the initiation of preplacement investigations of prospective adoptive parents in all adoptions.*
- 2. See Recommendation #1, Finding F, pertaining to provisions for birth parent counseling in all adoptions, including those facilitated by independent intermediaries.*
- 3. See Recommendation #1a, Finding H, which suggests that all agencies and intermediaries be required to report certain information to the court when each adoption is finalized.*

B. COSTS ASSOCIATED WITH ADOPTIONS VARY WIDELY AND, IN SOME CASES, MAY NOT BE IN STRICT COMPLIANCE WITH PENNSYLVANIA REQUIREMENTS

The costs of adoption in Pennsylvania reportedly vary widely. An LB&FC survey found the reported costs of adopting a child range from no cost to \$18,600. The most expensive method of adoption, as reported by adoptive parents, is through a private adoption agency at an average cost of \$5,630. The adoption of a foreign child is more expensive than the adoption of a healthy Caucasian infant or a special needs child, apparently because of the extra costs involved, such as travel and foreign agency fees. Although most adoptive parents responding to an LB&FC survey indicated that these costs were reasonable, some perceived costs to be excessively high, in effect restricting the possibility of adoption for families with low and middle incomes.

Judges are required by the Adoption Act to monitor the costs of adoption. Although allowable cost categories are enumerated in statute, specific limits on fees which can be charged to adoptive parents, such as attorney and agency fees, are not enumerated nor does the Department of Public Welfare (DPW) specify or monitor allowable costs or fees charged to adoptive parents. Two recent Pennsylvania Supreme Court cases have also defined allowable costs in an adoption proceeding and limit the amount which can be charged to adoptive parents to reimbursement of actual costs incurred by the adoption facilitator. Payment for birth parent expenses are limited to medical expenses arising from the birth of the child; however, several adoptive parents reported paying additional expenses, some of which may not be in strict compliance with Pennsylvania requirements. Compared to 16 states in an LB&FC sample, Pennsylvania does not appear to be significantly more or less restrictive regarding allowable costs for adoption.

DISCUSSION

VARIATIONS IN ADOPTION COSTS

Aggregate cost data provided by 140 adoptive parents in response to an LB&FC survey indicates that the most expensive method of adopting a child is through a private adoption agency at an average cost of \$5,630 (range \$250 to \$17,100). Adoption through an independent placement was reported to be somewhat less costly at an average cost of \$5,440 (range \$300 to \$18,600). The least expensive method of adopting a child is through county Children and Youth Services (C&YS) at an average cost of \$1,106 (range no cost to \$5,160).

Differences in costs are more readily apparent when the costs based on the type of child adopted (for example, healthy Caucasian infant vs. special needs child) are compared. A family adopting a

healthy Caucasian infant can expect to spend an average of \$6,956 adopting through a private adoption agency or \$4,612 through an independent intermediary. The adoption of a child from a foreign country was reported to be more expensive at an average cost of \$8,147, primarily due to high travel costs and the necessity of paying, in most cases, fees both to a U.S. agency and to a foreign agency. Adoption of a special needs child is relatively inexpensive with an average reported cost of only \$1,673. (See Table 2.)

DIFFERENTIAL FEES CHARGED

Fees for adoption services vary depending on the method of adopting; that is, private agency, independent intermediary, and C&YS. One of the apparent reasons that the fees vary so widely is that some agencies levy different fees based on the type of child they are placing. For example, one adoption agency charges a service fee of \$6,950 for the placement of a healthy Caucasian child, and \$3,475 for the placement of a black child. Another agency charges a fee of \$7,500 for the placement of a healthy Caucasian infant and \$1,000 for all other (including special needs) children.

TABLE 2. COSTS OF ADOPTION REPORTED BY ADOPTIVE PARENTS BY TYPE OF CHILD ADOPTED

<u>Type of Child</u> ^{a/}	<u>Average Costs</u>	<u>Range of Costs</u>
Healthy Caucasian Infant		
Private Adoption Agency (25)	\$6,956	\$500-\$15,400
Independent (19)	\$4,612	\$1,090-\$18,600
Foreign (23) ^{b/}	\$8,147	\$1,350-\$17,100
Special Needs (60)	\$1,673	\$0-\$16,200

^{a/}Three kinship adoptions were included in this sample. The average cost for these adoptions was \$783. Two of these adoptions were arranged independently, and one was arranged through C&YS.

^{b/}Six of the foreign adoptions were handled by independent intermediaries. The average cost for these adoptions was \$9,017.

Source: Developed by LB&FC staff from information obtained from responses to survey questionnaires administered in early 1991.

One person who attempted to adopt a Caucasian infant was "outraged" at the higher fees charged by agencies for Caucasian children. She wrote a letter to Governor Casey protesting that she believed this policy was discriminatory. The Department of Public Welfare (DPW) contacted the agency involved and a spokesperson reportedly said that the agency policy is to charge a higher fee for Caucasian children in order to subsidize the cost of adoptions of special needs (including minority) children. Because adoptive families are more difficult to find for these children, agency officials believe that they must charge lower fees in order to attract more adoptive parents.

Another reason that fees vary is that some agencies charge fees to adoptive parents on a sliding fee scale. For example, one adoption agency charges a placement fee ranging from \$1,100 to \$5,140 based on the income of the adoptive parents.

The large majority of adoptive parents (81 percent) responding to the questionnaire indicated that they believed the costs associated with adoption were reasonable. Several couples, however, did not believe that the costs were reasonable and made the following comments:

- I would like to see stricter regulations pertaining to costs. Many agencies feel that they have the couple over a barrel. Some costs are obviously justified, but a large percentage of the costs are unfairly inflated.
- [It is important] to set some maximum fees for private adoptions. Adoption is supposed to give the children a better opportunity in life, not make a profit for attorneys, agencies, and birth mothers. It is a known fact that if you have enough resources, you can have a child in less than a year.
- I believe that, in most cases, you have to have quite an amount of money to adopt. This is an unfortunate situation.
- Adoption fees are going so high that the average couple will not be able to afford adoption.

LEGAL CONSTRAINTS ON ADOPTION EXPENSES

The Adoption Act (23 Pa.C.S.A. §2533) enumerates categories of permissible adoption expenses which can be charged to adoptive parents. These include the reimbursement of (1) medical and hospital expenses incurred by the natural mother for prenatal care and expenses incident to the birth, (2) medical and foster care charges for the child incurred prior to the decree of adoption, (3) reasonable expenses incurred by the agency for counseling and home

studies or investigations of the adoptive parents, and (4) reasonable administrative expenses incurred by the agency.

Two Pennsylvania Supreme Court decisions have further defined permissible costs in an adoption proceeding. In the case In Re B.A.B. 534 A.2d 1050 (Pa. 1987), the Supreme Court disallowed any intermediary fees charged by an attorney in an adoption. The attorney was allowed only reimbursement for actual legal services rendered.

In the case In Re Baby Girl D., 517 A.2d 925 (Pa. 1986), the following decisions were made regarding costs in an adoption:

1. Adoptive parents may only pay expenses for the natural mother when the services directly benefit the child (not to include such services as sonograms and Lamaze classes.)
2. Expenses for counseling the natural mother may not be charged to the adoptive parents.
3. Adoptive parents cannot be required to pay for counseling as a condition of adopting.
4. Charges to adoptive parents may not be fixed based on their income (i.e., sliding fee scales).
5. Agency fees, which might operate as consideration for transfer of the child or that might provide impermissible profit from the placement of the child in an adoptive home, may not be charged to adoptive parents.

Judges are given the duty in the Adoption Act to monitor the costs of adoptions. Thirty-three judges returned an LB&FC survey questionnaire, and of these, 14, or 42 percent, indicated that they have limited the fees paid by adoptive parents. Of those who have limited fees, the reported criteria used to determine the fairness of the fees include reasonableness, customary charges, and documented expenses (e.g., medical bills). One judge stated that he considers an, "analysis of time, effort and expertise of counsel. No fee which might give indication of a 'sale' will be approved." Another judge indicated that he orders time sheets if the attorneys' fees charged seem to be too high.

DPW has regulatory authority over the 65 private adoption agencies in Pennsylvania and conducts annual inspections of each agency. During the annual inspection, each agency must provide DPW officials with their published fee schedule. DPW has the authority to approve fees charged by adoption agencies and recently rescinded its approval of one agency which was determined to be charging excessive, improper, and illegal fees to adoptive parents. DPW does not, however, explicitly approve or disapprove the amounts of fees charged by each agency as part of its inspections

and does not develop comparative information on agency fees. In addition, DPW regulations do not specify allowable costs, and DPW does not provide specific guidance to agencies on this matter. DPW officials have stated that a review of fees could, however, be incorporated in the private adoption agency inspection process which the Department conducts on an annual basis.

OTHER STATES

In an LB&FC sample of 16 states,^{1/} 10 states require reporting of adoption costs to the court; however, in only 6 states (Florida, Nevada, New Jersey, Ohio, Virginia, and West Virginia) are the allowable categories of expenses enumerated in the law. As in Pennsylvania, allowable expenses in these states are limited to medical and hospital expenses of the birth mother which directly benefit the child and reasonable agency and attorneys fees. New York, New Jersey, and Florida laws also require that adoption agencies be nonprofit organizations.

QUESTIONABLE COSTS

While most representatives (80 percent) of 15 support groups responding to an LB&FC survey question concerning costs indicated that they were not aware of instances where a birth parent received more than paid medical expenses, several instances were reported to LB&FC staff in which the adoptive parents reportedly paid for costs which are apparently not allowed under Pennsylvania Supreme Court decisions. For example, one adoption agency responding to an LB&FC survey reportedly bases its fees to adoptive parents on the adoptive parents' income. One attorney contacted by LB&FC staff noted that the variable interpretations of the recent Pennsylvania Supreme Court cases by adoption facilitators causes confusion regarding allowable costs and that the law in this area is not clear.

Based on LB&FC survey responses, questionable payments to birth parents may be occurring. Thirty-two percent of birth parents responding indicated that they had expenses other than medical expenses paid in the adoption of their child. These additional expenses reportedly included counseling, childbirth classes, television and telephone in the hospital, and lost wages. One birth parent stated that she had been reimbursed for "prescriptions, clothing, most anything I needed." The Adoption Act does not enumerate what adoption expenses can be paid for by adoption agencies; and therefore it is unclear what expenses may be

^{1/}See Appendix B for an explanation of the methodology used by LB&FC staff in selecting the 16 states for comparative analysis.

permissible if they are not directly charged to adoptive parents. In addition, LB&FC staff could not ascertain the circumstances surrounding the payments mentioned above and, hence, could not determine if any specific prohibited payments had been made.

One adoptive parent stated that he had paid \$300 for the birth mother's dental work prior to the birth of the child. Another indicated that "we suspect that the birth mother received more than foster care payments, but not from us."

MOST RESPONDENTS INDICATE THAT ADDITIONAL EXPENSES SHOULD NOT BE ALLOWED

Most persons responding to LB&FC questionnaires indicated that they did not believe additional expenses of the birth mother should be allowed to be paid by the adoptive parents. Birth parents responding to the LB&FC questionnaire answered overwhelmingly (31 out of 35 or 89 percent) that they did not believe that any other of their expenses should have been paid for them. Those who indicated that they felt more expenses should be allowed specifically mentioned counseling, compensation for loss of wages, and maternity clothes.

Support groups responding to the questionnaire answered this question similarly. Eighty-six percent of the representatives responding indicated that they did not believe that additional expenses should be allowable. One representative who believed that additional expenses should be allowable added, "Current living expenses, paying off debts, job training, other medical expenses. Agencies and attorneys make good profits from adoptions, why shouldn't the mother have some help when it is usually desperately needed?" Another representative held an opposite view: "Too much possibility for corruption and 'baby buying.'"

Adoption agency personnel were asked in an LB&FC survey whether they believed that payment of additional expenses of the birth mother should be allowable. Forty-seven percent said "Yes" and 53 percent said "No." Most of the affirmative answers indicated that the adoptive parents should be able to pay counseling expenses for the birth mother. (Please see Finding F.) One respondent who did not believe that additional expenses should be allowable stated, "This would provide another opportunity for abuses, coercion, etc."

Adoptive parents were not specifically queried about their opinions regarding allowable expenses for the birth mother; however, several parents did provide comments. One adoptive parent said that "birth mothers [should] receive counseling and have the expenses paid by the adoptive parent. The consequence [of this not being allowed] is that the birth mothers don't have a chance to sort out their feelings because most can't afford counseling."

RECOMMENDATIONS

1. *The Department of Public Welfare should include a review and analysis of fees and expenses incurred by adoptive parents as part of its annual inspection process of all private adoption agencies in the state. DPW officials should assure that appropriate practices are being followed by the adoption agencies and develop specific regulations or policy directives, if necessary, to provide the required guidance.*
2. *Please also see Recommendations #1a and #3 in Finding H pertaining to collecting and reporting of such information.*
3. *Please also see the Recommendation in Finding F regarding payment for counseling of birth parents.*

C. ELIGIBILITY CRITERIA WHICH ADOPTION AGENCIES USE TO EVALUATE PROSPECTIVE ADOPTIVE PARENTS CAN VARY AND ARE SOMETIMES VIEWED AS BEING OVERLY RESTRICTIVE

The ways in which adoption agencies in Pennsylvania determine the eligibility of prospective adoptive parents vary from agency to agency and, in some cases, are perceived by adoptive parents as being overly restrictive. For example, at least one agency prohibits the adoption of healthy Caucasian infants by persons over the age of 35. The most commonly used factor employed by adoption agencies to determine the eligibility of adoptive parents was age, and the most frequently established upper limit was 40 years old. In addition, certain adoption agencies employ different criteria based on the type of child that they are placing. Because the eligibility criteria used by independent adoption facilitators are generally less strict than that of agencies, some adoptive parents report only being able to adopt through independent intermediaries.

Pennsylvania's Adoption Act does not specify eligibility criteria to be used in evaluating prospective adoptive parents, but it states that, whenever possible, the adopting parents should be of the same religious faith as the birth parents. The act also states that the court is prohibited from precluding an adoption based on the age, sex, or religious, ethnic or racial background of the adoptive parents or the child. The federal Model State Adoption Act specifies that adoption agencies should not restrict eligibility for adoptive parenthood based on age, race, marital status, income, or religion, but rather eligibility should be based on a family assessment. Department of Public Welfare (DPW) regulations do not specify eligibility criteria to be used by adoption agencies but do state that the selection of the adoptive parent and child is to be made on the basis of their suitability for one another.

DISCUSSION

LAW AND REGULATION DO NOT SET SPECIFIC ELIGIBILITY CRITERIA

Pennsylvania law and regulation contain little mention of eligibility criteria for prospective adoptive parents. The Pennsylvania Adoption Act (23 Pa.C.S.A. §2101 et seq.) does not list any specific criteria. The court, however, is prohibited from precluding an adoption based on the age, sex, health, social and economic status, or religious, ethnic, or racial background of the adoptive parents or the child. The Adoption Act also states that, whenever possible, the adopting parents shall be of the same religious faith as the birth parents.

Pennsylvania law requires that the adoptive parents obtain clearance from the Pennsylvania State Police to determine that

they do not have a criminal record and have clearance from the Department of Public Welfare (DPW) that they have not been involved in an incident of child abuse. (Please see also Finding E.)

DPW regulations do not list specific criteria to determine adoptive parent eligibility beyond the requirement that the agency prepare a written study of the prospective adoptive parents. This study must include a medical history and information regarding financial, marital, and emotional stability. Additionally, DPW regulations require that adoption agency records document the basis for selection of an adoptive home including such factors as: age, social and cultural background, attitudes toward race and religion, and physical and personality characteristics. DPW has regulatory authority over the 65 private adoption agencies in Pennsylvania; however, the Department reportedly does not monitor the agencies' usage of eligibility criteria to evaluate prospective adoptive parents.

DPW, however, approves the establishment of adoption agencies and conducts annual inspections of their records, policies, and procedures. According to DPW officials, these annual inspections could be expanded to include a review of the eligibility criteria used by the agencies with guidance provided as necessary to preclude the use of unfair or arbitrary criteria in the evaluation of prospective adoptive parents. Current law and regulation appear to provide DPW with the authority to do so.

The federal Model State Adoption Act^{1/} recommends that an adoption agency should not restrict eligibility for adoptive parenthood based on factors such as age, race, marital status, income, or religion. The model law does not define specific criteria but rather indicates that a person's capacity for adoptive parenthood should be based on a family assessment, which should be a mutually educative process between the agency and the adoptive parents.

Certain other states appear to have established more definite eligibility criteria for adoptive parents in law and regulation than has Pennsylvania. For instance, in a sample of 16 states,^{2/} 9 have designated lower, but not upper, age limits for adoptive parents (e.g., must be at least 21 years old). Seven states require personal references, and three states prefer or stipulate that only married couples may adopt. Although Pennsylvania law or

1/Developed in 1980 by the Model Adoption Legislation and Procedures Advisory Panel created by the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

2/Please see Appendix B for an explanation of the methodology used by LB&FC staff in selecting the 16 states for comparative analysis.

regulation does not set age limits or require personal references, most adoption agencies responding to an LB&FC survey have established age limits and some require personal references.

State agency officials contacted in Florida and New Jersey reported that, as part of their annual inspection process, they review eligibility criteria established by adoption agencies. The New Jersey official stated, however, that the agencies have wide latitude in this area. Officials in these states report that they have not experienced problems with adoption agencies' applying overly restrictive eligibility criteria.

CRITERIA USED BY ADOPTION AGENCIES AND INDEPENDENT INTERMEDIARIES

Eligibility criteria used to evaluate prospective adoptive parents varied significantly among the 37 adoption agencies responding to an LB&FC questionnaire. The age of the adoptive parent was the most commonly reported criterion. Sixty-three percent of the agencies indicated that they had established some criteria for the age of the adoptive parents. Minimum age limits reportedly ranged from 18 to 27 years, and maximum age limits ranged from 35 to 60 years of age. The most frequently established upper limit on age for adoptive parents was age 40. Thirty-two percent of the agencies also listed some religious criteria.

Several agencies also reported criteria such as "adequate income," "stable home environment," and "good health." Other less frequently reported criteria included health and weight status, childlessness (and experiencing infertility), no cults, philosophy of discipline, and married over two years. One agency stipulated in its criteria that the adoptive parents have an annual income of over \$20,000. Another required that the adoptive parents eventually tell the child that he/she is adopted.

The eligibility criteria that independent intermediaries use appears less rigorous than the criteria utilized by agencies. Most attorneys reported that they either did not match or place children with adoptive parents or that they had no established criteria. Several reportedly allow the birth mother to have a role in choosing the adoptive parents. Ten of the 22 attorneys who responded to an LB&FC questionnaire reported using eligibility criteria, including "age," "income," and "education," among others, but did not indicate specific limits or levels.

AGENCIES APPLY DIFFERENT ELIGIBILITY CRITERIA BASED ON THE TYPE OF CHILD TO BE ADOPTED

Seven of the 37 adoption agencies in Pennsylvania that responded to an LB&FC survey reported maintaining different

eligibility criteria based on the type of child they are placing. Generally, parents who wish to adopt a healthy Caucasian infant are subject to more stringent criteria than are parents wishing to adopt special needs or minority children.

For example, one agency in Pennsylvania that places both healthy Caucasian infants and special needs children has different criteria for each program. The criteria for the former program are stricter: the adoptive parents must be between the ages of 21 and 40 years for females, and between 21 and 45 years for males; the adoptive parents must be a couple, married for at least two years, and infertile; and they may have no other children. The criterion established by the above agency for the special needs adoption program is that the adoptive parent(s) must be 21 years of age.

SOME ADOPTIVE PARENTS PERCEIVE ELIGIBILITY CRITERIA AS ARBITRARY

Some adoptive parents responding to an LB&FC questionnaire perceived agency eligibility criteria as being arbitrary. Of 156 respondents, 39, or 25 percent, reported that an adoption agency had indicated that they would be ineligible prior to making a formal application to adopt. The most often mentioned constraint on eligibility was age. One adoptive parent stated, "Many agencies won't place newborns with adoptive parents who are over 35 or 40. This is absurd." The next most common reason reported for ineligibility was religion. Another adoptive parent stated, "As a Catholic, I was told by the Jewish and Lutheran agencies to contact a Catholic agency."

Adoptive parents also mentioned that the policy of some agencies was not to place black or biracial children with white families. One parent stated, "All racial elements should be removed from the adoption process. Agencies should focus on placing children in a good home and should not worry that black children will 'lose their identity' if they are placed with white parents. Every child is better off with parents than in foster care or group homes." According to a DPW official, however, DPW policy is to attempt to place adoptive children with families of the same race whenever possible.

INDEPENDENT ADOPTION PROVIDES A LESS RESTRICTIVE ALTERNATIVE

Because agency criteria tend to be stricter than the criteria employed by independent intermediaries, some adoptive parents may only be able to adopt independently. Of those 31 parents responding to the LB&FC survey who adopted independently, 12, or 39 percent, indicated that this was the only way in which they could adopt. One couple said that they had chosen independent adoption because, "We already had one child of our own and were over 40."

According to the attorneys who responded to the LB&FC survey, approximately 57 percent of adoptive parents had chosen independent adoption after having been unable to adopt through an agency.

RECOMMENDATIONS

1. *The Department of Public Welfare should include a review of eligibility criteria as part of its annual inspection process of adoption agencies in the state. DPW officials should develop any guidance and regulations as may be necessary to assure that overly restrictive criteria are not employed.*
2. *See also Recommendation #3 in Finding H pertaining to Departmental reporting of such information.*

D. INVESTIGATIONS OF PROSPECTIVE ADOPTIVE PARENTS ARE NOT CONDUCTED IN ALL ADOPTION CASES PRIOR TO THE PLACEMENT OF THE CHILD IN THE HOME

Department of Public Welfare (DPW) policy requires that all adoption agencies provide for preplacement investigations of prospective adoptive parents. However, independent intermediaries, who are not subject to the regulatory authority of DPW, are not required to ensure that investigations of prospective adoptive parents are completed prior to the placement of the child in the adoptive home.¹ In an independent adoption, investigations of prospective adoptive parents are typically completed after the placement of the child in the home. Without preplacement investigations, the potential exists that children may be placed in unsafe adoptive home environments or into unsuitable conditions. These conditions may not come to light until the court-ordered investigation is completed, which may not occur until after the child has been in the home for six months or more.

Nearly one-fifth of the judges responding to an LB&FC survey indicated that they knew of an instance where a child was removed from an adoptive home because a court-ordered investigation showed the home to be unsuitable. Additionally, 81 percent of the judges responding to an LB&FC survey indicated that they believed preplacement investigations should be completed on prospective adoptive parents; the majority of adoption support group respondents also indicated that preplacement investigations should be completed. In addition, two national organizations, the National Committee for Adoption and the Child Welfare League of America, support preplacement investigations of adoptive parents. Nationally, of the 44 states which permit independent adoptions, 13 require investigation of the adoptive parents prior to the placement of the child in the home.

DISCUSSION

Pennsylvania law establishes certain requirements for the evaluation of prospective adoptive parents. When a Report of Intention to Adopt is filed by prospective adoptive parents, the Adoption Act requires the court to cause an investigation to be made as to the suitability of the proposed adoption.² A report of the investigation may be filed by the county child care agency, an adoption agency, or a person designated by the court. Current

¹/According to judges who responded to an LB&FC questionnaire, approximately 52 percent of adoptions are handled by independent adoption facilitators.

²/Investigations are not required in a kinship, e.g., stepparent, adoption.

Pennsylvania law does not preclude placement of the child in custody of prospective parents prior to this investigation.

Department of Public Welfare (DPW) policy, however, requires that investigation of prospective adoptive parents take place prior to the placement of a child in the home for adoptions performed by county Children and Youth Services (C&YS) offices as well as those performed by the 65 private adoption agencies in Pennsylvania over which DPW has regulatory authority. This requirement does not, however, apply to adoptions arranged through independent intermediaries (please see Finding A). All of the 36 private adoption agencies responding to an LB&FC survey indicated that they regularly evaluate prospective adoptive parents prior to the placement of a child in the home.

PROCEDURES FOLLOWED BY ADOPTION AGENCIES

The private adoption agencies that responded to an LB&FC survey indicated that they have various methods of evaluating prospective adoptive parents. All of the agencies responding indicated that, as part of their investigation, they perform a home study which may include interviews with the prospective parents and immediate family members, preparation of detailed autobiographies by the parents, and visits to the home by an adoption worker. Physical examinations are also included in the investigation process along with the procurement of criminal history and child abuse information from the Pennsylvania State Police and DPW, respectively.

In addition, the investigations may explore various aspects of the prospective adoptive parents' lives such as marital relationship, attitudes towards adoption, perspectives on discipline, and financial and emotional stability. The adoption caseworker uses this information to determine whether the couple has the capacity to parent a particular child. This information is also used to determine the adoptive parents' and the child's suitability for one another.

PROCEDURES FOLLOWED IN INDEPENDENT ADOPTIONS

Independent intermediaries (e.g., attorneys) are not subject to regulation by DPW, and as such are not required to conduct preplacement investigations. Twelve, or 57 percent, of the 21 attorneys responding to an LB&FC survey indicated that they do not conduct, or cause to be conducted, preplacement investigations of prospective adoptive parents. The adoptive placements are subject to review by the court only subsequent to the placement. Within thirty days after the child has been placed in the home, the adoptive parents or their attorney must file a Report of Intention to

Adopt. When this report is filed, the court causes an investigation of the adoptive parents to be conducted. The report of this investigation (including the home study) is reviewed by the court prior to issuing the final adoption decree.

COMPARISON WITH OTHER STATES

LB&FC staff compared 16 states with Pennsylvania regarding requirements for preplacement investigations of prospective adoptive parents.^{3/} Six of these states (California, Florida, Nevada, New York, Virginia, and Washington) require preplacement investigations in most adoption proceedings (although the majority make exceptions for stepparent adoptions, and some exempt adoptions involving birth parent placements).

Washington law, which appears to be among the most restrictive in the sample, states that a child will not be placed with prospective adoptive parents until a preplacement report has been filed with the court in all cases except stepparent adoptions or when foster parents, who have already been investigated, are adopting the child. This report can be filed with the petition to adopt or at any time prior to filing the petition, and the court decides if custody may be granted to the adoptive parents. Subsequently, a post-placement investigation is also required, which is reviewed by the court prior to issuing the final decree of adoption.

Six of the remaining ten states are similar to Pennsylvania in that they require preplacement investigations only by those agencies subject to DPW (or similar agency) regulation. The other four states have no requirement for preplacement investigations for either independent or agency adoptions. Nationally, according to the National Committee for Adoption's 1989 Adoption Factbook, 13 of the 44 states which permit independent adoptions require investigation of the adoptive parents prior to placement of the child in the home.

VIEWS OF JUDGES AND OTHERS SURVEYED REGARDING PREPLACEMENT INVESTIGATIONS

A majority of the judges responding to an LB&FC survey endorsed the concept of preplacement investigations of prospective adoptive parents. Of the 32 judges responding to the survey, 26,

^{3/}Please see Appendix B for an explanation of the methodology used by LB&FC staff in selecting the 16 states for comparative analysis.

or 81 percent, indicated that investigations of prospective adoptive parents should be conducted before the child is placed in the adoptive home. One judge noted that because in most cases preplacement investigations are not conducted in independent adoptions, he did not "feel as comfortable with independent adoptions as with agency adoptions." Another judge stated, "Some preliminary study should be made before placement, but full home studies should be undertaken when final adoption date approaches." The court rules of at least one judicial district in Pennsylvania (Bucks County) require that in independent adoptions a home study report be completed and filed with the Clerk of Orphans Court prior to the placement of the child for adoption.

Representatives of 14 of the 15 adoption support groups responding to the LB&FC survey indicated that they believe it important that investigations be conducted prior to the placement of the child in the home. Their comments were based on concern for the safety and well-being of the adopted child and preparation of adoptive parents for parenthood. One representative responded, "Every child placed for adoption/foster care should be protected by a thorough screening of prospective adoptive parents by a home study."

Adoption agencies were not specifically surveyed regarding their opinions on preplacement investigations; however, a number had comments on this subject. One representative said, "Outlaw private adoptions. [In independent adoptions] home studies are often not done until after the placement." Another representative stated, "Home studies should be done before the child is placed in the home."

Although the majority of persons asked in LB&FC surveys about their opinions regarding preplacement investigations believed they were necessary, some attorneys and judges disagreed. One attorney mentioned that there are very few instances of inappropriate placements and that, in some cases, adoptive parents are given very short notice when a child becomes available and, hence, a preplacement investigation is not always practical. A judge reported that, as a judge, he could order additional investigations at any time he thought necessary to confirm that the parents were providing an appropriate home atmosphere for the child. Therefore, he did not believe that a law requiring preplacement investigations was necessary.

POSITION ON PREPLACEMENT INVESTIGATIONS FROM NATIONAL ORGANIZATIONS

Two nationally recognized organizations support preplacement investigations for all prospective adoptive parents. The National Committee for Adoption (NCFCA) is an organization which promotes sound standards and practices in adoptions and publishes various

documents dealing with adoption and related issues. The Committee recently released a position paper entitled, "Principles of Good Practice in Infant Adoption." Among other recommendations, the NCFA recommends that, "The adoptive study shall be done by an Adoption Specialist prior to the placement of the child in any adoptive home to ensure that the child is going to a safe secure environment." A preplacement assessment of adoptive parents is also recommended by the Child Welfare League of America in its Standards for Adoption Services published in 1988.

RECENT LEGISLATIVE INITIATIVES

House Bill 2133, introduced during the last legislative session (January 1990), would have required that investigations of prospective adoptive parents be completed prior to the placement of the child in the home. Similar legislation pending before the current legislative session, House Bill 79, would require that investigations of prospective adoptive parents be initiated prior to the placement of the child in the home for all (with the exception of stepparent) adoptions, including those arranged by independent facilitators. This bill, however, does not require that the investigation be completed prior to the placement of the child in the home.

Specifically, the bill provides for an interim placement where a home study has not yet been completed if the intermediary has no reason to believe that the prospective adoptive parents would not receive a favorable recommendation, and if the individual or agency conducting the home study assents to the interim placement, and if the intermediary immediately notifies the court of the interim placement.

POTENTIAL HAZARDS IF PREPLACEMENT INVESTIGATIONS ARE NOT CONDUCTED

Because preplacement investigations are not required in independent adoptions, the potential exists that children could be placed in unsuitable homes. Nineteen percent of judges reported being aware of instances where children were removed from the adoptive home because the court-ordered investigation, which is required prior to finalization of the adoption, showed the home to be unsuitable. In these instances, the facts concerning unsafe or inappropriate circumstances may not be brought to light until months after placement of the child in the adoptive home.

In 1988 a New York grand jury investigated private adoption laws and practices following the highly publicized Steinberg case involving the death of a six-year-old girl at the hand of an attorney who had acquired custody of the child as an infant in what was intended to be an independent adoption. The grand jury recommended

that home studies be completed prior to placement in all adoptions, but as of spring 1991, New York statutes had not been changed accordingly. Preplacement investigations are required in New York for all adoptions except for those involving birth parent placements. In the Steinberg case, the birth mother gave the child to the attorney for him to arrange an adoption. Instead, the attorney apparently kept the child without taking any further legal action. New York law does require, however, that adoptive parents file a petition to adopt within ten days after the child is placed in the home.

RECOMMENDATION

1. *The General Assembly should consider amending the Adoption Act to require that investigations of all prospective adoptive parents at least be initiated prior to the placement of the child in the home. The General Assembly may wish to exempt stepparent adoptions from such a requirement. Although this recommendation is not a specific endorsement of House Bill 79 currently being considered by the General Assembly, this bill offers one approach for such a process.*

E. CRIMINAL HISTORY AND CHILD ABUSE CHECKS OF PROSPECTIVE ADOPTIVE PARENTS MAY NOT PROVIDE COMPLETE INFORMATION, PARTICULARLY ON AN INTERSTATE BASIS

Criminal records and child abuse checks of prospective adoptive parents are important safeguards for adoptive children; however, shortcomings in the methods that state agencies use to conduct these checks may limit their effectiveness. Moreover, in an independent intermediary adoption these checks generally do not occur until after the child has been placed in the adoptive home. The statutorily mandated criminal records checks conducted by the Pennsylvania State Police generally do not include checks of criminal records information from other states, and the accuracy of the criminal records checks may be limited because fingerprints are not routinely used for verification. Another clearance check of persons wishing to adopt--a check of child abuse records--is subject to similar problems in that state officials rely on the Pennsylvania Department of Public Welfare child abuse registry, which contains information only on reported incidents of child abuse in Pennsylvania, even if the prospective adoptive parents have lived in Pennsylvania only a short time.

DISCUSSION

Pennsylvania's Child Protective Services Law, at 23 Pa.C.S.A. §6301 et seq., requires that prospective adoptive parents obtain criminal record information from the Pennsylvania State Police (PSP) and acquire certification from the Department of Public Welfare (DPW) as to whether they have been listed in the child abuse central registry as the perpetrator of a founded or indicated^{1/} incident of child abuse. This information is required by statute to be presented to the various Courts of Common Pleas for their review prior to the finalization of adoptions.^{2/}

CRIMINAL RECORDS CHECKS

A prospective adoptive parent must submit a form entitled "Pennsylvania State Police - Request for Criminal Record Check" to

1/A founded incident of child abuse is one in which the child has been adjudicated abused and dependent. An indicated incident of child abuse is one in which no adjudication occurs; but there is substantial evidence of the alleged abuse because of an admission of child abuse by the perpetrator, medical evidence, or a child protective services investigation.

2/The child abuse and criminal records check are a part of the Investigation of prospective adoptive parents which also includes the home study, physical exams, etc. (Please see Finding D.)

the Pennsylvania State Police (PSP) in order to obtain a criminal records check (included as Appendix D). The PSP compares the information which the adoptive parent provides on this form, called "identifiers" (i.e., name, alias or maiden name, social security number, and date of birth), with existing criminal records at the PSP central repository in Harrisburg. This check is accomplished by using a computer search program which relies on exact matching of identifiers to locate criminal records.

A PSP official informed LB&FC staff that existing criminal records could be missed through the matching of identifiers alone; and, although not currently in use statewide, matching criminal records utilizing fingerprints is a more effective method than matching using identifiers alone. The official suggested that currently applicants could either intentionally or unintentionally provide incomplete or erroneous information on the screening form, such as incorrect name or social security number. A case such as this occurred recently in Philadelphia when foster parents, who are required to provide the same clearances as adoptive parents, falsified information on a criminal records check form, in effect concealing a criminal record which would have made them ineligible to be foster parents. These individuals were later convicted of manslaughter in the death of their two-year old foster son. If the fingerprints of the applicant had been used in the criminal records matching procedure, the criminal record most likely would have been detected.

A PSP official reports that criminal records matching for prospective adoptive parents utilizing fingerprints will be possible in the near future. The PSP has recently begun using a new computerized matching system (AFIS--Automated Fingerprint Identification System). State Police officials indicate that, when this system is brought completely on-line, currently planned for the summer of 1991, and fingerprint classification experts are trained on the new system, matching by fingerprint will be feasible on a statewide basis.

Another potential weakness of the PSP's current criminal records checking practices is that the required checks of prospective adoptive parents rely only on information which exists in Pennsylvania.³⁷ According to a PSP spokesperson, other states' criminal records are not checked in conducting clearances for prospective adoptive parents, even if they have recently lived in

³⁷The Child Protective Services Law does not require that prospective adoptive parents from out of state obtain a "Report of Federal Criminal History" from the Federal Bureau of Investigation (FBI) as is required for persons who are applying for positions in child care services. Only a PSP criminal records check and a DPW child abuse check are required.

other states. On the PSP Request for Criminal Record Check form, there is no question regarding the length of time the applicants have lived at their current address, or any former addresses or states of residence. Therefore, the PSP officials who check these records are not aware that certain applicants may have lived outside the state.

The FBI criminal records database does contain such interstate information. It includes all convictions of federal crimes, as well as any criminal information provided by all 50 states. However, the submission of fingerprint cards to the FBI by states is voluntary, and a criminal record would exist with the FBI only if fingerprint cards had been provided by the state. Nevertheless, the FBI records check would provide for a more complete clearance than that available using current procedures. According to a PSP official, the PSP's relationship with the FBI would accommodate FBI criminal records checks on all prospective adoptive parents in the state if required by Pennsylvania law.

A Pennsylvania record check using fingerprints would, in conjunction with the FBI check, provide for a more thorough clearance of prospective adoptive parents. A PSP official noted that a Pennsylvania criminal records check would also be important since not all crimes committed in Pennsylvania are reported to the FBI. The official added that, when the new automated fingerprint identification system is fully operational, the PSP will have the necessary resources to administer fingerprint record checks of all prospective adoptive parents.

CHILD ABUSE CLEARANCES

Child abuse clearances are handled similarly to criminal records clearances. The prospective adoptive parent completes a form entitled "Pennsylvania Child Abuse History Clearance" (included as Appendix E), which is submitted to the DPW Child Abuse Registry. DPW staff match information provided by the prospective adoptive parents with any founded or indicated reports of child abuse maintained in the DPW database. According to DPW policy, if a match is made and the abuse occurred within the last five years the home may not be approved for adoptive placement. The supervisor of the Child Abuse History Verification Unit of DPW indicated that approximately one request for child abuse information in 365 results in a "match," or identification of that person having a prior history of child abuse.

The Pennsylvania Child Protective Services Law does not require that child abuse history information from other states be obtained as part of the investigation of prospective adoptive parents. No national registry of child abuse information exists. Although there is space on the child abuse clearance form for the prospective adoptive parent to list previous addresses, attempts

are not made to obtain child abuse history information from other states, even if the applicant had just recently moved to Pennsylvania.^{4/}

The Pennsylvania Child Protective Services Law prohibits DPW from releasing child abuse records to social workers from other states who request this information as part of a similar records check. DPW suggested in its 1988 Child Abuse Report that the General Assembly amend the law so that the Department may share this information with authorized personnel from other states who request it. House Bill 1424, which was referred to the Committee on Aging and Youth on May 29, 1991, would authorize the release of child abuse information to other states' child protection agencies.

Similar problems are inherent in the child abuse check as in the criminal records check--the prospective adoptive parents may provide incorrect or incomplete information on the records check form, which is not verified through fingerprinting. In addition, according to DPW, child abuse reports collected prior to 1982 are incomplete and difficult to match. For instance, reports gathered prior to 1986 do not include a social security number. Also, neither the criminal records check form nor the child abuse clearance form are required to be notarized prior to submission by prospective adoptive parents.^{5/}

INVESTIGATION PROCESSES IN OTHER STATES

Like Pennsylvania, 5 of 16 states^{6/} surveyed require criminal records and child abuse checks for prospective adoptive

4/A related and confounding problem exists even if the records of other states of residence were accessed in criminal records and child abuse history checks in that a criminal record and/or a child abuse report could exist in a state where the applicant never established residency (or the applicant may have failed to inform the PSP or DPW that he or she had lived there). In this instance, these records would not be detected unless routine access was provided to national repositories of criminal records (e.g., FBI) and child abuse history information.

5/In accordance with the Notary Public Law, at 57 P.S. §162, any person who knowingly makes a false affirmation before a notary public in a matter within the notary's official duties will be guilty of perjury and subject to legal penalties. In addition, a notary may often require positive proof of identity to be submitted by the person requesting notary services with the document to be notarized.

6/Please see Appendix B for an explanation of the methodology used by LB&FC staff in selecting the 16 states for comparative analysis.

parents. Four of the states in the sample require criminal history but not child abuse records checks. The seven remaining states apparently do not require either records check in law or regulation. Of the states which conduct criminal records checks, four require FBI checks in conjunction with their state police records checks while, as indicated above, Pennsylvania does not. Unlike Pennsylvania, four of the five states in the survey which conduct child abuse registry checks indicated that they would release the information contained in their registries to appropriate Pennsylvania DPW personnel who requested it.

RECOMMENDATIONS

1. *The General Assembly should consider amending the Child Protective Services Law to:*
 - a. *Require all prospective adoptive parents to submit FBI fingerprint cards and a request for a Report of Federal Criminal History to the Pennsylvania State Police along with the PSP Request for Criminal Records Check form with fingerprints.*
 - b. *Require that the Pennsylvania State Police (PSP) forward FBI fingerprint cards for FBI records checks for all prospective adoptive parents.*
 - c. *Allow the Department of Public Welfare (DPW) to share child abuse records with authorized personnel from other states who request this information.*
2. *The Pennsylvania State Police should, as planned, obtain information included in the PSP central criminal records repository through fingerprint checks rather than solely through matching of identifiers, such as name, date of birth, and social security number.*
3. *DPW should attempt to obtain child abuse information on prospective adoptive parents who have recently resided in other states.*
4. *The PSP and DPW should require prospective adoptive parents to have criminal records and child abuse clearance check forms notarized prior to submission to the PSP or DPW.*

F. COUNSELING FOR BIRTH AND ADOPTIVE PARENTS IS TYPICALLY PROVIDED ONLY IN AGENCY ADOPTIONS

Many persons familiar with adoption practices, including judges, consider counseling to be an important part of the adoption process to ensure that all parties involved are informed of their rights, obligations, and options as well as the social and psychological impacts of adoption. DPW regulations require that adoption agencies make such counseling available to birth parents, adoptive parents and, in certain instances, the child. However, these regulations do not apply to attorneys and other independent intermediaries who arrange independent adoptions. Moreover, according to a 1986 Pennsylvania Supreme Court decision, adoptive parents are not permitted to pay the cost of counseling for birth parents, even though birth parents may not be able to afford these services on their own. A current legislative initiative includes provisions to ensure that birth parents have access to counseling in both agency and independent adoptions.

DISCUSSION

AVAILABILITY OF COUNSELING

Although adoption counseling^{1/} is not legislatively mandated in Pennsylvania, LB&FC survey results indicate that counseling is usually a part of the adoption process for both birth parents and adoptive parents in Pennsylvania. Counseling or related services during the adoption process were reportedly provided to 76 percent of the 156 adoptive parents who responded to an LB&FC survey. Counseling was reportedly received by or was available to ⁷⁸/₂ percent of the 41 birth parents who responded to the survey.

DPW regulations require all adoption agencies in Pennsylvania to ensure the availability of counseling, either directly or through referral, to adoptive parents, birth parents and older children. However, a 1986 Pennsylvania Supreme Court decision prohibits adoptive parents from paying for counseling for birth parents and allows payments from adoptive parents only for services which directly benefit the child.^{3/} (Please also see Finding B.)

1/According to the National Committee for Adoption's Ad Hoc Committee on Ethical Standards in Adoption, counseling should include information on the adoption process, an explanation of legal rights and responsibilities, and an assessment of the impact of the adoption on the birth parents, the child, and the family.

2/Of the 156 adoptive parents who responded to the survey, 127 adopted through an agency, and 29 adopted through independent placement.

3/In Re Baby Girl D., 517 A.2d 925 (Pa. 1986).

According to survey responses from 37 adoption agencies in Pennsylvania, 84 percent offer counseling services for birth parents. Such counseling may include helping birth parents to assess their situations, to make informed decisions, and to secure services to aid in carrying out those decisions. Some agencies do not provide counseling to the birth parents because in some cases, such as foreign adoptions, an agency does not deal directly with the birth parents.⁴⁷

Adoptive parent counseling is reportedly provided by all of the agencies, and counseling following placement for an older adoptive child, if needed, is reportedly provided by 89 percent of the agencies. Responses to an LB&FC survey indicate that adoption agencies often include counseling during the assessment of prospective adoptive parents as part of the home study process. Agencies also typically continue to provide counseling and support services, or referral to such services, after placement of the child in the adoptive home and, in some cases, following finalization of the adoption. Adoption agencies reported that, when counseling is not available through their agency, they provide referral to the needed services if requested.

Attorneys who handle independent adoptions are less likely to arrange for counseling services. Only 10 (45 percent) of the 22 attorneys who responded to an LB&FC survey report that they arranged any counseling for birth parents, and 4 (18 percent) indicated that they arranged counseling for adoptive parents.

REQUIREMENTS REGARDING COUNSELING

Pennsylvania's Adoption Act does not currently require counseling for birth or adoptive parents, although it does require facilities providing maternity care to provide a list of counselors to maternity patients they know are considering relinquishing their children. Courts are to make this list available, upon request, to such facilities. A review of the adoption laws of 16 selected states showed that only Virginia requires counseling in all adoptions and that California requires counseling in all agency adoptions.

The National Committee for Adoption's Ad Hoc Committee on Ethical Standards in Adoption's 1991 report Principles of Good Practice in Infant Adoption asserts that ". . . the state has an interest in protecting all parties in adoption. States should require that all birthparents and prospective adoptive parents meet with a Counselor who is an Adoption Specialist prior to any

⁴/Adoption agencies which do not provide counseling in these cases are not out of compliance with DPW regulatory requirements.

adoption to ensure that all are informed of their rights and obligations, and their options." The Committee further recommends that, as few birth mothers can afford to pay for these services, counseling should be considered a necessary service, and the adoptive parents should bear the expense just as they do for necessary medical expenses.

The Model State Adoption Act, developed by the Model Adoption Legislation and Procedures Advisory Panel, includes a requirement that in independent and agency adoptions an approved adoption agency must assure that the birth parents have been counseled and given a written statement regarding possible alternatives to adoption.

Although Pennsylvania's adoption statute does not require counseling, House Bill 79, introduced in January 1991, would require the courts to assure that birth parents had the opportunity for counseling before their parental rights are terminated.^{5/} The bill states that prior to a decree of termination courts are to inquire as to whether the birth parents have received counseling concerning the termination and alternatives thereto. If the parents have not received such counseling, the court could, according to the bill, refer them (with their consent) to an agency or qualified counselor.

This bill also contains provisions for a fund to cover the cost of counseling for birth parents who cannot afford to pay for this service. A \$75 filing fee will be required from the adoptive parents with each report of intention to adopt except in the adoption of a child with special needs or in the case of demonstrated financial hardship. This fee will be paid into a fund to be established and administered by the county governments to pay for counseling for birth parents who are unable to pay for these services. (See Appendix F.)

CONCERNS ABOUT THE LACK OF COUNSELING IN SOME ADOPTIONS

The availability of counseling was frequently cited as a concern by persons responding to an LB&FC questionnaire. For example, one adoption agency representative stated that "Pennsylvania adoption law should allow adoptive parents to pay for the birth parents' counseling both before and after the delivery. This is vitally important for the future peace of mind of the birth parents." Another agency was concerned that "In private, non-agency, adoptions we worry that birth mothers and fathers do not receive proper counseling."

^{5/}As of mid-June 1991, this bill was under consideration in the House Appropriations Committee.

Attorneys involved in independent adoptions also expressed concerns related to counseling. One attorney stated, "The system generally works if all involved are adequately informed of the benefits and risk." According to another attorney, "It is necessary to make provisions for birth parents to get quality counseling --current law prohibits adoptive parents from paying and usually birth parents can't afford it."

One adoptive parent said she would not be comfortable with an adoption without birth parent counseling and that "one of the most comforting things to know is that my child's birth parents were counseled to understand and be happy with the placement of their child." A number of adoptive parents expressed a desire that adoption fees be allowed to cover birth parent counseling. As one adoptive parent stated, "No adoptive parent would want to take a baby who the birth mother thinks she may want to keep."

Lack of counseling reportedly can affect birth parents long after the adoption is complete. For example, one birth mother who responded to the LB&FC survey stated that she did not receive sufficient counseling regarding options available to her and was unaware of the grief process involved with giving up a child for adoption.

While many persons familiar with adoption practices consider counseling to be an important component of the adoption process, there is less agreement on whether or not such counseling should be mandatory. For example, 15 of the 33 judges who responded to an LB&FC survey believe a counseling requirement would improve the adoption process. While they did not support a counseling requirement, five other judges indicated that counseling would be helpful in some cases.

One adoptive parent who also works for an adoption agency expressed the need for birth parent counseling as follows: "It is nothing less than criminal that counseling for birth parents in private adoptions is almost impossible to obtain because of the cost factor and the fact that adoptive parents can't help to pay for this. [Counseling] is a vital service for all involved in the adoption triangle and it is incredible that this is not recognized in PA."

RECOMMENDATION

- 1. The General Assembly should consider amending the Adoption Act to require that birth parents be given an opportunity to receive counseling prior to termination of their parental rights and to create a mechanism that would provide funds for such counseling. Although this recommendation is not a specific endorsement of House Bill 79 currently being considered by the General Assembly, this bill offers one approach for such a process.*

G. TIME FRAMES FOR VOLUNTARY TERMINATION OF PARENTAL RIGHTS VARY AND ARE CONSIDERED BY SOME PERSONS TO BE TOO LENGTHY

A variety of persons and organizations contacted during this study expressed concern with the sometimes lengthy time period during which birth parents can revoke their relinquishment of parental rights and have their child returned from the adoptive home. Unlike 29 other states, Pennsylvania has not established a maximum length of time during which birth parents can change their minds and revoke their relinquishment of parental rights. In 12 of these states, there are provisions for birth parents to sign a relinquishment of parental rights which is not revocable. Even if both birth parents and adoptive parents agree that it is in the best interest of all parties, relinquishing parental rights does not become irrevocable in Pennsylvania until after a termination hearing or a final decree of adoption is issued.

The actual time required to accomplish termination depends on the type of adoption (i.e., agency or independent), the judicial district in which the legal process takes place, and the type of relinquishment used by the birth parents. This process often takes three or more months to accomplish, and during this time adoptive parents risk losing the child placed with them if the birth parents change their minds. LB&FC staff were informed of one instance in which the birth mother revoked her consent to the adoption of her child and the infant child was returned to her after having lived with the adoptive parents for nine months.

DISCUSSION

TERMINATION OF PARENTAL RIGHTS

The termination of parental rights severs the rights and responsibilities of the biological parents with regard to a child, while the adoption proceeding establishes new rights and responsibilities between the adoptive family and the child. The termination of parental rights and the adoption itself are separate legal acts, although they can, and in some judicial districts do, occur at the same time.

The time between the placing of the child and the court termination of parental rights is commonly called the "at-risk" period for adoptive parents. Although the birth parents may have relinquished custody of the child and have agreed to place their child for adoption, they can change their minds during this period and have the child returned.

The length of the "at-risk" period depends on the type of adoption (i.e., agency or independent), the judicial district in which the adoption takes place, and the type of relinquishment used by the birth parent (i.e., relinquishment to an agency, an individual, or a consent to adopt). Adoptive parents reported an average wait of eight months from the time the child was placed in

their home until the birth parents' rights were terminated. This time period ranged from 16 days to three years. Some adoptive parents who adopted through private or public agencies reported that parental rights had been terminated before the child was placed in their home.

Judges who handle adoption cases reported on an LB&FC questionnaire that, on average, it takes 2.5 months to voluntarily terminate birth parents' rights. The average time frame varied among the judicial districts, ranging from as little as one month to as long as six months. In one county, the court reportedly does not usually terminate parental rights in an independent adoption until the adoption is ready to be finalized, and in another county, if not contested, the termination of parental rights and the adoption occur at the same hearing.

MANDATED TIME FRAMES FOR TERMINATION PROCEDURES

Pennsylvania's Adoption Act contains minimum time frames for certain procedures in the adoption process, but no maximum time frames are specified. The minimum time for voluntary termination of parental rights ranges from 14 days to 54 days, depending on the type of termination. Moreover, in Pennsylvania a birth parent can revoke a consent at any time before the court terminates parental rights or a final decree of adoption is issued, whichever occurs first.

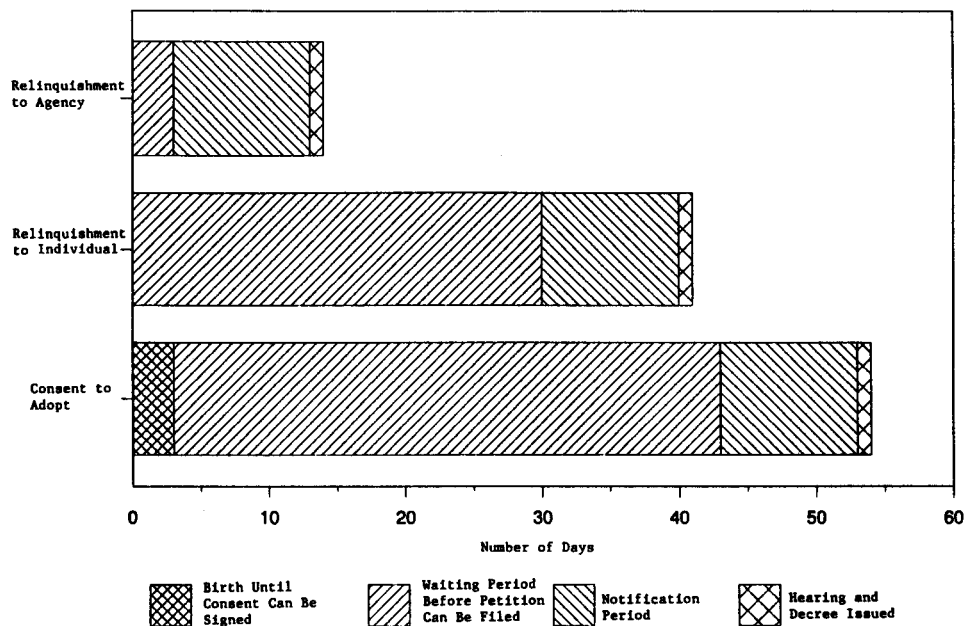
Parental rights can be terminated in three ways: voluntary relinquishment to an agency or an individual, the birth parent signing a consent to adopt (an alternative procedure for relinquishment), and involuntary termination. Pennsylvania's Adoption Act contains provisions which affect the minimum time frames for accomplishing these procedures. See Exhibit 1 for a depiction of these minimum time frames.

According to provisions in Pennsylvania's Adoption Act, when birth parents petition the court to voluntarily relinquish their rights to a child, the process can be completed in a minimum of 14 days if the child is relinquished to an agency or 41 days if the relinquishment is to an adult intending to adopt the child. The birth parent is required to appear in court at the termination hearing to finalize the relinquishment.

An alternative procedure for voluntary termination of parental rights can occur without the birth parents appearing in court. The birth parents may sign a consent to place their child for adoption at least three days after the birth of the child. If the birth parent does not then file or proceed with the petition for voluntary relinquishment after 40 days, the intermediary or adoptive parent can petition the court to confirm the consent and terminate the birth parents' rights. The court may schedule a hearing on this matter not less than 10 days after such a petition is filed. This procedure, therefore, requires at least 54 days for both agency and independent adoptions.

Involuntary termination of parental rights is a more involved process. A petition for involuntary termination may be filed by one parent with respect to the rights of the other parent, by an adoption agency, or by a person who has custody of the child and has filed a report of intention to adopt. The grounds for involuntary termination are identified in 23 Pa.C.S.A. §2511 and include the failure or refusal to perform parental duties for at least six months and continued and repeated neglect or abuse. Although the legal procedures can be completed in as little as 11 days,^{1/} in practice an involuntary termination can take much longer.

EXHIBIT 1. MINIMUM NUMBER OF DAYS FOR VARIOUS TYPES OF VOLUNTARY TERMINATION OF PARENTAL RIGHTS*



*/The PA Adoption Act allows birth parents to voluntarily terminate their parental rights through a relinquishment, which requires their appearance in court, or through a consent to adopt, which can be completed without a court appearance by the birth parents. Please see text for further discussion.

Source: Developed by LB&FC staff from time requirements in Pennsylvania's Adoption Act.

^{1/}Involuntary termination of parental rights will be discussed in more detail in a follow-up LB&FC report on adoption of children with special needs, scheduled to be released in fall 1991.

TERMINATION PROCESSES IN OTHER STATES

According to the 1989 Adoption Factbook, published by the National Committee for Adoption, in 12 states provisions allow the birth parents' voluntary consent to adopt to be irrevocable when signed, and in another 15 states a consent to adopt becomes irrevocable within 30 days or less. In two other states, the consent to adopt becomes irrevocable in 90 days and one year, respectively. Thirteen states, including Pennsylvania, allow a consent to be revoked until some court action such as the issuance of a decree of termination or adoption.

LB&FC staff reviewed in detail adoption laws in 16 selected states and found that in three states (Florida, Illinois, and Nevada) a voluntary consent signed by a birth parent is generally irrevocable when signed. In Illinois, for example, a consent to adoption can be signed by a birth parent 72 hours after the birth of the child and cannot be revoked unless fraud or duress was involved. The birth father, however, can sign a consent in Illinois before the birth of the child which can be revoked until 72 hours after the child's birth.

In four other of the 16 states (California, New York, Texas, and West Virginia) birth parents have the opportunity to sign an irrevocable consent but also have other options in relinquishing their parental rights. For example, in Texas voluntary relinquishment to an agency or the Texas Department of Human Services is, by statute, irrevocable. However, in an independent placement the relinquishment is revocable unless it contains a statement indicating that it is irrevocable for some period of time not to exceed 60 days.

Three states in the LB&FC sample (Delaware, Maryland, and Virginia) have provisions in their adoption statutes which with certain exceptions limit to a specified number of days the time during which a birth parent can revoke a consent. In another state, Michigan, the consent to adopt can only be revoked prior to placement of the child in the adoptive home. Three other states (Indiana, Ohio, and Washington), like Pennsylvania, do not provide a specific time frame after which a consent becomes irrevocable. Two states (Maine and New Jersey) do not specifically address key dates or time frames for revocation of a consent in their adoption statute.

NATIONAL GUIDELINES AND TERMINATION PROVISIONS

The federal Model State Adoption Act calls for the adoption hearing to be scheduled not more than 60 days from the filing of notice of parental placement and stipulates that birth parents should have only 14 days to revoke relinquishment of parental rights.

According to a publication of the Ad Hoc Committee on Ethical Standards in Adoption of the National Committee for Adoption, an irrevocable voluntary consent to relinquish parental rights could reasonably be taken at any time after 72 hours following the birth of the child or just prior to the release of the birth mother from the hospital. According to the Committee, the consent should include assurances that the birth mother was provided the opportunity to discuss her legal rights, alternatives to adoption, and that her signature was voluntary.

REASONS FOR DELAYS

A number of respondents to LB&FC surveys expressed concern over time frames involved in the adoption process. One attorney stated, "Delays inherent in the court process often impede the termination and sometimes the adoption itself." Another attorney indicated concern that "Individual judges assert too much individual preference as to procedure and time frames."

The majority of judges who responded to the survey indicated the main reasons for delays in the termination and adoption procedures were scheduling problems. As one judge stated, "Scheduling of the (termination) hearing is dependent on the press of other court business." The second most often cited reason for delays was requirements in the law, such as minimum time frames and notice requirements.

The Adoption Act contains provisions allowing the court to terminate the rights of a putative father,²⁷ and constitutional case law has further defined the rights of the putative father. LB&FC questionnaire responses suggest some courts appear to be more lenient in terminating the rights of a putative father while others are stricter with requirements and procedures. Thus, even though the birth mother has agreed to place her child for adoption, the need to terminate the rights of a putative father can delay the process.

EFFECT ON THE CHILD

The "at-risk" period during which birth parents can withdraw consent and take back a child already placed with adoptive parents was a major concern voiced by many respondents to an LB&FC survey. One private agency representative stated, "Safeguards to birth parents and adoptive parents sometimes delay the process to the point the welfare of the child is overlooked." An attorney stated

²⁷A putative father is the assumed or supposed biological father of a child.

that the lengthy termination period "results in unfairness to both adoptive parents and the child."

One adoptive couple reported that it took 2.5 years to get legal custody of their adoptive daughter, who was four years old when placed with them and six years old when finally adopted. The child had been in foster care for four years prior to the adoptive placement and had difficulty dealing emotionally with the uncertainty of the situation while legal custody was being determined. The parents reported that "insecurity and uncertainty are two of the worst things a child has to try to deal with during this time."

Adoptive parents and agency representatives expressed concern with the trauma to the child who is removed from an adoptive home after bonding with the adoptive family. In presenting child placement guidelines, the authors of Beyond the Best Interests of the Child argue that the uncertainty of the waiting period in an adoption does not allow full opportunity for the parents and the child to develop secure, stable attachments.^{3/}

EFFECT ON BIRTH PARENTS

Seventeen birth mothers responding to an LB&FC survey whose children have been adopted since 1980 reported that their termination hearing was held within three months of the birth of their child. Fifteen of these also reported that this was enough time to make the decision to relinquish their parental rights. One birth parent reported that she had a year before parental rights were terminated, and although it was not enough time for her, she felt it was too long for the child.

At a House Health and Welfare Committee public hearing on parental rights in foster care and adoptions held in Philadelphia in October 1990, most testimony presented dealt with involuntary termination. However, one participant expressed concern with the trend toward expediting the termination process to make babies available to meet the increasing adoption demand. Another participant, an attorney, told of a young woman who revoked her consent within 36 hours of relinquishing her child. The intermediary, however, allegedly did not inform the adoptive parents of the birth mother's revocation, proceeded with the adoption through the court, and then after the adoption was finalized, told the birth mother it was too late to get her baby back. This attorney urged a reform in the law to provide clear procedures, prompt hearings, and provision

^{3/}Joseph Goldstein, Anna Freud, and Albert Solnit, Beyond the Best Interests of the Child, The Free Press, New York, 1973, p.

for reunification services when a birth parent revokes their consent.

EFFECT ON ADOPTIVE PARENTS

A number of adoptive parents stated it is often in the best interest of the child, birth parents, and adoptive parents to finalize the termination of parental rights as soon as possible. One adoptive mother characterized the waiting period for termination as follows: "Every time the phone rang, for four months, I assumed it was our lawyer stating that the birth mother had changed her mind. That fear is indescribable and full of stress and uncertainty." Another adoptive parent reported that the birth mother changed her mind after the child had been in the adoptive home for nine months, and the child was returned to the birth mother.

Some adoptive parents who are familiar with adoption laws in other states have expressed concern over the long "at-risk" period in Pennsylvania. One adoptive parent wrote that in Pennsylvania,

"Adoption was much more stressful based upon the prolonged six month period^{4/} in PA whereby either birth parent can demand the child be returned. This waiting period is much too long! We were living in terror that we might be forced to relinquish the child we loved so deeply. PA could take a lesson from the West Virginia termination statutes!"

(In West Virginia a consent signed 72 hours after birth is irrevocable.) Another adoptive parent indicated that in states that have a 48-hour termination period (such as Washington) both birth parents and adoptive families can quickly move on with their lives.

FEASIBILITY OF ADOPTING TIME LIMITS TO THE REVOCATION RIGHTS OF BIRTH PARENTS

As noted in the above discussion, a number of states have provisions for either absolute irrevocability or provisions for time limits associated with birth parents' relinquishing their parental rights. Pennsylvania does not have such provisions. If these provisions were included in Pennsylvania statute, certain

^{4/}Pennsylvania's Adoption Act formerly required a child to reside with the adoptive parents for at least six months prior to the adoption decree, but this requirement was deleted in 1982. DPW regulations, however, currently require agencies to supervise an adoption placement over a six-month period prior to the finalization of the adoption.

changes in judicial procedures would most likely result. For example, currently a birth parent must appear at a judicial hearing in order to relinquish his/her rights and, in some cases, judges reportedly require birth mothers who have filed a consent to appear as part of adoption proceedings. The introduction of specific maximum time frames for revoking this relinquishment of parental rights or consent to adoption would likely minimize the need for such court appearances.

LB&FC staff discussed the feasibility of introducing relinquishment time constraints into Pennsylvania's adoption processes with adoption agency representatives, attorneys, executive branch officials, and court administrators. Generally, these individuals indicated that such time constraints would be feasible and desirable, and suggested that they would reduce the necessity for court hearings.

Certain officials also pointed out that this process would be desirable because it would serve to reduce the "at risk" period experienced by adoptive parents. However, various suggestions were made concerning conditions which should be attached to the irrevocable relinquishment of parental rights. These suggestions include assurances that the birth parents receive, or have the opportunity to receive, counseling before signing such a relinquishment; that judges should have the option of requiring the birth parents to meet with them; and that the relinquishment or consent could be withdrawn or overturned if the court determines that it was obtained under fraud or duress.

RECOMMENDATIONS

1. *The General Assembly should consider amending the Adoption Act to require that the birth parents' consent to adopt or voluntary relinquishment of parental rights become irrevocable after a set period of time, perhaps 30 days.*
2. *If such a provision is included in law, the General Assembly should also consider provisions to ensure that birth parents have the opportunity for counseling prior to initiating such action and that judges are given the discretion to meet with birth parents if they believe it to be desirable. Judges should also have the latitude to overturn these parental relinquishments/consents in cases where fraud or duress has been established.*

H. INFORMATION COLLECTED AND MAINTAINED BY STATE AGENCIES ON ADOPTION ACTIVITY IN PENNSYLVANIA IS NOT COMPLETE OR CENTRALLY AVAILABLE

Existing reports on adoption activity in Pennsylvania suggest that approximately 4,500 to 5,000 adoptions are finalized each year. However, the actual number and types of adoptions finalized annually in Pennsylvania cannot be accurately determined because the two state agencies which gather such information, the Administrative Office of Pennsylvania Courts and the Department of Health, do not collect the information needed for an accurate count.^{1/} Similar conditions exist in most other states; however, a few states have taken steps to obtain more complete information on adoption activities. Both state and federal officials indicate that improved planning in placing children in permanent homes and better management of youth and family programs could be accomplished if more comprehensive data on adoptions were available.

New federal guidelines require that certain information be collected for subsidized adoptions and also encourage states to collect and report information on all other adoptions. According to state officials, such information could be collected at relatively low cost and would be useful in analysis, planning, and management of adoption and other related programs and services.

DISCUSSION

In Pennsylvania three separate agencies collect and maintain information on adoptions, but the information collected is not comprehensive. None of the agencies, for example, can provide information on the number or percentage of children adopted through independent attorneys or intermediaries as compared to those adopted through adoption agencies.

Information from the Administrative Office of Pennsylvania Courts and the Department of Health indicates that approximately 4,500 to 5,000 adoptions occur in Pennsylvania each year. Based on percentages reported in responses to survey questionnaires sent to president judges, LB&FC staff estimates that in 1990 independent adoptions accounted for about half (52 percent) of all adoptions, while adoption agencies and county children and youth services agencies each facilitated approximately one-quarter (25 and 24 percent, respectively) of all adoptions.^{2/}

^{1/}The Department of Public Welfare also collects information on adoptions, but only for those which are subsidized by state and federal funds.

^{2/}The total percentage does not equal 100 due to rounding.

CURRENTLY AVAILABLE INFORMATION

The Administrative Office of Pennsylvania Courts (AOPC) collects and reports a limited amount of aggregate data on adoptions. This Office receives monthly reports (see Appendix G) from each judicial district listing the number of adoption cases pending, the number of cases added, and the number of cases disposed (both contested and uncontested). However, the number of adoption cases disposed includes those cases in which petitions were denied as well as those in which adoption decrees were granted by the courts. Additionally, these reports count sibling groups adopted through a single petition as one adoption case.

The Division of Vital Records within the Department of Health is another source of information on adoption activity. The Division, however, does not need adoption information for its program decision-making and has not developed reports which aggregate this information. Moreover, the Division reports that it amends birth records only for children born in Pennsylvania, for foreign children adopted by PA residents, and for children born to PA residents while they are overseas. Birth records of children born in other states and adopted by PA residents are amended by the state in which the child was born and are not recorded by the PA Division of Vital Records.

The Department of Public Welfare (DPW) collects statistics on the number of children freed for adoption and the number with a goal of adoption who are not yet legally free. These statistics, however, pertain only to children being provided services through County Children and Youth Service agencies, and these children represent less than 15 percent of all those adopted in the state. Through the Interstate Compact Unit, DPW also collects information on children from other states adopted in Pennsylvania and children from Pennsylvania who are adopted in other states. In addition, this unit collects information on adoption of children from foreign countries by residents of Pennsylvania. (See Appendix H.)

Data on adoptions obtained from the three sources described above are included in Table 3. This information, however, does not agree. For example, in 1986 the total number of adoption cases disposed as reported by the AOPC was 4,772, while the total reported by the Division of Vital Records was 4,893. The difference between the two reports was greater in 1987, when the figures from AOPC and Vital Records were 4,823 and 4,090, respectively. The figures reported by DPW are, of course, much lower because they include only subsidized adoptions.

TABLE 3. PENNSYLVANIA ADOPTION STATISTICS REPORTED FOR CALENDAR YEARS 1986-1990

<u>Source of Information</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Administrative Office of Pennsylvania Courts (Adoption Cases Disposed)	4,772	4,823	4,839	4,677	N/A
Division of Vital Records					
Adoptions	4,105	3,504	3,786	4,051	4,281
Foreign Births ^{a/}	788	586	689	432	400
Department of Public Welfare (Adoptions by County Children and Youth Services Agencies)	500	479	517	564	553

a/Division of Vital Records officials estimate that 75 percent of foreign-birth registrations are for adoptions of foreign-born children by residents of Pennsylvania.

Source: Developed by LB&FC staff from caseload statistics of the Unified Judicial System of Pennsylvania, Division of Vital Records, and Department of Public Welfare reports.

REQUIREMENTS FOR COLLECTING AND REPORTING DATA ON ALL ADOPTIONS

The Vital Statistics Law of 1973 at 35 P.S. §450.602 requires each clerk of orphans' court to transmit to the Division of Vital Records certificates of adoption by the fifteenth of each month for adoptions decreed during the preceding calendar month. The statute at 35 P.S. §450.603 authorizes any person who is adopted under Pennsylvania law to request an amended certificate of birth. This certificate shows the new name of the child and such further information concerning the adoptive parents as may be necessary to complete the birth certificate.

Revised federal regulations, which are scheduled to become effective in October 1991, will require from the states additional collections and reporting of data on foster care and subsidized adoptions. DPW is developing a system to meet these requirements.^{3/}

^{3/}This matter will be discussed in more detail in a following LB&FC report on special needs adoptions, scheduled to be released in the fall of 1991.

The new federal regulations also encourage the states to collect and report information on all adoptions and suggest a format for doing so (see Appendix I). The majority of states, including Pennsylvania, voluntarily reported information of this nature during the period 1957 through 1974.^{4/} According to a DPW official, Pennsylvania reduced its adoption data collection and reporting efforts in the mid-1970s.

ADOPTION DATA COLLECTION IN OTHER STATES

In 1988 the National Center for State Courts (NCSC) completed a nationwide study to determine how reporting of information could be improved for all adoptions, both agency and independently arranged. The study concluded that attorneys for adoptive parents represent the basic original source of adoption information in Pennsylvania and five of seven other pilot states. The study also indicated that in many of the states (including Pennsylvania) the Bureau of Vital Statistics is the most promising source of comprehensive data on adoptions. However, the researchers pointed out that such bureaus do not have a programmatic interest in adoptions and that adoption data comprise a very small part of their workload.

In Texas, the Bureau of Vital Statistics is required by statute to maintain certain demographic information on adoptions. According to the director of this Bureau, the attorney of record or the adoptive parents fill out a form, which is certified by the clerk of the court where the adoption is finalized, and the data is transmitted to the Bureau of Vital Statistics. Acknowledging an obligation to improve the quantity and the quality of adoption information, the Director is proceeding to increase the reporting requirements to include the data elements included in the new federal regulations, i.e., type of adoption kinship involved, siblings adopted together, and certain data on the child, the birth parents, and adoptive parents. Eventually, the Director hopes to establish an electronic linkage to permit transmittal of certain information^{5/} on each adoption case to the Department of Welfare, which has programmatic responsibility for adoption in Texas.

4/Information reported included relationship of adoptive parents to child, race/ethnicity, status and functional condition of child, type of placement, age of the child, and subsidy payments (if any).

5/All names of children, birth parents, and adoptive parents and other identifying information such as social security numbers will be removed prior to transmitting the data.

In the State of Washington, clerks of court are required by statute to submit an adoptions data card (see Appendix J) on each adoption finalized to the Washington Department of Social and Health Services (DSHS), which then forwards the information to the Bureau of Vital Statistics for amendment of birth certificates. Data collected on the card includes information on race, age, kinship, citizenship, and condition of the child, as well as the date the child was placed in the adoption home. Also included is the county in which the child was born, the agency which conducted the home study, and the type of adoption, i.e., agency or independent.

A Washington DSHS official indicated that the data has been useful in identifying trends in adoption and in clarifying issues. For example, with the data, officials were able to clarify legislators' understanding of the proportion of independent adoptions being handled in the state, and they have used the data in the analysis of disrupted adoptions. Analysis of the data has reportedly given officials a more detailed account of independent adoptions, which are not regulated by DSHS.

NEED FOR MORE COMPREHENSIVE AND RELIABLE INFORMATION ON ADOPTIONS

The need for reliable and consistent data on adoption has been a concern at both the federal and state levels, especially for program planning and policy development. In Congressional hearings, child advocates have repeatedly expressed concern that many state public welfare systems did not know important information on foster care and adoption opportunities, such as race, age, sex, and special needs; how long the children had been in care; or where they resided. According to a recent report in the Federal Register, the nature of current aggregated data on adoption limits the analysis that can be performed and is not useful for planning or policy development.

According to an AOPC official, the courts would be interested in being able to review more comprehensive data on adoptions finalized within the state. The AOPC official stated that his office serves as a clearinghouse for various types of information, including adoption activities. He added that the availability of more comprehensive data on adoption would enhance his capability to respond to requests that he receives from legislators, attorneys, and other interested personnel.

DPW officials also informed LB&FC staff that it would be helpful to have more data on the universe of adoption practices within the state. With improved statistical information, DPW officials indicate they would be better prepared to make choices about the youth and family programs the Department supports. In addition, these officials indicated a more reliable and uniform data base could facilitate the development of pilot programs, lead

to a better understanding of adoption disruptions, and provide for an improved basis for permanency planning efforts.

EFFORTS TO IMPROVE ADOPTION DATA COLLECTION

DPW and AOPC officials indicate that the most accurate source of data on both agency and independent adoptions would be the person or agency who facilitates the case and that the most appropriate point to obtain the data would be at the time of finalization.

A DPW official informed LB&FC staff that essential demographic information on each adoption could be obtained on a single data sheet, which could be submitted by the adoption agency, the adoptive parents or their attorney at the finalization hearing. The official added that, if such data were forwarded to DPW on a quarterly basis, the Department could consolidate the statistics in reports for AOPC, for the federal government, and for DPW use in analysis and planning.

The AOPC's Director of Research pointed out that additional data collections effort would be more likely to succeed if it were incorporated as a part of an already established procedure. The AOPC official also indicated that clerks of court are already faced with a heavy workload of record keeping. To minimize additional data collecting efforts, the official added that a single page form could be devised to incorporate most of the data requested in the proposed federal regulations. These data sheets, prepared by adoption facilitators and submitted to the courts at the time of finalization, could then be forwarded to DPW on a quarterly basis, thereby providing needed data on the universe of adoptions taking place in the state.

Court officials in Cumberland, Dauphin, and York counties contacted by LB&FC staff indicated that to collect and certify the proposed data sheets described above and to forward them to DPW on a quarterly basis would be readily possible. The officials also expressed an interest in receiving annual statewide summaries of the information collected on adoption activities.

RECOMMENDATIONS

1. *The General Assembly should consider amending the Adoption Act:*
 - a. *To require all agencies and intermediaries who facilitate adoptions to submit designated information to the clerk of the court when each adoption is finalized. This information could include, for example, data elements on private adoptions as outlined in federal regulations to be*

implemented in fall 1991. The General Assembly may also wish to require the collection of information on adoption costs as part of this process.

- b. To require clerks of court to forward the information collected to the Department of Public Welfare on a quarterly basis.
2. If such information is provided to the Department of Public Welfare, the Department should provide periodic reports on adoption statistics to the AOPC and to interested persons upon request.
3. To ensure that such reports are developed, the General Assembly may wish to require the Department of Public Welfare to submit an annual adoption statistics report, based on the information collected from the clerks of court, to the pertinent standing committees of the House and Senate. Such a report could also include, for example, information on issues of concern pertaining to costs of adoption, agency eligibility criteria and any other matters the Department deems appropriate. (See also Findings B and C.)

IV. BACKGROUND DESCRIPTIVE INFORMATION ON PRIVATE ADOPTION LAWS AND PROCESSES IN PENNSYLVANIA

How Did the Legal Process of Adoption Develop in Pennsylvania?^{1/}

In colonial times common law did not address adoption. Orphanages often used indentures in which children without parents were apprenticed to earn their own way. In some cases children were thought of as property and adopted by deed. Adoption practices slowly evolved into the current system in which children are treated as if they are biological offspring.

In the mid-1800s Massachusetts was one of the first states to pass laws specifically dealing with adoption. During the mid-1900s increased professionalism in social work and changes in society affected adoption practices. The development of permanency planning brought attention to the needs of hard-to-place children and increased federal funding supported special needs adoptions.

The evolution of adoption practices has been characterized by the independent development of adoption regulations within each state and by an increasing concern for the welfare of the child. Generally, adoption today is subject to state laws and under the jurisdiction of state courts.

One of the earliest references to adoption in Pennsylvania law occurred in an act relating to certain duties and rights of husband and wife and parents and children passed by the Pennsylvania Legislature in 1855. This act first described the legal process of adoption in Pennsylvania. The Legislature supplemented this law in 1872 by declaring that all cases where the common law form of adopting a child by deed had the same force and effect as an adoption as defined in the 1855 act.

In 1925 all old laws dealing with adoption were repealed, and a consolidated act relating to adoption was enacted. This act, which was expanded in 1953, imposed powers and duties on DPW regarding the regulation of adoption, required reports and investigations, provided procedures for voluntary relinquishment of parental rights and for the finding of abandonment, and provided for hearings and investigatory powers of the court.

The 1925 act was repealed in 1970 and replaced with the Adoption Act, based in large part on a model adoption law developed by the National Conference of Commissioners on Uniform State Laws.

^{1/}Developed by LB&FC staff from the 1989 Adoption Factbook (National Committee for Adoption) and a review of Pennsylvania statutes.

Pennsylvania's current Adoption Act (1980) has been amended several times, most recently in 1988 when a section was added identifying costs an adoptive parent may pay in an adoption proceeding.

What Laws Govern Adoption in Pennsylvania?

1. Federal Adoption Law

Although adoption is generally a matter of state law, some federal laws are relevant. The federal Immigration and Naturalization Act governs admission of foreign born children into the United States for adoption, and the Indian Child Welfare Act governs the adoption of Native American Indian children. The Adoption Assistance and Child Welfare Act encourages the adoption of special needs children by providing financial assistance to adoptive parents for medical costs and child maintenance costs, and non-recurring costs (such as legal fees and home study and travel costs).

2. Pennsylvania Adoption Law

In Pennsylvania, procedures and grounds for the termination of birth parents' rights and the establishment of new parental rights and responsibilities for adoptive parents are contained in Pennsylvania's Adoption Act, 23 Pa.C.S.A. §2101 et seq. The Child Protective Services Law, 23 Pa.C.S.A. §6301 et seq., requires prospective adoptive parents to submit a report of criminal history prepared by the Pennsylvania State Police and certification from the Department of Public Welfare that the applicant is not registered as a perpetrator of a founded or indicated report of child abuse.

The Adoption Opportunities Act, 62 P.S. §771 et seq., encourages and promotes the placement in adoptive homes of children with special needs who are physically and/or mentally handicapped, emotionally disturbed, or are hard to place because of age, sibling relationship, or ethnicity.^{2/} The Pennsylvania Adoption Cooperative Exchange Act^{2/}, created within the Office of Children, Youth, and Families of the Department of Public Welfare an adoption exchange to match children who are difficult to place with families who are willing to provide adoptive homes. The Interstate Compact on the Placement of Children, 62 P.S. §761, authorized the execution of an agreement which sets up uniform procedures and requirements for the interstate placement of children.

^{2/}This act was repealed by Act 1990-206 and reenacted in substantially similar form as part of the Domestic Relations Code.

3. Federal Model Adoption Legislation

The Adoption Act generally sets forth the adoption process in Pennsylvania and contains many provisions similar to the 1969 Revised Uniform Adoption Act. The Revised Act differs from Pennsylvania's law in that it places additional restrictions on who may adopt, does not require the birth parent to appear in court in a voluntary relinquishment hearing, and requires that the adoptee reside in the adoptive home for at least six months before a final decree of adoption is issued.

The federal Child Abuse Prevention and Treatment and Adoption Reform Act mandated the preparation and issuance of the Model State Adoption Act which provides guidance to states in the preparation of their own adoption legislation. The Model Adoption Legislation and Procedures Advisory Panel developed this model legislation and published it in 1980. This model law and Pennsylvania's Adoption Act differ in a number of areas, including counseling requirements and maximum time frames for certain legal procedures.

4. Adoption Law in Other States

Laws of many other states contain provisions similar to Pennsylvania's Adoption Act. According to the 1989 Adoption Factbook published by the National Adoption Congress, Pennsylvania is one of 44 states in which independent adoption is legal. (See Finding A.) In 36 states, including Pennsylvania, preplacement investigations are not required by law, although an investigation is required before an adoption is finalized in Pennsylvania and most other states. Pennsylvania and 34 other states allow private-for-profit organizations to be licensed as child placing agencies. In 34 states, including Pennsylvania, identifying information from adoption records cannot be released to an adoptee without a court order.

How Is the Adoption Law Administered by the Courts in Pennsylvania?^{3/}

In Pennsylvania all adoptions are subject to court approval. The Court of Common Pleas of each county has jurisdiction over the termination of parental rights and adoption proceedings. These actions can be brought in the judicial district where the adoptive parents, the birth parents, or adoptee reside; where the agency is located or has an office; or where the adoptee formerly resided.

^{3/}Developed by LB&FC staff from a review of Pennsylvania statutes, local Orphan's Court rules, and the Pennsylvania Bar Institute publications on adoption law and practice.

The courts first become involved in the adoption process in the termination of parental rights. Termination of parental rights, although necessary before an adoption can be finalized, is a separate legal action from the adoption itself. Termination of parental rights is discussed in Finding G.

1. Reports Required by the Court

According to the Pennsylvania Adoption Act, a person having physical care or custody of a child and who intends to adopt that child generally must file a Report of Intention to Adopt with the court within 30 days of receiving custody of the child whether the child was placed by an agency, through an intermediary, or directly by the birth parent. In independent placements, information about the child such as name, sex, age, racial background, and religious affiliation must be included. The identity of the intermediary and an accounting of monies or consideration paid to the intermediary must be provided in the report. The name and address of the person(s) making the report and information about the circumstances surrounding the persons receiving custody of the child are also required. If the child was placed by an agency, the name and address of the agency are provided instead of the detailed information about the child. No report is required in a kinship adoption.

When a Report of Intention to Adopt has been filed, the court must direct an investigation be conducted into information pertaining to the child's eligibility for adoption and the suitability of the placement. When an adoption agency places a child for adoption and completes a home study report covering this information, the court often uses the agency report to meet this requirement. If an agency has not already performed an investigation, the court will usually order one by the County Children and Youth Services Agency or by a local adoption agency. In an independent placement, the court-ordered investigation may be the first look at the suitability of the adoptive placement. Most of the attorneys handling independent placements who responded to an LB&FC questionnaire do not conduct an investigation prior to the placement of the child. (See Finding D.)

When a child has been placed with adoptive parents, the intermediary which placed the child must file a notarized report to the court within six months after the Report of Intention to Adopt has been filed. This report includes information about the intermediary, adoptive parents, birth parents, and the adoptee. It also includes an itemized accounting of monies and consideration paid as part of the adoption process. The court has the authority to provide relief if it finds the reported costs are excessive.

In addition to the Report of Intention to Adopt, the adoptive parents must also file a Petition for Adoption with the court. This petition must include information and exhibits regarding the child, adoptive parents and the intermediary as defined in statute. The court then sets a time and place for the hearing. Notice of the hearing must be given to all persons whose consents are required and any other persons the court directs. The adopting parents and the adoptee must appear at the hearing.

The court may request that an investigation be made to verify the statements of the petition and provide such other facts as will give the court full knowledge of the desirability of the proposed adoption. Adoption agencies are required by DPW regulation to provide a six-month supervised residency period, but if satisfied that the statements made in the petition are true, that the needs and welfare of the adoptee will be promoted by the adoption, and that all legal requirements have been met, the court may enter a decree of adoption at any time.

2. Court Rules

In addition to the activities required by the Adoption Act, the court in some judicial districts may impose additional requirements through court rules. Rule 15 of the Orphans' Court Rules, promulgated by the Pennsylvania Supreme Court, relates to adoptions and is used in the absence of local Orphans' Court Rules pertaining to adoption. The provisions of these rules are similar to the requirements of the Adoption Act.

LB&FC staff reviewed the court rules of Pennsylvania's 60 judicial districts and found that when local court rules regarding adoption exist, they also generally follow procedures and requirements outlined in the Adoption Act. Some local rules specifically address fees to be charged for filing a petition or to cover the cost of the investigation. Other rules specify the forms to be used in the adoption process.

Certain districts have court rules which add requirements to the adoption process. For instance, Bucks County Court Rules require a home study before the placement of the child in independent adoptions. Delaware and Northampton Counties require a minimum of 30 days between the termination of parental rights and the issuance of a final decree of adoption in their local court rules. Butler County Court Rules allow the petition for the termination of parental rights to be filed at the same time the petition for adoption is filed. Chester County requires adoptive parents from out of state to submit a state police clearance from their state of residence.

3. Safeguards

The Adoption Act states that the court is to base its decision regarding the desirability of an adoption on the needs and welfare of the child. In order to ensure the welfare of the child, the act requires an investigation into the desirability of the placement and specific clearances regarding criminal history and child abuse history on the adoptive parents.

The court may continue to be involved in an adoption long after the adoption decree is issued. The Adoption Act requires the court to keep all records of the adoption sealed. However, the court must, if petitioned by an adoptee over 18 years of age or the parent or guardian of an adoptee under 18, review information concerning the birth parents and furnish this information to the adoptee. The court must, however, ensure that no information is revealed which would endanger the anonymity of the birth parents.

What Is the Role of Pennsylvania's Department of Public Welfare in Adoption?

The Public Welfare Code gives the Department of Public Welfare (DPW) the responsibility of supervising agencies which provide care for or receive children. The Department has established standards for agencies providing adoption services in 55 Pa. Code Chapter 3350, Adoption Services and Chapter 3680, Administration and Operation of a Children and Youth Social Service Agency. Pennsylvania's Department of Public Welfare does not regulate or supervise independent adoptions which do not involve agencies.

1. DPW Regulates Adoption Agencies

DPW regulates the establishment and operation of adoption agencies in Pennsylvania. Regional offices of the Office of Children, Youth and Families, Department of Public Welfare, perform this function. Agencies wishing to be approved to provide adoption services must submit an application and provide a program description of their service and administrative procedures.^{4/} DPW staff in four regional offices review the application and program

^{4/}Specifically, agencies must have a plan for recruiting homes for children in need of adoption, evaluate children to determine their adoptability, and ensure the availability of counseling and other services as needed for birth parents, the child, and adoptive parents.

descriptions of each agency in light of appropriate regulations. If all necessary regulations are met, DPW approves a six-month provisional license for the agency. Following a successful six-month probationary period, the agency may receive a one-year license. DPW representatives conduct annual inspections of the agency to ensure the continued compliance with adoption regulations.

2. DPW Oversees Interstate Adoptions

The responsibility of overseeing all interstate adoptions, including those arranged through independent intermediaries, also falls to DPW. The Office of Children, Youth and Families administers the Interstate Compact on the Placement of Children in Pennsylvania, which is an agreement among all 50 states outlining uniform procedures and requirements for certain interstate placements of children. This program attempts to protect children placed through interstate adoption but also to ensure that placements can proceed smoothly and quickly. For instance, preplacement home studies are required by the compact for interstate and international adoptions, and the interstate office in the receiving state has the responsibility to ensure that all applicable laws and policies have been followed before it approves the placement of a child.

3. DPW Promotes Special Needs Adoptions^{5/}

DPW plays a significant role in promoting the adoption of special needs children in Pennsylvania. The Pennsylvania Adoption Exchange (PAE) was established within the Office of Children, Youth and Families by the Pennsylvania Adoption Cooperative Exchange Act of 1984. PAE provides an information and referral network that strives to find permanent adoptive families for children with special needs. The exchange maintains registries of waiting children and potential adoptive families and attempts to match families with children by working with adoption agencies.

Other organizations in Pennsylvania provide services to encourage and assist the adoption of children with special needs. One Church, One Child (OCOC), an initiative begun in Pennsylvania in 1987, concentrates on recruiting

^{5/}Issues related to special needs adoption (i.e., adoption of children over 5 years of age, sibling groups, minority children, and children with disabilities) will be discussed in more detail in a following report.

adoptive homes for black children.^{6/} Three Rivers Adoption Council in Allegheny County and the Adoption Center of Delaware Valley are private organizations which promote adoption opportunities, particularly for children with special needs.

Although county Children and Youth Services Agencies work primarily with the adoptions of children with special needs, they also place children who do not have special needs for adoption. According to survey responses from the 62 adoptive parents who adopted through a county Children and Youth Services Agency, 60 percent adopted a child with special needs.

How Does an Adoption Take Place in Pennsylvania?

1. Adoption Through Private Agencies^{7/}

Many agencies begin the process for prospective adoptive parents by holding an informational or orientation meeting. At this preliminary session, various programs offered by the agency are explained, including acceptance requirements, fees, and probable waiting times. Some prospective adoptive parents screen themselves out at this point and may attempt private adoption if they cannot meet agency requirements such as age, income, or religion, or if they are discouraged by the probable waiting time.

The prospective adoptive parents next fill out an application and provide information to the agency. At this point, most agencies require the payment of some type of nonrefundable application or registration fee.

Many agencies hold group sessions to educate prospective parents about adoption. The purpose of these classes is to help the adoptive parents make informed and realistic decisions about adoption. The agency can also evaluate the adoptive parents in a nonthreatening way during these sessions.

^{6/}OCOC is a program involving a collaborative effort between DPW, the black clergy, and County Children and Youth Services Agencies designed to encourage the adoption of black children by black families within each church congregation. In this program, the black clergy attempt to increase community awareness of the black children waiting for permanent homes.

^{7/}Information in this section was developed by LB&FC staff in part from interviews with and survey responses from adoption agency representatives.

In agency adoptions an investigation, including a home study, is part of the screening of the prospective adoptive family. Adoption agencies then attempt to match a child with prospective adoptive parents.

After a child is placed with the family, the agency conducts follow-up evaluations of the placement through the final decree of adoption (for example, three visits over a six-month period). Although a waiting period is not specified in the Adoption Act, DPW regulations require a six-month supervised period between placement and finalization.

Other services are available through adoption agencies following the adoption and often include the continued availability of counseling, referral for other needed services, support groups, and assistance in searching for birth parents or birth child.

The length of time prospective adoptive parents must wait to get a child depends in part on the type of child desired and the method of adoption. Generally, families who want healthy infants and younger children wait the longest. Many agencies report long lists of families waiting to adopt a healthy infant, some are not even accepting new applications, and prospective adoptive parents may have to wait years before a placement can occur through an agency. Children with special needs are usually available for adoption, and the time for a match to occur depends on the flexibility of the adoptive family. Agencies responding to an LB&FC questionnaire reported an average wait of 44 months for a healthy infant and 12 months to adopt a child with special needs. Foreign children can generally be adopted within 15 months, although legal procedures may cause delays in the foreign country.

2. Adoption Through Independent Placement^{8/9/}

Prospective adoptive parents in Pennsylvania also have the option of pursuing an adoption through private or independent means. Independent adoption is often the most expeditious alternative for individuals who want to adopt an infant.

^{8/}Information in this section was developed by LB&FC staff from interviews with and survey responses from adoptive parents and attorneys involved with independent adoptions and from Exploring Adoption, published by Three Rivers Adoption Council.

^{9/}See also Finding A for a discussion of issues of concern related to adoption through independent intermediaries.

In many cases, persons who choose independent placement have been unable to meet selection criteria used by private agencies. In response to an LB&FC survey, 60 percent of parents who adopted independently reported that they were told they did not meet some agency requirement such as age or religion. In some cases the adoptive parents believe the wait for a child is too long through a traditional adoption agency, or they consider the cost to be excessive.

While some pursue independent adoption because there is no other option available, others reportedly choose this method because they believe they have more control over the process. The prospective adoptive parents often must assume the responsibility for finding a birth mother who wishes to place her baby for adoption. They may work alone, join a support group, or use the services of an intermediary to facilitate contacts with a birth mother. According to Pennsylvania's Adoption Act, a birth parent can place her child directly with another adult with no intermediary involved. It is then up to the adoptive parent to contact an attorney to begin the legal process of adoption.

Most of the attorneys involved in independent adoptions who responded to an LB&FC questionnaire do not locate children for adoptive parents. These attorneys reportedly often are contacted to perform the necessary legal steps to complete an adoption only after a child has been identified. A home study is not usually done until after the child is in the adoptive home and the Report of Intention to Adopt has been filed with the court. The court then has the responsibility to order an investigation of the suitability of the placement. The court also has the responsibility to review the costs associated with an independent adoption and to provide relief if these costs are considered excessive.

In independent adoptions, the time prospective adoptive parents must wait to identify a child reportedly depends largely on the efforts of the adoptive parents. According to one attorney who works with independent adoptions, a child can often be identified within six months to one year if the adoptive parents are diligent in their efforts. Twenty-five adoptive parents who responded to a LB&FC questionnaire and had used independent placement in Pennsylvania reported an average wait of 20 months until an available child was identified. Although some identified a child in less than three months, others searched for up to five years before finding a child.

V. APPENDICES

APPENDIX A. SURVEY METHODOLOGY AND SUMMARY INFORMATION ON
DISTRIBUTION AND RETURN RATES OF LB&FC SURVEY
QUESTIONNAIRES UTILIZED IN THIS STUDY

<u>Questionnaire Recipients</u>	<u>Number of Surveys</u>		<u>Return Rate (%)</u>
	<u>Sent</u>	<u>Returned</u>	
President Judges ^{1/}	60	33	55%
Adoption Agencies ^{1/}	65	37	57%
Birth Parents ^{2/}	230	41	18%
Adoptive Parents ^{2/}	352	156	44%
Independent Attorneys ^{3/}	58	22	38%
Adoption Support Groups ^{4/}	74	23	31%
County Child and Youth Services Agencies ^{1/}	67	37	55%

^{1/}Represents the total number of those individuals/agencies within Pennsylvania.

^{2/}To ensure confidentiality, questionnaires for birth and adoptive parents were forwarded through selected adoption agencies, support groups, and independent attorneys for further distribution to selected clients. A total of 27 adoption agencies were identified and contacted to assist in the distribution of questionnaires to birth and adoptive parents. These agencies were selected in such a way as to assure representation of the various geographic areas of the state as well as the several ethnic and religious groups. In addition some agencies were selected because they specialize in special needs adoptions or international adoptions. In addition, a limited number of questionnaires to birth and adoptive parents were sent through county children and youth services agencies. Agencies in nine counties were contacted by telephone to explain the survey process and to ask for their assistance. Six questionnaires for birth parents and six for adoptive parents were mailed to each of these nine agencies along with their county children and youth services agencies questionnaires.

(Continued)

PLEASE NOTE: LB&FC staff recognizes a potential bias inherent in selecting birth and adoptive parents for the survey in the manner indicated above (i.e., non-random). If the agencies and individuals contacted tended to select birth and adoptive parents who were generally satisfied with the adoption process they experienced, the results may not indicate the degree of concern among parents generally. LB&FC staff had no way of verifying how parents were selected. In addition, no attempt was made to contact adoptive parents who had failed in their attempts to adopt a child. As indicated throughout the report, however, numerous birth and adoptive parents did raise issues and identify problem areas in the adoption process in their survey questionnaire responses.

3/The names of 58 attorneys who regularly handle adoption cases on an independent basis were obtained by calling the clerks of Orphans or Family Courts in several urban, suburban, and rural districts within the state. Survey questionnaires were sent to each of these 58 attorneys. In addition, 11 of these attorneys were selected and telephoned to ask their cooperation in distributing questionnaires to birth and adoptive parents. The 11 attorneys selected to participate in this distribution practice law in the following counties:

Allegheny	Cameron/Elk	Philadelphia
Blair	Erie	Westmoreland
Bradford	Lehigh	York

4/Survey questionnaires were sent to all the various adoption exchanges, councils, and support organizations which were identified through DPW, adoption agency personnel, and the 1988 Adoption Factbook published by the National Committee for Adoption. Questionnaires were mailed to 74 adoption exchanges, councils, and support groups. Ten of these groups were selected (based on geographic location, principal clientele, and ethnic or religious focus) to help distribute questionnaires to birth and adoptive parents. These organizations were contacted by telephone to explain the process and ask for their assistance. Copies of birth and adoptive parent questionnaires were mailed to these groups based on the type of client they supported, i.e., birth parents, adoptive parents, or both.

Source: Developed by LB&FC staff.

APPENDIX B. METHODOLOGY USED IN SELECTING 16 STATES TO COMPARE
 WITH PENNSYLVANIA

Listed below is the methodology used by LB&FC staff in selecting the 16 states to compare with Pennsylvania in terms of adoption laws, regulations, and practices.

1. States contiguous to Pennsylvania (i.e., New York, New Jersey, Delaware, Maryland, West Virginia, and Ohio) were chosen to be a part of the sample because of the relatively large number of interstate adoptions taking place between each of these states and Pennsylvania.
2. Other states (i.e., California, Florida, Illinois, Indiana, Michigan, Texas, and Virginia) were selected because they are relatively large, populous states.
3. In addition, persons interviewed early in the study and respondents to LB&FC staff questionnaires also suggested adding certain other states in our comparative analysis: Maine, Nevada, and Washington.

In summary, the 16 states in the sample are:

California	Nevada
Delaware	New Jersey
Florida	New York
Illinois	Ohio
Indiana	Texas
Maine	Virginia
Maryland	Washington
Michigan	West Virginia

APPENDIX C. LIST OF ADOPTION AGENCIES IN PENNSYLVANIA APPROVED
BY THE DEPARTMENT OF PUBLIC WELFARE

Adoption Alliance
Warrington, PA

Bethanna
Southampton, PA

Choices-An Adoption Agency
Glenside, PA

Love the Children
Quakertown, PA

Pearl S. Buck Foundation
Perkasie, PA

Tabor Children's Services
Doylestown, PA

Welcome House
Doylestown, PA

La Vida
Malvern, PA

Child and Home Study Association
Media, PA

Small Miracles
Media, PA

Adoption International
Philadelphia, PA

Bethany Christian Services
Erdenheim, PA

Children's Aid Society of
Montgomery County

Jewish Family and Children's
Agency
Philadelphia, PA

Medical Adoption Services
Spring House, PA

National Adoption Network, Ltd.
Bryn Mawr, PA

The Adoption Agency
Ardmore, PA

Catholic Social Services
Philadelphia, PA

Lutheran Children and Family
Services
Philadelphia, PA

The Option of Adoption
Philadelphia, PA

Women's Christian Alliance
Philadelphia, PA

Concern
Fleetwood, PA

The Lutheran Home at Topton
Topton, PA

Catholic Social Services
Scranton, PA

St. Joseph's Center
Scranton, PA

Catholic Social Agency
Allentown, PA

Wiley House
Bethlehem, PA

Catholic Social Services of
Luzerne County
Wilkes-Barre, PA

(Continued)

Families Caring for Children
Wilkes-Barre, PA

Jewish Family Service of Greater
Wilkes-Barre
Wilkes-Barre, PA

Thy Kingdom Come
Orwigsburg, PA

Today's Adoption Agency
Hawley, PA

Catholic Social Services
Alttona-Johnstown
Altoona, PA

Adoption Services
Camp Hill, PA

Catholic Charities
Harrisburg, PA

Adoption Horizons
Shippensburg, PA

Children's Aid Society of
Franklin County
Chambersburg, PA

Adoption Unlimited
Lancaster, PA

Aid for Children International
Marietta, PA

Bethany Christian Services
Lancaster, PA

Family Service
Lancaster, PA

The Eckels Adoption Agency
Williamsport, PA

Children's Aid Society of
Somerset County
Somerset, PA

The Bair Foundation
New Wilmington, PA

Tressler Lutheran Services
Mechanicsburg, PA

Bethany Christian Services of
Western Pennsylvania
Pittsburgh, PA

Catholic Charities of the
Diocese of Pittsburgh
Pittsburgh, PA

Children's Home of Pittsburgh
Pittsburgh, PA

Family Adoption Center
Pittsburgh, PA

Jewish Family and Children's
Service
Pittsburgh, PA

LDS Social Services
Greentree, PA

Project Star of Permanency
Planning Advocates
Pittsburgh, PA

Rainbow Project
Pittsburgh, PA

Three Rivers Adoption Council/
Black Adoption Services
Pittsburgh, PA

Family Service of Beaver/Butler
Counties
Evans City, PA

Catholic Social Services of
Erie-Eastern Regional Office
Dubois, PA

Children's Aid Society in
Clearfield County
Clearfield, PA

Catholic Social Services of
Erie
Erie, PA

(Continued)

Family Services Erie, PA	Bucks County Children and Youth Agency Doylestown, PA 18901
The Bair Foundation - Harrisburg Office Middletown, PA	Cambria County Children and Youth Agency Ebensburg, PA
Catholic Social Services - Mercer County Branch Sharon, PA	Cameron County Children and Youth Agency Emporium, PA
Children's Aid Society of Mercer County Mercer, PA	Butler County Children and Youth Agency Butler, PA
Family Services and Children's Aid Society of Venango County Oil City, PA	Carbon County Children and Youth Agency Jim Thorpe, PA
Catholic Charities Agency Greensburg, PA	Centre County Children and Youth Agency Bellefonte, PA
Adams County Children and Youth Agency Gettysburg, PA	Chester County Children and Youth Agency West Chester, PA
Allegheny County Children and Youth Agency Pittsburgh, PA	Clarion County Children and Youth Agency Clarion, PA
Armstrong County Children and Youth Agency Kittanning, PA	Clearfield County Children and Youth Agency Clearfield, PA
Children and Youth Agency Beaver, PA	Clinton County Children and Youth Agency Lock Haven, PA
Bedford Children and Youth Agency Bedford, PA	Columbia County Children and Youth Agency Bloomsburg, PA
Berks County Children and Youth Agency Reading, PA	Crawford County Children and Youth Agency Meadville, PA
Blair County Children and Youth Agency Hollidaysburg, PA	Cumberland County Children and Youth Agency Carlisle, PA
Bradford County Children and Youth Agency Towanda, PA	

(Continued)

Dauphin County Children and
Youth Agency
Harrisburg, PA

Delaware County Children and
Youth Agency
Media, PA

Elk County Children and Youth
Agency
Ridgway, PA

Erie County Children and Youth
Agency
Erie, PA

Fayette County Children and
Youth Agency
Uniontown, PA

Forest County Children and
Youth Agency
Tionesta, PA

Franklin County Children and
Youth Agency
Chambersburg, PA

Fulton County Children and
Youth Agency
McConnellsburg, PA

Greene County Children and
Youth Agency
Waynesburg, PA

Huntingdon County Children and
Youth Agency
Huntingdon, PA

Indiana County Children and
Youth Agency
Indiana, PA

Jefferson County Children and
Youth Agency
Brookville, PA

Juniata County Children and
Youth Agency
Mifflintown, PA

Lackawanna County Children
and Youth Agency
Scranton, PA

Lancaster County Children
and Youth Agency
Lancaster, PA

Lawrence County Children and
Youth Agency
New Castle, PA

Lebanon County Children and
Youth Agency
Lebanon, PA

Lehigh County Children and
Youth Agency
Allentown, PA

Luzerne County Children and
Youth Agency
Wilkes-Barre, PA

Lycoming County Children and
Youth Agency
Williamsport, PA

McKean County Children and
Youth Agency
Smethport, PA

Mercer County Children and
Youth Agency
Mercer, PA

Mifflin County Children and
Youth Agency
Lewistown, PA

Monroe County Children and
Youth Agency
Stroudsburg, PA

Montgomery County Children and
Youth Agency
Norristown, PA

Montour County Children and
Youth Agency
Danville, PA

(Continued)

Northampton County Department of
Human Services
Easton, PA

Northumberland County Children
and Youth Agency
Sunbury, PA

Perry County Children and Youth
Agency
New Bloomfield, PA

Philadelphia County Children and
Youth Agency
Philadelphia, PA

Pike County Children and Youth
Agency
Milford, PA

Potter County Children and Youth
Agency
Coudersport, PA

Schuylkill County Children and
Youth Agency
Pottsville, PA

Snyder County Children and Youth
Agency
Middleburg, PA

Somerset County Children and
Youth Agency
Somerset, PA

Sullivan County Children and
Youth Agency
Dushore, PA

Susquehanna County Children and
Youth Agency
Montrose, PA

Tioga County Children and Youth
Agency
Wellsboro, PA

Union County Children and Youth
Agency
Lewisburg, PA

Venango County Children and
Youth Agency
Franklin, PA

Warren County Children and
Youth Agency
North Warren, PA

Washington County Children
and Youth Agency
Washington, PA

Wayne County Children and
Honesdale, PA

Westmoreland County Children
and Youth Agency
Greensburg, PA

Wyoming County Children and
Youth Agency
Tunkhannock, PA

York County Children and
Youth Agency
York, PA

SP 4-164 (3-90) <p style="text-align: center;">PENNSYLVANIA STATE POLICE REQUEST FOR CRIMINAL RECORD CHECK</p> <p style="text-align: center;"><u>TYPE OR PRINT LEGIBLY WITH INK</u></p>		FOR CENTRAL REPOSITORY USE ONLY (LEAVE BLANK)														
PART I TO BE COMPLETED BY REQUESTER		DATE OF REQUEST														
NAME (SUBJECT OF RECORD CHECK) <small>(Last)</small> _____ <small>(First)</small> _____ <small>(Middle)</small> _____																
MAIDEN NAME AND/OR ALIASES _____	SOCIAL SECURITY NO. (SOC) _____	DATE OF BIRTH (DOB) _____	SEX _____													
RACE _____																
REASON FOR REQUEST: (CHECK APPROPRIATE BLOCK)																
<input type="checkbox"/> EMPLOYMENT		<input type="checkbox"/> INDIVIDUAL ACCESS AND REVIEW BY SUBJECT OF RECORD CHECK OR LEGAL REPRESENTATIVE (AFFIDAVIT OF LEGAL REPRESENTATION ATTACHED)														
<input type="checkbox"/> OTHER (SPECIFY) _____																
REQUESTER IDENTIFICATION: (CHECK APPROPRIATE BLOCK)																
<input type="checkbox"/> INDIVIDUAL/NONCRIMINAL JUSTICE AGENCY - ENCLOSE A CHECK/MONEY ORDER (NONREFUNDABLE) IN THE AMOUNT OF \$10.00 PAYABLE TO "COMMONWEALTH OF PENNSYLVANIA". DO NOT SEND CASH.		<input type="checkbox"/> NONCRIMINAL JUSTICE AGENCY - FEE EXEMPT														
INFORMATION WILL BE MAILED TO REQUESTER ONLY																
<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">NAME OF REQUESTER</td></tr> <tr><td style="padding: 2px;">ADDRESS</td></tr> <tr><td style="padding: 2px;">CITY STATE ZIP CODE</td></tr> </table>		NAME OF REQUESTER	ADDRESS	CITY STATE ZIP CODE	LIST TELEPHONE NUMBER TO BE USED TO CONTACT REQUESTER IF NECESSARY. (AREA CODE) <table style="display: inline-table; border: none;"> <tr> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> <td style="border: 1px solid black; width: 20px; height: 20px;"></td> </tr> </table>											
NAME OF REQUESTER																
ADDRESS																
CITY STATE ZIP CODE																
NOTE: A "NO RECORD" RESPONSE WILL TAKE TWO (2) WEEKS TO PROCESS; A "RECORD" RESPONSE WILL TAKE LONGER. IF THIS FORM IS NOT LEGIBLE OR PROPERLY COMPLETED, IT WILL BE RETURNED UNPROCESSED TO REQUESTER.																
REQUESTER CHECKLIST: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> DID YOU ENTER THE FULL NAME, DOB, AND SOC? <input checked="" type="checkbox"/> DID YOU ENCLOSE THE \$10.00 FEE (CHECK/MONEY ORDER)? DO NOT SEND CASH. <input checked="" type="checkbox"/> DID YOU ENTER YOUR COMPLETE ADDRESS INCLUDING ZIP CODE AND TELEPHONE NUMBER IN THE BLOCKS PROVIDED? 		AFTER COMPLETION MAIL BOTH COPIES WITH CARBON INK TO: <p style="text-align: center;">PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY 1800 ELMERTON AVENUE HARRISBURG, PENNSYLVANIA 17110-9758</p>														
PART II CENTRAL REPOSITORY RESPONSE																
INFORMATION DISSEMINATED: <input type="checkbox"/> NO RECORD <input type="checkbox"/> CRIMINAL RECORD ATTACHED		INQUIRY/DISSEMINATED BY:	SD NO:													
THE INFORMATION DISSEMINATED BY THE CENTRAL REPOSITORY IS BASED SOLELY ON THE FOLLOWING IDENTIFIERS THAT MATCH THOSE FURNISHED BY THE REQUESTER: <ul style="list-style-type: none"> <input type="checkbox"/> NAME <input type="checkbox"/> DATE OF BIRTH <input type="checkbox"/> RACE <input type="checkbox"/> SOC <input type="checkbox"/> MAIDEN/ALIAS NAME <input type="checkbox"/> SEX 		CERTIFIED BY: _____ (DIRECTOR, CENTRAL REPOSITORY)														
Response based on comparison of data provided by the requester in Part I against information contained in the files of the Pennsylvania State Police Central Repository only, and does not preclude the existence of other criminal records which may be contained in the repositories of other local, state or federal criminal justice agencies.																

PENNSYLVANIA CHILD ABUSE HISTORY CLEARANCE

INSTRUCTIONS: Complete Section I only. Please print clearly in ink. Enclose check or money order for \$10.00 payable to Department of Public Welfare. **DO NOT SEND CASH.** Applications received without fee will not be processed. Send to Department of Public Welfare, P.O. Box 8170, Harrisburg, PA 17105-8170

SECTION I - APPLICANT IDENTIFICATION	
(Indicate Reason For Requesting Clearance (Check ONE Block Only))	
1. <input type="checkbox"/> EMPLOYMENT 2. <input type="checkbox"/> ADOPTION 3. <input type="checkbox"/> FOSTER CARE	4. <input type="checkbox"/> VOLUNTARY 5. <input type="checkbox"/> CWEP (Community Work Experience Program Participant)
A copy of your Request for Criminal History Record Information (Form SP4-184) must be attached. Out-of-State residents must also attach a copy of their FBI Clearance (Form FD-258).	
_____ Signature of Confirming CAO Representative CAO Telephone No.	

CHILDLINE USE ONLY
DATE RECEIVED BY CHILDLINE

RETURN ADDRESS BLOCK - PLEASE PRINT CLEARLY

NAME _____

STREET _____

CITY, STATE _____

APT. NO. BOX NO. _____

ZIP CODE _____

IN THE BLOCK ABOVE, ENTER FULL NAME OF APPLICANT. DO NOT USE INITIALS. ALSO ENTER ENTIRE CURRENT ADDRESS.

SOCIAL SECURITY NO. ▶ _____	
AGE _____	DATE OF BIRTH _____
SEX <input type="checkbox"/> M <input type="checkbox"/> F	COUNTY OF CURRENT RESIDENCE _____
LENGTH OF TIME AT CURRENT ADDRESS ▶ _____ YRS. _____ MOS.	
DAYTIME TELEPHONE NO. ▶ () _____	

OTHER NAMES USED BY APPLICANT SINCE 1975 (include Maiden Name, Nicknames, Aliases) (First, Middle, Last)	
1. _____	2. _____

FORMER ADDRESSES OF APPLICANT (from November 1975 up to, but not including, current address) include approximate dates you resided at each address. List Street, Apt. No., Box No., City, State, County, & Zip Code. For military service list City, State, and/or Country where stationed. Attach additional pages if necessary.			
1. _____	MO/YR TO MO/YR	3. _____	MO/YR TO MO/YR
2. _____	MO/YR TO MO/YR	4. _____	MO/YR TO MO/YR

MEMBERS OF APPLICANT'S HOUSEHOLD (include all persons who currently reside with you or who have resided with you at any of your former addresses.) Attach additional pages if necessary.				
NAME (First, Middle, Last, do not use initials)	RELATIONSHIP TO APPLICANT	AGE	SEX	
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____

I certify that the above information is accurate and complete to the best of my knowledge and belief and submitted as true and correct under penalty of law (Section 4904 of the Pennsylvania Crimes Code).

 Applicant's Signature Date

SECTION II - RESULTS OF HISTORY CHECK - Childline Use Only			
<input type="checkbox"/> APPLICANT IS NOT LISTED IN THE STATEWIDE CENTRAL REGISTER AS A PERPETRATOR OF CHILD ABUSE.		<input type="checkbox"/> APPLICANT IS LISTED IN THE STATEWIDE CENTRAL REGISTER AS A PERPETRATOR OF CHILD ABUSE. (SEE BELOW)	
REPORTS IDENTIFIED			
STATUS	DATE OF INCIDENT	STATUS	DATE OF INCIDENT
1. _____	_____	3. _____	_____
2. _____	_____	4. _____	_____
VERIFIER _____		DATE _____	
VERIFIER'S SUPERVISOR _____		DATE _____	

PRIOR PRINTER'S NO. 68

PRINTER'S NO. 1696

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 79

Session of
1991

INTRODUCED BY HAGARTY, CALTAGIRONE, REBER, HAYDEN, HECKLER,
GODSHALL, MERRY, LAUGHLIN, NAILOR, JAROLIN, DEMPSEY, NAHILL,
HERMAN, NOYE, MELIO, FLEAGLE, RAYMOND, E. Z. TAYLOR, COWELL,
VEON, DALEY, ULIANA, PRESTON, RITTER, COY, TRELLO, BATTISTO,
PITTS, LEE, FARMER, KASUNIC, HALUSKA, GRUPPO, FREIND, CLYMER,
BUSH, DeLUCA, O'BRIEN, LINTON, SAURMAN, KUKOVICH, CHADWICK,
MARSICO, PICCOLA, G. SNYDER, PHILLIPS, GEIST, TANGRETTI,
HARLEY, FOX, BARLEY, WAMBACH, THOMAS, MICHLOVIC, TELEK AND
SEMMELE, JANUARY 15, 1991

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 15, 1991

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, adding a definition of "newborn
3 child"; further providing for procedures and other matters
4 relating to adoptions; and providing for certain
5 investigations and reports.

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

8 Section 1. Section 2102 of Title 23 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:
10 § 2102. Definitions.

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

14 * * *

15 "Newborn child." A child who is six months of age or younger

Source: Received from General Assembly of Pennsylvania.

(Continued)

1 facility providing maternity care[.] within the county and shall
2 be made available upon request to any intermediary or licensed
3 health care professional.

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

19 (d) Application for counseling.--Any parent who has filed a
20 petition to relinquish his or her parental rights, or has
21 executed a consent to adoption, and is in need of counseling
22 concerning the relinquishment or consent, and the alternatives
23 thereto, may apply to the court for referral to an agency or
24 qualified counselor listed by a court pursuant to subsection (b)
25 for the purpose of receiving such counseling. The court, in its
26 discretion, may make such a referral where it is satisfied that
27 this counseling would be of benefit to the parent.

28 (e) Counseling fund.--Except as hereinafter provided, each
29 report of intention to adopt filed pursuant to section 2531
30 (relating to report of intention to adopt) shall be accompanied

1 by a filing fee in the amount of \$75 which shall be paid into a
2 segregated fund established by the county. The county may also
3 make supplemental appropriations to the fund. All costs of
4 counseling provided pursuant to subsection (c) or (d) to
5 individuals who are unable to pay for such counseling shall be
6 paid from the fund. No filing fee may be exacted under this
7 subsection with respect to the adoption of a special needs child
8 who would be eligible for adoption assistance pursuant to
9 regulations promulgated by the Department of Public Welfare. In
10 addition, the court may reduce or waive the fee in cases of
11 demonstrated financial hardship.

12 § 2511. Grounds for involuntary termination.

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

16 (1) The parent by conduct continuing for a period of at
17 least six months immediately preceding the filing of the
18 petition either has evidenced a settled purpose of
19 relinquishing parental claim to a child or has refused or
20 failed to perform parental duties.

21 (2) The repeated and continued incapacity, abuse,
22 neglect or refusal of the parent has caused the child to be
23 without essential parental care, control or subsistence
24 necessary for his physical or mental well-being and the
25 conditions and causes of the incapacity, abuse, neglect or
26 refusal cannot or will not be remedied by the parent.

27 (3) The parent is the presumptive but not the natural
28 father of the child.

29 (4) The child is in the custody of an agency, having
30 been found under such circumstances that the identity or

SUPREME COURT OF PENNSYLVANIA
ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

ORPHANS COURT REPORT

Report covers month of _____, 19 _____ County

	ACCOUNTS	ADOPTIONS	RELINQUISHMENTS/ TERMINATIONS	INCOMPETENCY PROCEEDINGS
1. Cases pending from last report	_____	_____	_____	_____
2. New cases added	_____	_____	_____	_____
3. Subtotal: Cases available for disposition (line 1 plus line 2)	_____	_____	_____	_____
4. Dispositions this month:				
4a. Contested before Judge	_____	_____	_____	_____
4b. Contested before Master, Auditor, or Examiner	_____	_____	_____	_____
4c. Uncontested dispositions	_____	_____	_____	_____
5. Subtotal: dispositions this month (4a + 4b + 4c)	_____	_____	_____	_____
6. Cases pending at end of month (line 3 minus line 5) ...	_____	_____	_____	_____

Name of Person Filing Report _____ Signature _____ Date _____

Source: Received from Administrative Office of Pennsylvania Courts.

APPENDIX H. INTERSTATE AND FOREIGN ADOPTIONS FOR CALENDAR YEARS
1987-1990

<u>Type of Adoption</u>	<u>1987</u>	<u>Jan-Sept 1988^{a/}</u>	<u>1989^{a/}</u>	<u>1990</u>
Into Pennsylvania From Other States	198	141	N/A	299
From Pennsylvania Into Other States	314	160	N/A	313
Into Pennsylvania From Foreign Countries	382	306	N/A	255

a/Data for fourth quarter 1988 and all of 1989 were not available.

Source: Developed by LB&FC staff from reports provided by the Interstate Compact Unit, Department of Public Welfare.

APPENDIX I. ADOPTION DATA ELEMENTS GENERAL ADOPTION FORM
(PROPOSED FEDERAL FORMAT)

Federal Register / Vol. 55, No. 188 / Thursday, September 27, 1990 / Proposed Rules

39565

Appendix D.—Adoption Data Elements General Adoption Form (Use is Optional)

A. IDENTIFICATION INFORMATION

- 1. State.....
- 2. Local agency (city, county or district) name.....
- 3. Child's reporting number.....

B. CHILD'S DEMOGRAPHIC INFORMATION

- 1. Date of birth:..... Mo da yr

2. Sex:

- Male.....
- Female.....

3. Race/Ethnicity:

- a. White (not Hispanic).....
- b. Black (not Hispanic).....
- c. Hispanic.....
- d. American Indian/Alaskan Native.....
- e. Asian/Pacific Islander.....
- f. Missing Data.....

C. BIRTH PARENTS

Mother Father

mo da yr mo da yr

- 1. Date of birth..... a. mo da yr b. mo da yr

2. Race/Ethnicity

- a. White (not Hispanic)..... i. ii.
- b. Black (not Hispanic)..... i. ii.
- c. Hispanic..... i. ii.
- d. American Indian/Alaskan Native..... i. ii.
- e. Asian/Pacific Islander..... i. ii.
- f. Missing Data..... i. ii.

D. PARENTAL RIGHTS TERMINATION

Mother Father

mo da yr mo da yr

- 1. Date of termination..... a. b.
- 2. Voluntary (relinquishment/surrender)..... a. b.
- 3. Non-Voluntary (Court Ordered)..... a. b.

ADOPTIVE PARENTS

Mother Father

mo da yr mo da yr

- 1. Date of birth..... a. b.
- 2. Race-Ethnicity:.....
- a. White (not Hispanic)..... i. ii.
- b. Black (not Hispanic)..... i. ii.
- c. Hispanic..... i. ii.
- d. American Indian/Alaskan Native..... i. ii.
- e. Asian/Pacific Islander..... i. ii.
- f. Missing Data..... i. ii.
- 3. Marital status (at time adoption legalized).....
- a. Married.....
- b. Single.....
- c. Divorced.....
- d. Widowed.....
- e. Unknown.....
- 4. Child Adopted by:.....
- a. Stepparent.....
- b. Relative of child.....
- c. Foster parent of child.....
- d. None.....

F. PLACEMENT INFORMATION

- 1. Previous adoptive placements.....
- Yes.....
- No.....
- 2. Was child placed with own siblings?.....
- Yes.....
- No.....
- 3. Date adoption legalized:.....

G. PLACEMENT STATUS

1. The child was placed from:

- a. Within State.....
 - b. Another State.....
 - c. (Specify).....
 - d. Another county.....
 - e. (Specify).....
2. The child was placed by:
- a. Public agency.....
 - b. Private Agency.....
 - c. Tribal Agency.....
 - d. Independent Person.....
 - e. Other.....

DEFINITION OF ADOPTION ASSISTANCE DATA ELEMENTS (GENERAL ADOPTION FORM) (USE IS OPTIONAL)

Reporting population

These data elements may be used by the State to collect information on all children legally adopted in the State, including stepparent adoptions. What agency will be designated to collect this information is a State decision, but the Vital Statistics unit is assumed to be the most logical.

A. Identification Information

- 1. State..... U.S. Postal Service two letter abbreviation for State submitting the report.
- 2. Local agency name..... Identify the sub-State county, district, region, or other unit used by the State to identify regional subdivisions.
- 3. Child's reporting number..... The number which must be unique to each child in the State and which the State uses to transmit data to DHHS. The reporting number cannot be linked to the child's case I.D. number except at the State or local level.

B. Child's Demographic Information

- 1. Date of birth..... Month, day and year of the child's birth.
- 2. Sex..... Indicate as appropriate.
- 3. Race/Ethnicity
 - a. White (not Hispanic)..... A person of European, North African, or Middle Eastern origin, and not Hispanic.
 - b. Black (not Hispanic)..... A person whose ancestry is any of the black racial groups of Africa, and not Hispanic.
 - c. Hispanic..... A Mexican, Puerto Rican, Cuban, Central or South American person, or person of other Spanish cultural origin, regardless of race.
 - d. American Indian/Alaskan Native..... A person whose ancestry is North American, and who maintains tribal affiliation or is so recognized in the community.
 - e. Asian/Pacific Islander..... A person whose origin is the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands. This includes, for example, China, India, Japan, Korea, the Philippine Islands, Samoa and Vietnam.
 - f. Missing data..... The specific race/ethnicity category is unknown or has not been determined.

C. Birth Parents

- 1. Date of birth..... If exact dates are not available, use the first of the month; if the month is not available, use January 1.
- 2. Race/Ethnicity
 - a. White (not Hispanic)..... A person of European, North African, or Middle Eastern origin, and not Hispanic.
 - b. Black (not Hispanic)..... A person whose ancestry is any of the black racial groups of Africa, and not Hispanic.
 - c. Hispanic..... A Mexican, Puerto Rican, Cuban, Central or South American person, or person of other Spanish cultural origin, regardless of race.
 - d. American Indian/Alaskan Native..... A person whose ancestry is North American, and who maintains tribal affiliation or is so recognized in the community.
 - e. Asian/Pacific Islander..... A person whose origin is the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands. This includes, for example, China, India, Japan, Korea, the Philippine Islands, Samoa and Vietnam.
 - f. Missing data..... The specific race/ethnicity category is unknown or has not been determined.

D. Parental Rights Termination

- 1. Date of termination..... Respond to the question for both the mother and the father. If the exact date cannot be determined, use the first day of the month.
- 2. Voluntary (relinquishment/surrender)..... The parent voluntarily terminates full parental rights and responsibilities—either to an agency or an individual, depending on State law.
- 3. Non-voluntary (court ordered)..... Full parental rights and responsibilities are terminated by court order.

E. Adoptive Parents

- 1. Date of birth..... Indicate date of birth of adoptive parent(s).
- 2. Race/Ethnicity
 - a. White (not Hispanic)..... A person of European, North African, or Middle Eastern origin, and not Hispanic.
 - b. Black (not Hispanic)..... A person whose ancestry is any of the black racial groups of Africa, and not Hispanic.
 - c. Hispanic..... A Mexican, Puerto Rican, Cuban, Central or South American person, or person of other Spanish cultural origin, regardless of race.
 - d. American Indian/Alaskan Native..... A person whose ancestry is North American, and who maintains tribal affiliation or is so recognized in the community.
 - e. Asian/Pacific Islander..... A person whose origin is the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands. This includes, for example, China, India, Japan, Korea, the Philippine Islands, Samoa and Vietnam.
 - f. Missing data..... The specific race/ethnicity category is unknown or has not been determined.
- 3. Marital status..... Indicate marital status of the adoptive parent at the time the adoption was legalized.

(Continued)

DEFINITION OF ADOPTION ASSISTANCE DATA ELEMENTS (GENERAL ADOPTION FORM) (USE IS OPTIONAL)—Continued

- a. Married
- b. Single
- c. Divorced
- d. Widowed
- e. Unknown
- 4. Child adopted by..... Indicate what previous relationship the child had with the adoptive parent.
 - a. Stepparent..... Spouse of the child's birth mother or father.
 - b. Relative of child..... A relative through the birth parents by blood or marriage.
 - c. Foster parent of child..... Child was placed in a non-relative foster family home with a family which later adopted him or her.
 - d. None..... Adoptive parent fits into none of the categories above.
- F. Placement Information
 - 1. Previous adoptive placements..... Indicate whether the child had previously been placed in an adoptive (pre-adoptive) home which placement later was disrupted, or the child had legally been adopted and the adoption subsequently dissolved.
 - 2. Was child placed with own siblings..... Was the child placed with any of his or her own brothers or sisters or half-brothers or half-sisters.
 - 3. Date adoption legalized..... Date court order was issued making the adoption legal.
- G. Placement Status
 - 1. The child was placed from..... Indicate the location of the individual or agency that had custody or responsibility for the child at the time of initiation of adoption proceedings.
 - a. Within State..... Responsibility for the child resided with an individual or agency within the State filing the report.
 - b. Another State..... Responsibility for the child resided with an individual or agency in another State or territory of the U.S.
 - c. Specify..... Use the U.S. Postal Service two-letter abbreviation for the State or territory.
 - d. Another Country..... Responsibility for the child resided with an individual or agency in another country.
 - e. Specify..... Indicate the name of the country from which the child came.
 - 2. The child was placed by..... The adoption was accomplished with the assistance of or through the intervention of which of the following?
 - a. Public Agency..... A unit of State or Local Government.
 - b. Private Agency..... A for-profit or non-profit agency or institution.
 - c. Tribal Agency..... A unit within one of the Federally recognized Indian tribes or Indian Tribal Organizations.
 - d. Independent Person..... A doctor, a lawyer or some other individual.
 - e. Other..... Some organization other than those listed above.

Appendix E—Electronic Data Transmission Format

- 1. The foster care and adoption data to be sent from State Agencies/Indian Tribes are to be in an electronic form.
- 2. Records should be written in ASCII standard characters.
- 3. A field is comprised of the Alphanumeric or Numeric response as called for in Appendix F. Field length specifications in Appendix F refer to the maximum number of characters or numbers allowed in that field, for example.
 - 6A = Alphanumeric data with maximum length of 6 characters
 - 8I = Integer (numeric) data with a maximum length of 8 characters
- 4. There are two alternatives for transmission of these data—either data diskettes or via modem.
 - a. Diskette Specifications
 - (1) 360K double sided, 1.44 Meg or 1.2 Meg DOS compatible diskettes are acceptable.
 - (2) All data fields must be filled up to the maximum field length as specified in Appendix F. If the data value does not require all of the digits then the remaining

characters must be filled with either ASCII blanks, right justified, for alphanumeric fields or zeros, left justified, for numeric fields.

(3) No record should be split across a diskette if more than one diskette is provided.

b. Modem Specifications

- (1) Data submitted via modem must be transmitted at 1200 or 2400 baud, using the Xmodem (or equivalent) error checking protocol and should be limited to less than 5000 cases (records) per submission.
- (2) The first character of each record should be an ASCII pound (#) sign.
- (3) Each of the data fields must be represented and must be separated by a comma. The entire field length, however, does not have to, but may be, filled and transmitted. That is, for fields of length 18, if the answer (value) is 50, either 00000050, . . . or 50, . . . is acceptable, though the shorter version is preferable: field1,50,00000050,field4,etc.
- (4) Data should be transmitted in lines of no more than 80 characters. Should the line end in the middle of a field, continue the field on the next line with the comma at the end of the field as normal.

(5) At the end of the entire transmission, enter an ASCII asterisk (*) to signal that the last record has been transmitted.

Appendix F—Foster Care and Adoption Record Layouts

A. Foster Care

- 1. Individual foster care child record
 - a. The record will consist of 72 data fields.
 - b. Data must be supplied for each of the fields in accordance with these instructions:
 - (1) Enter the appropriate value in each field.
 - (2) For all elements where no data exist (missing), enter a 9.
 - (3) All date fields will be in year, month and day order (yyymmdd), two digits each, e.g., 880110 for January 10, 1988.
 - (4) Elements 9-17, 27-39 and 63-72, the "select all that apply" elements:
 - Enter a 1 to indicate a positive response (indicating that this option applies to this child), or
 - enter a 2 to indicate that this option does not apply to this child.
- c. Individual Child Foster Care Data Elements Record Layout

Element No.		Characters
	A. Identification Information	
01	1. State	2A
02	4. End of quarter of submission (yyymm).....	4I
03	2. Local agency (city, county or district) name.....	20A
04	3. Child's Reporting Number.....	10I
	B. Child's Demographic Information	
05	1. Date of Birth (yyymmdd).....	6I



ADOPTION DATA CARD

RETURN TO: VITAL RECORDS
P.O. Box 9709, MS ET-11
Olympia, WA 98501

According to RCW 26.33.300 an Adoption Data Card must be completed and filed with the clerk of the court on behalf of the petitioner for each individual adopted. No amended birth certificate will be issued until the data card has been completed and filed with the Department of Social and Health Services. Data collected will be used to provide state-wide adoption statistics.

I. CHILD INFORMATION

A. PLACE OF BIRTH (Complete 1 or 2): 1. _____ (County) _____ (State) OR, 2. _____ (Country)

B. CITIZENSHIP OF CHILD AT TIME OF PLACEMENT: 1. United States 2. Other than United States (i.e., Intercountry Adoption)

C. RACE (Check one):
 1. Caucasian 2. Black 3. Hispanic 4. Asian
 American Indian: 5. Enrolled 6. Unenrolled
 Canadian Indian: 7. Status 8. Non Status

D. Date of Birth

MO	DAY	YR

E. FUNCTIONAL CONDITION OF CHILD (Check one best description):
 1. Healthy
 Physical Handicap: 2. Moderate 3. Severe
 Mental Handicap: 4. Moderate 5. Severe
 Emotional Handicap: 6. Moderate 7. Severe

F. DATE CHILD PLACED IN HOME OF PETITIONERS:
 (If No Placement was made, i.e., Stepparent adoption, leave blank)

MO	DAY	YR

G. WAS CHILD PLACED IN STATE FUNDED FOSTER CARE PRIOR TO ADOPTIVE PLACEMENT? 1. Yes 2. No

H. SEX 1. Male 2. Female
 Date of Initial Foster Care Placement

MO	DAY	YR

II. PETITIONER(S) INFORMATION

A. RELATIONSHIP TO PETITIONER(S) TO CHILD (Check one): 1. Not Related 2. Stepparent 3. Other Relative

C. RACE/ETHNIC GROUP OF PETITIONER(S) (Check one for each petitioner):

	Caucasian	Black	Hispanic	Asian	Enrolled American Indian	Status Canadian Indian	Unenrolled American Indian	Non Status Canadian Indian
PETITIONER 1	1. <input type="checkbox"/>	3. <input type="checkbox"/>	5. <input type="checkbox"/>	7. <input type="checkbox"/>	9. <input type="checkbox"/>	11. <input type="checkbox"/>	13. <input type="checkbox"/>	15. <input type="checkbox"/>
PETITIONER 2	2. <input type="checkbox"/>	4. <input type="checkbox"/>	6. <input type="checkbox"/>	8. <input type="checkbox"/>	10. <input type="checkbox"/>	12. <input type="checkbox"/>	14. <input type="checkbox"/>	16. <input type="checkbox"/>

III. AGENCY OR INDIVIDUAL WITH PERMANENT CUSTODY WHEN PETITION FILED (Check one)

1. DEPARTMENT OF SOCIAL AND HEALTH SERVICES 3. OUT-OF-STATE PUBLIC AGENCY 5. LEGAL PARENTS
 2. WA. PRIVATE CHILD PLACEMENT AGENCY 4. OUT-OF-STATE PRIVATE AGENCY 6. GUARDIANS

IV. AGENCY OR INDIVIDUAL COMPLETING POST PLACEMENT REPORT (Check one)

1. DEPARTMENT OF SOCIAL AND HEALTH SERVICES 3. COURT EMPLOYEE 5. REPORT NOT COMPLETED
 2. WA. PRIVATE CHILD PLACEMENT AGENCY 4. OTHER COURT APPOINTED INDIVIDUAL

V. INDIVIDUAL COMPLETING FORM

Name	Address	City	State
Telephone	The above information is complete and accurate to the best of my knowledge.		
SIGNED:			

VI. COURT INFORMATION (to be completed by Court Clerk)

A. PETITION NUMBER _____ DATE PETITION FILED

MO	DAY	YR

 FINAL DECREE GRANTED

MO	DAY	YR

 (County) (County Code) SIGNATURE _____ (Court Clerk or Designee)

APPENDIX K



JOHN F. WHITE, JR.
SECRETARY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE
P. O. Box 2675
HARRISBURG, PENNSYLVANIA 17105

JUN 18 1991

(717) 787-2600 / 3600

Mr. Philip R. Durgin
Executive Director
Legislative Budget and
Finance Committee
P. O. Box 8737
Harrisburg, Pennsylvania 17105-8737

Dear Mr. Durgin:

Thank you for providing the Department of Public Welfare (DPW) with a draft copy of the Evaluation of Private Adoption Processes in Pennsylvania. Staff from the Office of Children, Youth and Families (OCYF) have reviewed the document and have informed me that your work is clear and comprehensive. The issues that have been identified and the recommendations which are made should make it possible for informed decisions to be made on improving the process of adoption in Pennsylvania. You and your staff are congratulated on a fine work product.

Before making a specific response to each of the recommendations contained in the report, we offer one comment regarding the report's organizational structure. The report is presented in two phases. Phase I addresses private adoptions, those arranged through private intermediaries and private agencies. Phase II will consider the adoption process for children with special needs. From our review, we feel the reports could be more understandable if the phase division was between private intermediary adoption and agency-based adoptions. Pennsylvania's private agencies are most frequently involved in special needs adoption and therefore seem to fit more appropriately into the second phase of the study. The adoption law itself is structured to recognize adoptions that are facilitated through private intermediaries as being different from adoptions that are arranged through any agency. Clearly your narrative explains the difference between private intermediary adoptions and private agency adoptions, but the explanation would not be necessary if the structure of the report was developed according to our recommendation.

The following, then, are comments which the Department provides to each report recommendation:

A. Finding: Independent adoptions are not monitored as extensively as agency adoptions.

Recommendation: Recommendations included in other findings of this report call for the General Assembly to consider actions which would serve to improve accountability and enhance safeguards in independent adoption practices. Specifically:

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1. See Recommendation 1, Finding D, pertaining to a requirement for the initiation of preplacement investigations of prospective adoptive parents in all adoptions.
2. See Recommendation 1, Finding F, pertaining to provisions for birth parent counseling in all adoptions, including those facilitated by independent intermediaries.
3. See Recommendation 2, Finding H, which suggests that all agencies and intermediaries be required to report certain information to the court when each adoption is finalized.

Comment: We endorse the need for increased accountability and improved safeguards for children who are adopted through private intermediaries. More specific comment will be made in relation to later recommendations.

- B. **Finding:** Costs associated with adoptions vary widely and in some cases, may not be in strict compliance with Pennsylvania requirements.

Recommendation:

1. DPW should include a review and analysis of fees and expenses incurred by adoptive parents as part of its annual inspection process of all private adoption agencies in the State. DPW officials should assure that appropriate practices are being followed by the adoption agencies and develop specific regulations or policy directives, if necessary, to provide the required guidance.
2. Please also see Recommendations #1a and #3 in Finding H pertaining to collecting and reporting of such information.
3. Please also see the Recommendation in Finding F regarding payment for counseling of birth parents.

Comment: The adoption law addresses the issue of fees under the subsection "Report of Intention to Adopt." The contents of the report must include an itemized accounting of moneys and consideration paid to the intermediary. Later in the subsection, the permissible limit of reimbursement of expenses is specified.

While the court obviously has primary authority for assuring that the law is followed in relation to adoption fees, the Department of Public Welfare acknowledges its responsibility when inspecting agencies. The Department is responsible for verifying that agencies are not operating contrary to the mandates of law. Unfortunately, regional office staff complement limits make it impossible for the Department to commit with any degree of certainty that it will be able to meet this recommendation in the immediate future.

- C. **Finding:** Eligibility criteria which adoption agencies use to evaluate prospective adoptive parents can vary and are sometimes viewed as being overly restrictive.

Recommendation:

1. DPW should include a review of eligibility criteria as part of its annual inspection process of adoption agencies in the State. DPW officials should develop any guidance and regulations as may be necessary to assure that overly restrictive criteria are not employed.
2. See also Recommendation 3 in Finding H pertaining to Departmental reporting of such information.

Comment: The Department currently monitors agency determinations regarding adoptive parent applicants to assure that the decisions are made in compliance with §3350.12. This section mandates that agency records include the basis for the selection of an adoptive home. Currently our inspections do review the specific eligibility criteria that agencies may be applying to make their decisions. We agree that revising the regulations to provide additional guidance in this area would help to reduce significant variance between agencies making these decisions. The adoption regulations also could benefit from revision in other areas. Due to current staffing limits, we are unable to commit to an immediate revision of adoption regulations.

- D. **Finding:** Investigations of prospective adoptive parents are not conducted in all adoption cases prior to the placement of the child in the home.

Recommendation: The General Assembly should consider amending the Adoption Act to require that investigations of all prospective adoptive parents at least be initiated prior to the placement of the child in the home. The General Assembly may wish to exempt stepparent adoptions from such a requirement. Although this recommendation is not a specific endorsement of House Bill 79 currently being considered by the General Assembly, this bill offers one approach for such a process.

Comment: We agree that the General Assembly should consider amending the Adoption Act to require that investigations of all prospective adoptive parents be initiated prior to a child's placement with adoptive applicants. We would go a step further and require that the investigation be completed and the applicant approved before a child is placed.

It is important that every adoption investigation be conducted with the greatest amount of objectivity that is possible. When a child is already placed with the prospective adoptive family, a significant degree of objectivity is lost. The worker knows that a negative decision on his or her part could result in considerable hurt to the adoptive parents and the child, who are already connected to each other.

- E. **Finding:** Criminal history and child abuse checks of prospective adoptive parents may not provide complete information, particularly on an interstate basis.

Recommendation:

1. The General Assembly should consider amending the Child Protective Services Law to:
 - a. Require all prospective adoptive parents to submit a report of federal criminal history with FBI fingerprint cards to the Pennsylvania State Police (PSP) along with the PSP Request for Criminal Records Check form with fingerprints.
 - b. Require that the PSP forward FBI fingerprint cards for FBI records checks for all prospective adoptive parents.
 - c. Allow DPW to share child abuse records with authorized personnel from other states who request this information.
2. The PSP should, as planned, obtain information included in the PSP central criminal records repository through fingerprint checks rather than solely through matching of identifiers, such as name, date of birth and social security number.
3. DPW should attempt to obtain child abuse information on prospective adoptive parents who have recently resided in other states.
4. The PSP and DPW should require prospective adoptive parents to have criminal records and child abuse clearance check forms notarized prior to submission to the PSP or DPW.

Comment: We are confident that your recommendations regarding criminal history and child abuse checks for interstate adoption will provide more certainty to efforts already being made to protect children. We are currently consulting with Departmental staff who conduct Act 33 clearances, but at this time are unable to make a more specific response.

- F. **Finding:** Counseling for birth and adoptive parents is typically provided only in agency adoptions.

Recommendation: The General Assembly should consider amending the Adoption Act to require that birth parents be given an opportunity to receive counseling prior to termination of their parental rights and to create a mechanism that would provide funds for such counseling. Although this recommendation is not a specific endorsement of House Bill 79 currently being considered by the General Assembly, this bill offers one approach for such a process.

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Comment: Birth parents are the most underserved party to the adoption process. A requirement in law that would assure that counseling be made available to birth parents is a major step in the right direction. Two concerns regarding this recommendation, however, do exist. First, county children and youth agencies are already overextended with existing responsibilities. Responsibility for this counseling should not be assigned to county agencies. Second, the costs associated with this counseling might exceed costs being projected in House Bill 79. The true costs associated with counseling and the method employed to provide the counseling need further consideration.

- G. Finding: Time frames for voluntary termination of parental rights vary and are considered by some persons to be too lengthy.**

Recommendation:

1. The General Assembly should consider amending the Adoption Act to require that the birth parents' consent to adopt or voluntary relinquishment of parental rights become irrevocable after a set period of time, perhaps 30 days.
2. If such a provision is included in law, the General Assembly should also consider provisions to ensure that birth parents have the opportunity for counseling prior to initiating such action and that judges are given the discretion to meet with birth parents if they believe it to be desirable. Judges should also have the latitude to overturn these parental relinquishments/consents in cases where fraud or duress has been established.

Comment: We agree that it is valid to consider establishing a period of time after which consent would be irrevocable. We especially feel this approach is valid if the consent section of the law could be simplified, if counseling would be available to birth parents, and if the time frame would be at least 60 days.

- H. Finding: Information collected and maintained by State agencies on adoption activity in Pennsylvania is not complete or centrally available.**

Recommendation:

1. The General Assembly should consider amending the Adoption Act:
 - a. To require all agencies and intermediaries who facilitate adoptions to submit designated information to the clerk of the court when each adoption is finalized. This information could include, for example, data elements on private adoptions as outlined in federal regulations to be implemented in fall 1991. The General Assembly may also wish to require the collection of information on adoption costs as part of this process.
 - b. To require clerks of court to forward the information collected to DPW on a quarterly basis.

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2. If such information is provided to DPW, the Department should provide periodic reports on adoption statistics to the AOPC and to interested persons upon request.
3. To ensure that such reports are developed, the General Assembly may wish to require DPW to submit an annual adoption statistics report, based on the information collected from the clerks of court, to the pertinent standing committees of the House and Senate. Such a report could also include, for example, information on issues of concern pertaining to costs of adoption, agency eligibility criteria and any other matters the Department deems appropriate. (See also Findings B and C.)

Comment: Uniform and complete adoption data is necessary for the Pennsylvania adoption system to have some degree of accountability. While the Department would welcome having such information, we are somewhat ambivalent about extending our data collection function into an area (private intermediary adoptions) over which we have no real authority. This would be especially difficult to justify, knowing that there are other areas of data collection that might be more helpful to children and youth service providers that we are currently unable to accomplish.

Finally, if a decision is made to collect this data, we would be unable to accomplish the function with existing staff.

In our review, numerous technical corrections have also been identified. Staff from OCYF are available to meet to identify these technical corrections.

Thank you for the invitation to your committee meeting on June 19, 1991. I am unable to attend this meeting. Mr. Robert Gioffre will represent me at the meeting.

In closing, I want to recognize the efforts made by the Legislative Budget and Finance Committee and their willingness to involve us and include our input throughout the study process.

Best wishes.

Sincerely,



John F. White, Jr.

cc: Mr. Robert C. Frymoyer