

Adoption in Pennsylvania

Who can adopt?

Any person can adopt. If a married couple is seeking to adopt, both spouses must join in the adoption or in the alternative, the spouse who has not joined in the petition for adoption must give his or her consent.

Who can be adopted?

Just as any person can adopt, any person can be adopted as well. There is no age requirement in Pennsylvania, which means that an adult is free to adopt another adult.

Adoption of a minor

Sometimes before (or after) a child is born, the birth parents decide on their own to put the child up for adoption. In other cases, the birth parents do not decide to put their child up for adoption, but the state gets involved and eventually it becomes clear that the best option for the child is adoption. In either case, once a child is adopted the adoptive parents have the same rights and responsibilities to the child as they would if they were the natural parents, and vice-versa (for example, adopted children will be entitled to support from the adoptive parents, and will inherit from their adoptive parents if they die without a will).

Any time a minor is put up for adoption, Pennsylvania requires both parents' consent. In consenting to the adoption, both parents acknowledge that they are relinquishing their rights to the child. The birth mother must wait at least 72 hours after the birth of the child to give her consent, while the father can consent any time after receiving notice of the expected or actual birth of the child. If either party gave their consent outside of Pennsylvania, it is still valid as long as it was done in accordance with the laws of the state in which the consent was given. The consent of the birth mother is always necessary. If the birth mother is married but can show the court that her husband is not the natural father, then the husband's consent is unnecessary. However, if the birth mother cannot offer this proof, her husband or former husband is required to consent to the adoption if he was married to the birth mother at least one year before the child was born. Additionally, both birth parents have a right to revoke their consent. It must be done in writing and served on the adoption agency or the adoptive parents (depending on who has the child). The father has 30 after the birth of the child or the execution of the consent (whichever occurs later) to revoke his consent. In contrast, the birth mother has 30 days after she executed the consent to revoke. Sometimes an adoption also requires the consent of the adoptee. In Pennsylvania, If the adoptee is over the age of 12, their consent is required to adopt them.

In those cases where it eventually becomes clear that the biological parents are simply unable to care for their children, the state gets involved. In these cases, a Juvenile Court may initiate Dependency proceedings, which will address the need to find adequate care for the child. Often in Dependency proceedings the child is removed from the parents' home and placed with other family members or even in foster care. All of this bouncing around is not ideal for the child, so the main goal will be to establish Permanency. In many cases Juvenile Court serves as a wake-up call to parents, who listen to the instructions of the court and do what they can do get custody of their child back. In these cases, the preferred Permanency outcome is to reunite the child with his or her parents. Unfortunately, however, sometimes the biological parents demonstrate that it would be impossible to safely return the child to their care. In these cases, the preferred Permanency outcome is adoption.

If the parents never planned on putting their child up for adoption, and instead are being asked to do so by the state, it may be hard to get their consent. To adopt a minor in Pennsylvania without the consent of the child's natural parents, their parental rights must be terminated. Sometimes, natural parents want to spare the child more court-related trauma and will voluntarily terminate their rights. In this case, both parents can revoke their consent within 30 days of giving it. If the natural parents decline to voluntarily terminate their parental rights, the Juvenile Court will hold a Termination of Parental Rights hearing (TPR), where it will determine if the parents' rights should be terminated. Parental rights can be involuntarily terminated in a TPR hearing when there is clear and convincing evidence that they have abandoned or neglected the child. Once the parental rights are terminated, the floor is open to anyone who wishes to adopt the child and further consent from the biological parents is not required.

Usually if Juvenile Proceedings reach the point of a TPR hearing, prospective adoptive parents have already stepped forward and made it known that they want to adopt the child. Once the natural parents' rights are terminated, the adoptee and prospective adoptive parents are one step closer to making it official. The last thing they must do is have an Adoption Hearing before a Judge, at which point details of the adoptive home study are presented and the adoptive parents confirm their genuine desire to adopt the child. If the adoptee is over 12 years old, this is also when they will give their consent. The Judge will then issue an adoption decree and the adoption becomes official! The courts tend to make BIG deal about these hearings, especially in Allegheny County. Why? Because it is! In most cases where the state has to get involved, the kids have had a particularly rough road. So, when they have an opportunity to be adopted by parents who will provide them with a loving and stable environment, it is definitely something to be celebrated! If you are an adoptive parent who has their adoption hearing soon, don't be afraid to bring cake, balloons, decorations, etc.

After the parties get their adoption decree, the office of Children, Youth and Families will keep the case open for 30 days, at which time it can be appealed. If it is not appealed, the case will be closed and everyone will be done going to court. But what happens if the adoption doesn't work out and it hasn't been appealed within 30 days? Adoptions cannot be un-done. Rather, the adoptive parent will have to follow the same procedure as the natural parents and have their parental rights terminated. If you have any questions about adoption, contact Notaro & Associates.

(For more information on this topic or any topic in divorce, custody, mediation, child support, collaborative law, PFA matters, alimony, or other family law matters, visit www.Pittsburgh-Divorce-Lawyer.com or contact Notaro & Associates, PC at 412-281-1988 for a free phone consultation with an attorney. You can also schedule online by clicking [here](#).)

