

the law, as if the same office had been established in the time of and subject to the provisions of the act, approved the fifth day of January, one thousand nine hundred fifty-two (Pamphlet Laws 1821), entitled "An act to fix the salaries and compensation of the judges of the Supreme Court, the judges of the Superior Court, the judges of the courts of common pleas, the judges of the orphans' courts, the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County, certain associate judges not learned in the law, and repealing certain acts inconsistent herewith."

Section 2. At the municipal election in November, one thousand nine hundred fifty-five, the qualified electors of the ninth judicial district shall elect, in the manner prescribed by law for the election of the president judge of the court of common pleas of the district, a competent person learned in the law to serve as additional law judge of the court of common pleas of the ninth judicial district from the first Monday in January, one thousand nine hundred fifty-six, for a term of ten (10) years. Vacancies in the office hereby created, whether caused by death, resignation, expiration of term, or otherwise, shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge of said court.

Election.

Manner of filling subsequent vacancies.

Section 3. The Governor is hereby authorized to appoint a competent person learned in the law as such additional law judge of the court of common pleas of the ninth judicial district, to serve until the first Monday of January, one thousand nine hundred fifty-six.

Governor to make interim appointment.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 26th day of August, A. D. 1953.

JOHN S. FINE

No. 400

AN ACT

To further amend the act, approved the fourth day of April, one thousand nine hundred twenty-five (Pamphlet Laws 127), entitled "An act relating to Adoption," by defining certain terms; imposing powers and duties on the Department of Welfare; providing for appeals; requiring reports concerning receiving children for adoption and investigation thereof; changing contents of petition for adoption; providing procedure for the voluntary relinquishment of and for the finding of abandonment of certain children; eliminating certain consents to adoption; and further providing for hearings and investigatory powers of the court.

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

Adoption.

Section 1, act of April 4, 1925, P. L. 127, as last amended by act of June 30, 1947, P. L. 1180, further amended.

Section 1. Section 1 of the act, approved the fourth day of April, one thousand nine hundred twenty-five (Pamphlet Laws 127), entitled "An act relating to Adoption," as last amended by the act, approved the thirtieth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1180), is hereby further amended to read as follows:

Section 1. Be it enacted, &c., *Definitions; Approval of Agencies and Institutions; Appeals; Report of Placement and Contents of Petition for Adoption.*—(a) As used in this act, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this subsection:

"Abandonment" means conduct on the part of a parent which evidences a settled purpose of relinquishing parental claim to the child and of refusing or failing to perform parental duties.

"Approved Agency or Institution" means a county institution district or an agency or institution incorporated under the laws of the Commonwealth of Pennsylvania and approved by the State Department of Welfare.

"Court" means the Orphans' Court or a law judge thereof, except in counties of the first class where it means the Municipal Court of Philadelphia or a law judge thereof.

"Intermediary" means any person or persons, agency or institution acting between the natural parent or parents and the proposed adoptive parents in arranging an adoption placement.

(b) The standards of approval which shall be applied by the Department of Welfare annually shall be concerned with such practices as enable the agency or institution to carry out adequately its responsibilities of placing children for adoption under the provisions of this act. Such standards shall be developed by the State Department of Welfare in cooperation with an advisory committee of not less than twelve members appointed by the Secretary of Welfare and representing both public and private child-caring agencies and institutions, related professions and the public at large, to serve without compensation, except for necessary expenses. Such standards shall be reviewed at least once a year by said advisory committee.

Upon application made therefor, the Department of Welfare shall approve each agency or institution which it determines meets the standards of approval promulgated by the department. Whenever the Department of Welfare determines that an agency or institution fails to meet such standards, it shall file its disapproval or withdrawal of approval with the court of the county

*in which such agency or institution is located. Such actions shall not become effective until after hearing before the court. The Department of Welfare shall petition the court for such hearing and the court shall set a date therefor and *prescribe the notice thereof to be given the agency or institution. After hearing de novo, in which the Department of Welfare shall be the complainant and the agency or institution the respondent, the court shall either affirm the action of the department or shall enter a decree ordering the department to approve such agency or institution for the purposes provided in this act.*

(c) It shall be the duty of every person now having or hereafter receiving or retaining possession, custody or control of any child, other than such person's own child, grandchild, stepchild, brother or sister of the whole or half-blood, or niece or nephew by blood or marriage, for the purpose or with the intention of adopting such child, to make a report to the court of the county wherein such person resides, which report shall set forth, in addition to the circumstances surrounding such person's receiving or retaining possession, custody or control of any such child, the name, color, age, date and place of birth and religious affiliation of such child, the name and address of the intermediary or agency, and the name, address and religious affiliation of the person or persons making such report. Such report shall be filed with the court within thirty (30) days of the date such person or persons receive or retain possession, custody or control of any such child, or within thirty (30) days after the effective date of this amendment, whichever shall last occur, except when such person receives or retains possession, custody or control of any such child from a society, agency, institution or similar organization or corporation which, as part of its activities, receives children for the purpose or with the intention of having such children adopted by other persons, in which case such report shall set forth only the name and address of such society, agency, institution or similar organization or corporation, in addition to the circumstances surrounding such person's receiving or retaining possession, custody or control of any such child.

All reports required to be filed under this subsection shall be kept in the files of the court as a permanent record thereof, and shall be withheld from inspection except upon an order of court granted upon cause shown.

When such a report has been received by the court, the court shall cause a complete investigation to be made by one of the following agents: a local public child care agency, a private child care agency (with its consent),

* "prescribed" in original.

the State Department of Welfare, an appropriate person designated by the court, or, in lieu of such investigation, the court may accept a report from the agency or institution that placed the child. Such investigation shall include pertinent information with regard to health, antecedents and eligibility for adoption of the child, the health, social and economic status of the adopting parents, and any other information regarding the suitability of the placement. The court may establish procedure for the payment of investigation costs by the persons making the report or by such other persons as the court may direct.

(d) It shall be lawful for any adult person desirous of adopting any person, either a minor or an adult, as his or her heir or as one of his or her heirs, to present his or her petition to the [Orphans' Court, or to a law judge thereof,] court of the county where he or she may be a resident, or [, upon allowance by the Orphans' Court,] in the county in which the person to be adopted is a resident, [except that in counties of the first class where the petition shall be presented to a judge of the municipal court] upon allowance by the court in that county, or upon allowance by the court in the county in which is located the approved agency or institution, or any of their branch offices, which placed the person for adoption, declaring such desire and that he or she will perform all the duties of a parent to such person. Such petition shall also set forth the name, color, age, date, and place of birth, places of residence since birth, and religious affiliation of the person proposed to be adopted, and whether the person proposed to be adopted is heir to property or assets of any sort through his or her natural parent or parents; name and address of intermediary; the name, residence, marital status, color, age, occupation and religious affiliation of the adopting parent or parents; the name, color, age and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided, and in those cases, where abandonment is alleged, a statement that said abandonment has continued for a period of at least six months. Whenever possible, the petitioners shall be of the same religious faith as the natural parents of the child to be adopted. No person shall be denied the benefits of this act because of a religious belief in the use of spiritual means or prayer for healing. In those cases where parental rights have been legally terminated, either through voluntary relinquishment or by the finding of abandonment in court, there shall be embodied in the petition a statement setting forth (1) the court, term and number of such proceedings, (2) that such person proposed for adoption is in the custody of an

approved agency or institution whose consent to the adoption is attached to the petition. In addition such petition shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided. A birth certificate or certification of registration of birth of the person proposed to be adopted shall be attached to the petition for adoption. If no birth certificate or certification of registration of birth can be obtained it shall be so stated in the petition, with a request that the court, on the basis of the evidence, shall establish a date and place of birth in the adoption hearing.

Section 2. Said act is hereby amended by adding, after section 1 thereof, two new sections to read as follows:

Said act amended by adding, after section 1 thereof, two new sections, 1.1 and 1.2.

*Section 1.1. Voluntary Relinquishment.—When any person under the age of eighteen years has been in the care of an approved agency or institution for a minimum period of thirty (30) days, the parent or parents of such person may petition the court, in the county in which is located that office of the approved agency or institution having the custody of such person, for permission to relinquish forever all parental rights to such person. If the parent or parents of such person are eighteen years of age or over, they may petition the court without the consent of their parents or guardians. The agency *or institution having the care of such person shall join in such petition.*

The court shall thereupon fix a time for hearing, which shall be not less than ten days after such petition is presented. The hearing shall be private. At such hearing the court, by examination under oath of the parties to the petition, shall ascertain the truth of the facts set forth in the petition and its execution, and if satisfied as to the truth thereof and that the petition should be granted, it shall issue its decree so finding, and (1) directing the transfer of the custody of the person to the approved agency or institution, and (2) authorizing such agency or institution to give consent to the adoption of such person without further consent of or notification to the parent or parents.

Such decree, with all the testimony and all other papers pertaining to the case, shall be recorded in such manner as the court shall prescribe and shall be kept in the files of the court as a permanent record thereof, and shall be withheld from inspection except upon an order of the court upon cause shown.

Section 1.2. Abandonment.—When any person under the age of eighteen years has been in the care of an

* "are" in original.

approved institution or agency for a minimum period of thirty (30) days and it appears that such person has been abandoned for a period of at least six months, such approved agency or institution may petition the court, in the county in which is located that office of the approved agency or institution having the custody of such person, for a finding of abandonment and asking for custody of such person.

*The court will thereupon fix a time for hearing, which shall be not less than ten days after such presentation. At least five days' written notice shall be given, by registered mail, to the alleged abandoning parent or parents, at his or their last known address. The hearing shall be private or in open court, as the court shall determine. At such hearing the court, by examination under oath of the parties interested in the petition, shall ascertain the truth of the facts set forth in the petition and its execution, and if satisfied as to the truth thereof and that the petition should be granted, it shall issue its decree so finding and directing a finding of abandonment, *and (1) decreeing that custody be given to the approved agency or institution caring for said person, and (2) authorizing the approved agency or institution to give consent to the adoption of said person without further consent of or notification to the natural parent or parents.*

Such decree, with all the testimony and all other papers pertaining to the case, shall be recorded in such manner as the court shall prescribe and shall be kept in the files of the court as a permanent record thereof, and shall be withheld from inspection except upon an order of the court upon cause shown, except that the clerk of the court may transmit a certified copy of the decree of abandonment, without express order of court, for use in adoption proceedings in a court of another district.

Section 2.1, said act, as added by act of July 2, 1941, P. L. 229, amended.

Section 3. Section 2.1 of said act, as added by the act, approved the second day of July, one thousand nine hundred forty-one (Pamphlet Laws 229), is hereby amended to read as follows:

Section 2.1. *When Notice or Consent Not Required.*—When the person proposed to be adopted shall have reached the age of eighteen years, and has not reached the age of twenty-one years, and such person shall have lived for at least ten continuous years with the adopting parent or parents, consent of the parent or parents shall not be necessary, and notice of the proposed adoption proceedings need not be given by publication or otherwise to the parent or parents of the person proposed to be adopted unless the court shall deem it necessary and so orders.

* "and" omitted in original.

When the person proposed to be adopted shall have reached the age of twenty-one years notice of the proposed adoption proceedings shall not be required to be given by publication or otherwise to such person's parent or parents *nor shall their consent be required.*

When abandonment has been established by decree of the court for purposes of adoption placement, or when, through voluntary relinquishment, parental rights have been terminated by the court, the consent of such parent or parents shall not be necessary nor shall notification of adoption hearing be required. The rights of inheritance between child and natural parents shall not be abrogated until final adoption has been decreed, after which decree the natural parents, if they can be located, shall be notified, as the court shall direct, that legal adoption has been completed. Such notification shall be unnecessary if the petition states that the person to be adopted is not heir to property nor assets of any sort through his or her natural parent or parents. Such notification shall not give names or other identifying information about the adopting parents.

The consents required by subsection (d) of section two may be dispensed with by the court if, after hearing, it finds that it is for the best interest of the child to do so.

Section 4. Said act is hereby amended by adding, after section 2.1, a new section to read as follows:

Said act amended by adding, after section 2.1, a new section 2.2.

Section 2.2. Consents Not Naming Adoptive Parents.
—*A consent to a specific proposed adoption which meets all the requirements of this act but which does not name or otherwise identify the adopting parent or parents shall be valid, provided that such consent shall contain a statement, by the person whose consent it is, to the effect that such person voluntarily executed the consent without disclosure of the name or other identification of the adopting parent or parents.*

Section 5. Section 3, as last amended, and section 4 of said act, as amended by the act, approved the thirtieth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1180), are hereby further amended to read as follows:

Section 3, said act, as last amended by act of July 2, 1941, P. L. 229, and repeated without amendment in act of June 30, 1947, P. L. 1180, and section 4, said act, as last amended by act of June 30, 1947, P. L. 1180, further amended.

Section 3. Hearings.—Upon presentation of any such petition to *adopt* as aforesaid a time for hearing thereon shall be fixed not less than ten days from said presentation, which said hearing [may be before the said court or any law judge thereof at chambers] *shall be private or in open court, as the court shall determine*, and may be adjourned from time to time if the nature of the case should so require. At said hearing the adopting parents or parent, the person proposed to be adopted, if in the opinion of the court such persons' presence is deemed necessary, and all the persons whose consent is

necessary hereunder *and any person concerned individually or as a representative of an agency acting as an intermediary between the natural parent or parents and the adopting parents* must appear in person and be examined under oath by such court or judge, but the personal appearance of the natural parents or other persons whose consent is necessary hereunder may be dispensed with in the discretion of the court or judge hearing the petition, if such persons reside without the jurisdiction of the court, or if for any other reason the said court or judge deem it unnecessary, provided the duly executed consents of such persons in writing have been filed with the petition; and the said court or judge may in his discretion require the personal appearance of the natural parents of the child at a different time and separate and apart from that of the other parties in interest.

Where a finding of abandonment has been made by a court in accordance with the provisions of section 1.2 of this act, but the court where such finding has been made is a court other than the court in which the adoption proceedings are pending, the petitioners shall attach to their petition to adopt a copy of the decree of abandonment, duly certified by the clerk of the court where the finding of abandonment was made.

When abandonment is averred in the petition for adoption but has not previously been found as a fact in a court, notification to the parent or parents of the time and place of the hearing shall be made by personal service or registered mail to the last known address. If the parent or parents cannot be found, evidence of search satisfactory to the court shall be given. When parent or parents cannot be located, the returned receipt of the registered letter to the last known address shall be considered conclusive evidence of search. If parental rights have been terminated previously under the provisions of this act, either by voluntary relinquishment or by the finding of abandonment, consent of the parent or parents or notification of the hearing shall not be required. The said court or judge shall also hear any other testimony as to the facts set forth in the petition or necessary to inform the court as to the desirability of the proposed adoption, and [may] shall also make or cause to be made an investigation by some person or public agency or private agency (with its consent) specifically designated by said court or judge to verify the statements of the petition and such other facts as will give the court full knowledge as to the desirability of the proposed adoption.

The court shall establish a procedure for the payment of investigation costs by the petitioners or by such other persons as the court may direct.

Section 4. Decrees of Court Records.—In no case shall any decree of adoption of a minor be made or entered unless the person proposed to be adopted shall have resided with the petitioner for a period of six months prior thereto, or in lieu of such residence, unless such person is related by blood or marriage to the petitioner. If satisfied that the statements made in the petition are true, and that the welfare of the person proposed to be adopted will be promoted by such adoption, and that all the requirements of this act have been complied with, the court or judge shall make a decree so finding and directing that the person proposed to be adopted shall have all the rights of a child and heir of such adopting parent or parents, and be subject to the duties of such child; but otherwise shall make a decree refusing the adoption and dismissing the petition. If desired by the parties the decree may also provide that the person adopted shall assume the name of the adopting parent or parents and any given first or middle names that may be chosen. Such decree, *with all the testimony transcribed, and all other papers pertaining to the case [and the testimony if written out]* shall be kept in the files of said court as a permanent record thereof and shall be withheld from inspection, except upon an order of court granted upon cause shown. Upon the making of such decree, the prothonotary or clerk of the [Orphans'] court, as the procedure established may require, shall enter upon the docket an entry showing the court, term and number and the date of the decree. *After a decree of adoption has been entered, the court shall report to the Department of Welfare, on a form supplied by the Department, which the Department shall keep in confidential files. Information identifying the natural or adopting parents shall not be required.*

Section 6. Any adoption heretofore granted or decreed by any court of record of this Commonwealth in which either the person or persons adopting or the person or persons adopted was a non-resident or were non-residents of this Commonwealth at the time such adoption was granted or decreed, or any adoption which was granted prior to the expiration of the full ten days required by law to intervene between the filing of the petition for the adoption and the hearing of such petition by the court, or which was granted or decreed without the formal entry on the decree of the findings of facts at length, or without the court or judge specifically finding that the statements made in the petition were true, or wherein the consent or consents required by law did not name or otherwise identify the adopting parent or parents, is hereby declared valid and lawful as

Certain adoptions heretofore granted or decreed validated.

though made in full observance of all requirements of law, provided that the petition and decree for such adoption were otherwise in accordance with law.

Act effective
January 1, 1954.

Section 7. The provisions of this act shall become effective the first day of January, one thousand nine hundred fifty-four.

APPROVED—The 26th day of August, A. D. 1953.

JOHN S. FINE

No. 401

AN ACT

To amend section four hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it a felony for any person undergoing imprisonment to participate in any riot, rout, assembly or affray, and fixing the penalty therefor.

"The Penal
Code."

Section 401, act
of June 24, 1939,
P. L. 872,
amended.

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

Section 1. Section four hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," is hereby amended to read as follows:

Section 401. *Riots, Routs, Assemblies, and Affrays.—Whoever participates in any riot, rout, unlawful assembly or affray, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to imprisonment not **exceeding three (3) years, which imprisonment may be at separate or solitary confinement at labor, or to pay a fine not exceeding one thousand dollars (\$1,000), or both.

Whoever participates in any riot, rout, unlawful assembly or affray, while undergoing imprisonment in any penal or correctional institution located in this Commonwealth, is guilty of a felony, and, upon conviction thereof, shall be sentenced to undergo imprisonment by separate and solitary confinement at labor not exceeding ten (10) years, or to pay a fine not exceeding ten thousand dollars (\$10,000), or both.

Act effective im-
mediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE

* "Riots, Routs, Assemblies, and Affrays" omitted in original.
** "exceeding" in original.