

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 133 Session of
2025

INTRODUCED BY KRAJEWSKI, DELOZIER, WAXMAN, HILL-EVANS, WEBSTER,
McNEILL, SAMUELSON, RIVERA, SANCHEZ, FIEDLER, CEPEDA-FREYTIZ,
HOWARD AND HOHENSTEIN, SEPTEMBER 17, 2025

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, SEPTEMBER 22, 2025

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in proceedings prior to petition to
3 adopt, further providing for relinquishment to adult
4 intending to adopt child, for alternative procedure for
5 relinquishment and for petition for involuntary termination;
6 and providing for reinstatement of parental rights.

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

9 Section 1. Section 2502(a) of Title 23 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 2502. Relinquishment to adult intending to adopt child.

12 (a) Petition.--When any child under the age of 18 years has
13 been for a minimum period of three days in the exclusive care of
14 an adult or adults who have filed a report of intention to adopt
15 required by section 2531 (relating to report of intention to
16 adopt), or when a petition for reinstatement of parental rights
17 has been filed under Chapter 30 (relating to reinstatement of
18 parental rights), the parent or parents of the child may
19 petition the court for permission to relinquish forever all

1 parental rights to their child.

2 * * *

3 Section 2. Section 2504 of Title 23 is amended by adding a
4 subsection to read:

5 § 2504. Alternative procedure for relinquishment.

6 * * *

7 (a.1) Petition to confirm consent to reinstatement of
8 parental rights.--If the parent or parents of the child have
9 executed consents to reinstatement of parental rights under
10 Chapter 30 (relating to reinstatement of parental rights), upon
11 petition by a party under section 3001(a) (relating to
12 petition), the court shall hold a hearing for the purpose of
13 confirming a consent to reinstatement of parental rights. The
14 original consent or consents shall be attached to the petition.

15 * * *

16 Section 3. Section 2512(b)(3) of Title 23 is amended and
17 subsection (a) is amended by adding a paragraph to read:

18 § 2512. Petition for involuntary termination.

19 (a) Who may file.--A petition to terminate parental rights
20 with respect to a child under the age of 18 years may be filed
21 by any of the following:

22 * * *

23 (5) A party under section 3001(a) (relating to petition)
24 or an attorney representing the party.

25 (b) Contents.--The following apply:

26 * * *

27 (3) If the petitioner is a parent and section 2514
28 (relating to special provisions when child conceived as a
29 result of rape or incest) applies, or if the petitioner is an
30 agency, or if the petitioner is a party under section

1 3001(a), the petitioner shall not be required to aver that an
2 adoption is presently contemplated nor that a person with a
3 present intention to adopt exists.

4 * * *

5 Section 4. Title 23 is amended by adding a chapter to read:

6 CHAPTER 30

7 REINSTATEMENT OF PARENTAL RIGHTS

8 Sec.

9 3001. Petition.

10 3002. Representation.

11 3003. Hearing.

12 3004. Orders.

13 § 3001. Petition.

14 (a) Persons who may file.--The following persons may file a
15 petition with the court under this chapter to reinstate the
16 parental rights of a former parent whose parental rights were
17 terminated by the agency under Subchapter A of Chapter 25
18 (relating to voluntary relinquishment) or Subchapter B of
19 Chapter 25 (relating to involuntary termination):

20 (1) the agency;

21 (2) the child or former child or an attorney
22 representing the child who is the subject of the petition; or

23 (3) the former parent whose parental rights were
24 voluntarily relinquished or involuntarily terminated, or an
25 attorney representing the former parent.

26 (b) Requirements.--A petition for reinstatement of parental
27 rights may be filed under this chapter only if:

28 (1) the termination of parental rights resulted from a
29 petition filed by the agency;

30 (2) the order terminating parental rights is final; and

1 (3) at least one year has elapsed since entry of the
2 order terminating parental rights, or the child is at least
3 17 years of age, and one of the following applies:

4 (i) the child has not been adopted and no petition
5 for adoption has been filed;

6 (ii) the child is in the custody of the agency;

7 (iii) the child is no longer in the care of the
8 adoptive parent;

9 (iv) a petition under section 2501 (relating to
10 relinquishment to agency), 2502 (relating to
11 relinquishment to adult intending to adopt child) or 2504
12 (relating to alternative procedure for relinquishment)
13 regarding the adoptive parent has been filed or will be
14 filed; or

15 (v) a petition under section 2512 (relating to
16 petition for involuntary termination) regarding the
17 adoptive parent has been filed or will be filed.

18 (c) Content.--The contents of the petition for reinstatement
19 of parental rights must be sworn by the petitioner and include
20 the following information:

21 (1) the name of the petitioner;

22 (2) the name, date of birth and current residence
23 address of the former parent whose parental rights are sought
24 to be reinstated;

25 (3) the child's name, or last known name and, if known,
26 date and place of birth and current address;

27 (4) a statement of the grounds on which the court
28 rendered the order terminating the former parent's parental
29 rights;

30 (5) a summary statement of the facts and evidence that

1 the petitioner believes demonstrate the former parent whose
2 parental rights are sought to be reinstated is willing and
3 able to provide day-to-day care and maintain the child's
4 health, safety and welfare;

5 (6) a statement of the former parent whose parental
6 rights are sought to be reinstated requesting the
7 reinstatement of parental rights or an averment that, despite
8 good faith efforts, the statement cannot be obtained;

9 (7) if the child is 12 years of age or older, a
10 statement whether the child consents to the reinstatement of
11 parental rights or an averment that, despite good faith
12 efforts, the child's position cannot be ascertained;

13 (8) a statement about why reinstatement of parental
14 rights would be in the best interest of the child;

15 (9) a summary of any prior request or motion for
16 reinstatement by the former parent whose parental rights are
17 sought to be reinstated and, if the former parent is not the
18 petitioner, by the petitioner with respect to the child; and

19 (10) if the child has been adopted, an averment stating
20 whether a petition regarding the adoptive parent under
21 section 2501, 2502 or 2504, or a petition under section 2512,
22 has been or will be filed, and whether it is filed
23 concurrently with or before the petition for reinstatement of
24 parental rights.

25 (d) Notice.--The court shall serve the petition for
26 reinstatement of parental rights and notice of hearing on:

27 (1) the child or the child's representative;

28 (2) the agency attorney;

29 (3) the child's attorney;

30 (4) if the former parent is not the petitioner, the

1 former parent whose parental rights are sought to be
2 reinstated;

3 (5) the adoptive parent, unless parental rights have
4 already been terminated; and

5 (6) if the child is subject to the Indian Child Welfare
6 Act of 1978 (Public Law 95-608, 25 U.S.C. § 1901 et seq.),
7 the designated tribal service agent of the child's tribe and
8 any other person entitled to notice under Federal law.

9 § 3002. Representation.

10 (a) Child.--The court shall appoint counsel or a guardian ad
11 litem to represent the child in a proceeding under this chapter.
12 A guardian ad litem shall be an attorney at law and shall
13 represent the child's legal and best interests. The following
14 shall apply:

15 (1) If the child's legal and best interests conflict,
16 the guardian ad litem may move the court to be appointed as
17 legal counsel and for appointment of a separate guardian ad
18 litem.

19 (2) If the child is already represented by counsel or a
20 guardian ad litem, the court shall appoint the same attorney
21 or attorneys to represent the child in proceedings under this
22 chapter.

23 (b) Former parent.--

24 (1) The court shall appoint counsel for a former parent
25 in a proceeding under this chapter if, upon petition of the
26 former parent, the court determines:

27 (i) the former parent is unable to pay for counsel;

28 or

29 (ii) payment would result in substantial financial
30 hardship.

1 (2) The court shall appoint counsel on behalf of the
2 former parent no later than upon service of notice of the
3 petition as required in section 3001 (relating to petition).
4 § 3003. Hearing.

5 (a) Prehearing conference.--Upon the filing of a petition
6 under this chapter, the court shall conduct a prehearing
7 conference not later than 30 days after filing to determine
8 compliance with sections 3001 (relating to petition) and 3002
9 (relating to representation), identify the issues for hearing
10 and resolve discovery matters. The following shall apply:

11 (1) If the petitioner fails to appear, the court shall
12 dismiss the petition.

13 (2) If the child is in the custody of the agency, the
14 agency shall file with the court and serve on all parties and
15 counsel a report identifying the services and supports the
16 family receives or will receive. The report shall be filed
17 and served not later than the prehearing conference. The
18 prehearing conference shall be held no later than 30 days
19 after the filing of the petition.

20 (3) If the court determines that the requirements of
21 sections 3001 and 3002 have been met, the court shall
22 schedule an evidentiary hearing not later than 60 days after
23 the prehearing conference.

24 (b) Procedure.--

25 (1) The court shall hold a hearing under this chapter
26 not later than 60 days after the prehearing conference under
27 subsection (a).

28 (2) The petitioner has the burden of proof in the
29 hearing, and each party may call witnesses and present
30 evidence.

1 (3) If the child is 12 years of age or older, the child
2 shall appear at the hearing. If the child is under 12 years
3 of age, the court may, for good cause shown, waive the
4 child's appearance. On motion of a party or on its own
5 motion, the court shall permit the child to testify via
6 video.

7 (4) Subject to subsection (c), the court may grant the
8 petition and order reinstatement of the former parent's
9 parental rights only if the court finds by clear and
10 convincing evidence the following factors:

11 (i) reinstatement of parental rights is in the
12 child's best interests;

13 (ii) at least one of the following applies:

14 (A) the child has not been adopted;

15 (B) the child is no longer in the care of the
16 adoptive parent;

17 (C) a decree under section 2503(c) (relating to
18 hearing) terminating the adoptive parent's rights has
19 been entered or is entered concurrently; or

20 (D) a decree under section 2513(d) (relating to
21 hearing) terminating the adoptive parent's rights has
22 been entered or is entered concurrently;

23 (iii) if the child is 12 years of age or older, the
24 child consents to the reinstatement and desires to reside
25 with the parent; and

26 (iv) the former parent is willing and able to
27 provide day-to-day care and maintain the child's health,
28 safety and welfare.

29 (c) Additional considerations by the court.--In determining
30 whether to grant a petition under this chapter relating to a

child who is under 12 years of age on the date the petition is
filed, the court shall consider, in addition to the factors
described in subsection (b) (4):

(1) the child's age, maturity and ability to express a
preference; and

(2) the child's preference regarding the reinstatement.

(d) Related proceedings.--If a petition under section 2501
(relating to relinquishment to agency), 2502 (relating to
relinquishment to adult intending to adopt child), 2504
(relating to alternative procedure for relinquishment) or 2512
(relating to petition for involuntary termination) has been
filed regarding the adoptive parent, the court shall hold the
hearing required by section 2503 or 2513 on that petition before
or concurrently with the hearing under this chapter.

(e) Consents when child adopted.--

(1) If the child has been adopted and the adoptive
parent is not deceased, reinstatement under this chapter
requires the consent of:

(i) the adoptive parent; and

(ii) the child, if 12 years of age or older.

(2) A consent executed outside this Commonwealth is
valid if executed in accordance with the law of the
jurisdiction where executed. A consent to reinstatement may
be revoked only as provided in this paragraph. Revocation
shall be in writing and served upon the agency or adult to
whom the child was relinquished. The following shall apply:

(i) Except as provided in subparagraph (iii), a
consent to reinstatement executed by an adoptive parent
is irrevocable more than 30 days after execution.

(ii) A person may not waive the revocation period

1 under subparagraph (i).

2 (iii) Notwithstanding subparagraph (i):

3 (A) A person who executed a consent to
4 reinstatement may challenge its validity only by
5 filing a petition alleging fraud or duress within the
6 earlier of 60 days after execution of the consent or
7 30 days after entry of the reinstatement decree.

8 (B) A consent may be invalidated only upon proof
9 of fraud or duress by a preponderance of the evidence
10 if the consenter was 21 years of age or younger, or
11 by clear and convincing evidence in all other cases.

12 (3) The following shall apply:

13 (i) The consent of an adoptive parent for a child
14 under 18 years of age shall set forth the name, age and
15 marital status of the parent, the relationship of the
16 consenter to the child, the name of the other parent or
17 parents of the child and the following:

18 I hereby voluntarily and unconditionally consent
19 to the reinstatement of parental rights of the above
20 named child.

21 I understand that by signing this consent I
22 indicate my intent to permanently give up all rights
23 to this child.

24 I understand such child will have the parental
25 rights of the former parent reinstated.

26 I understand I may revoke this consent to
27 permanently give up all rights to this child by
28 placing the revocation in writing and serving it upon
29 the agency or adult to whom the child was
30 relinquished.

1 I understand that this consent to reinstatement
2 of parental rights is irrevocable unless I revoke it
3 within 30 days after executing it by delivering a
4 written revocation to (insert the name and address of
5 the agency coordinating the reinstatement of parental
6 rights) or (insert the name and address of an
7 attorney who represents the individual relinquishing
8 parental rights or the former parent seeking
9 reinstatement of parental rights of the child) or
10 (insert the court of the county in which the
11 voluntary relinquishment form was or will be filed).

12 I have read and understand the above and I am
13 signing it as a free and voluntary act.

14 (ii) The consent shall include the date and place of
15 execution and the names, addresses and signatures of at
16 least two witnesses and their relationship to the
17 consenter. The consent of an incarcerated parent of an
18 adoptivee may be witnessed by a correctional facility
19 employee designated by the facility, and any such consent
20 shall list the facility's address. In lieu of two
21 witnesses, a consent may be acknowledged before a notary
22 public.

23 § 3004. Orders.

24 (a) Time period.--Not later than 30 days after a hearing
25 under this chapter, the court shall render a written order
26 granting or denying the petition.

27 (b) Grant of petition.--If the court renders an order
28 granting the petition, the court shall enter the court's
29 findings and detailed reasons for the grant of the petition. The
30 order shall state that all legal rights, powers, privileges,

immunities, duties and obligations of the former parent
regarding the child, including with respect to custody, care,
control and support, are reinstated.

(c) Denial of petition.--If the court renders an order
denying the petition, the order shall include:

(1) the court's findings and detailed reasons for denial
of the petition; and

(2) a statement prohibiting the filing of a subsequent
petition with respect to the former parent's parental rights
before the first anniversary of the date the order of denial
was issued.

(d) Separate decree required if child adopted.--If the child
has been adopted, a decree under section 2503(c) (relating to
hearing), 2504(c) (relating to alternative procedure for
relinquishment) or 2513(d) (relating to hearing) shall be
required before a decree may be entered under this chapter.

(e) Effect on other former parent.--The grant of a petition
reinstating one former parent's parental rights shall not
restore or otherwise affect the rights of any other former
parent.

(f) Support liability.--A parent whose rights are reinstated
under this section shall not be liable for child support or the
cost of services provided to the child for the period from the
date of the order terminating the parent's rights to the date of
the order reinstating the parent's rights.

(g) Application.--This section shall apply retroactively to
a child who is under the jurisdiction of the court at the time
of the hearing, regardless of the date on which parental rights
were terminated.

Section 5. This act shall take effect in 60 days.