

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 1418. Relinquishment and Termination of Parent and Child Relationship.

(a) The rights of a parent with reference to a child, including parental right to control the child or to withhold consent to an adoption, may be relinquished and the relationship of parent and child terminated in or prior to an adoption proceeding as provided in this section.

(b) All rights of a parent with reference to a child, including the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by writing, signed by the parent, regardless of the age of the parent:

(1) In the presence of a representative of an agency taking custody of the child, whether the agency is within or without the Commonwealth or in the presence and with the approval of a judge of a court of record within or without the Commonwealth in which the minor was present or in which the parent resided at the time it was signed, which relinquishment may be withdrawn within 10 days after it is signed or the child is born, whichever is later, and the relinquishment is invalid unless it states that the parent has this right of withdrawal; or

(2) In any other situation, if the petitioner has had custody of the minor for two years, but only if notice of the adoption proceeding had been given to the parent and the court finds, after considering the circumstances of the relinquishment and the long continued custody by the petitioner, that the best interest of the child requires the granting of the adoption.

(c) In addition to any other proceeding provided by law, the relationship of parent and child may be terminated by a court order issued in connection with an adoption proceeding under this chapter on any ground provided by other law for termination of the relationship, and in any event on the ground:

(1) That the minor has been abandoned by the parent;

(2) That by reason of the misconduct, faults, or habits of the parent, the minor is without proper parental care and control, subsistence, education, or other care or control necessary for his or her physical, mental or emotional health or morals, or, by reason of physical or mental incapacity, the parent is unable to provide necessary parental care for the minor, and the court finds that the conditions and causes of the behavior, neglect, or incapacity are irremediable or will not be remedied by the parent, and that by reason thereof the minor is suffering or probably will suffer serious physical, mental, moral, or emotional harm; or

(3) That in the case of a parent not having custody of a minor, his consent is being unreasonably withheld contrary to the best interest of the minor.

(d) For the purpose of a proceeding under this chapter, a decree terminating all rights of a parent with reference to a child or the relationship of parent and child issued by a court of competent jurisdiction in this or any other state dispenses with the consent to adoption proceedings of a parent whose rights or parent and child relationship are terminated by the decree and with any required notice of an adoption proceeding other than as provided in this section.

(e) A petition for termination of the relationship of parent and child made in connection with an adoption proceeding may be made by:

(1) Either parent if termination of the relationship is sought with respect to the other parent;

(2) The petitioner for adoption, the guardian for the person, the legal custodian of the child, or the individual standing in parental relationship to the child;

(3) An agency; or

(4) Any other person having a legitimate interest in the matter.

(f) Before the petition is heard, notice of the hearing thereon and opportunity to be heard shall be given the parents of the child, the guardian of the person of the child, the person having legal custody of the child, and, in the discretion of the court, a person appointed to represent any party.

(g) Notwithstanding the provisions of subsection (b) of this section, a relinquishment of parental rights with respect to a child, executed under this section, may be withdrawn by the parent, and a decree of a

court terminating the parent and child relationship under this section may be vacated by the court upon motion of the parent, if the child is not on placement for adoption and the person having custody of the child consents in writing to the withdrawal or vacation of the decree.

Source: PL 8-42, § 20.