

# Nuts & Bolts of Adoption Practice in Pennsylvania

*Presented by the*

**PENNSYLVANIA BAR INSTITUTE**  
Continuing Education Arm of the Pennsylvania Bar Association  
BRINGING EXCELLENCE TO CLE

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## Relevant Laws

Deborah L. Lesko, Esquire  
The Law and Mediation Offices of  
Deborah L. Lesko, P.C.  
Pittsburgh, PA

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## Types of Adoption

- |                    |     |   |
|--------------------|-----|---|
| 1. Agency          | vs. | Private                                   |
| * Private Agency   |     | * Stepparent                              |
| * Children & Youth |     | * Independently-<br>Arranged<br>Adoptions |
2. Intrastate v. Interstate
3. International

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## **Legal Process 2 Main Steps**

- 1. Termination of Parental Rights**
  - \* Voluntary**
  - \* Involuntary**
- 2. Finalize Adoption**

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## **Highlighted Amendments of ASFA:**

- Aggravating Circumstances and need to attempt to reunify family**
- “Permanent Legal Custody”**
- Foster parents have an opportunity to be heard**

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## **Indian Child**

- Member of Tribe or Eligible for Membership**
- If Indian Child, must execute consents in accordance with ICWA**

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**Adoption Assistance  
Eligibility  
(§ 3140.202)**

- 17 years or younger
- Parental rights terminated
- In legal custody of county agency or approved agency

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**Eligibility (§ 3140.202)**

4. One of these need to apply:
- A physical, mental or emotional condition or handicap;
  - A genetic condition indicating a high risk;
  - Be a member of a minority group;
  - Be a member of a sibling group;
  - Be 5 years of age or older.

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**Pre-Placement  
Planning**

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## **Pre-Placement Planning**

- Homestudy
- Birth Parent Counseling
- Allowable Expenses

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## **Pre-Placement Planning**

- Medical/Social History
- Confidentiality
- Payment of Medical Expenses
- Coordinate Discharge of Baby

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## **Interstate Compact on Placement of Children (ICPC)**

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## Does the ICPC Apply in Your Case?

No sending agency shall send, bring or cause to be sent or brought into any other party state, any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency complies with the ICPC provisions and the applicable laws of the receiving state.

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## The ICPC Shall Not Apply To:

The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.

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## Basic Documents Required

- ICPC Form 100A
- Home-study and Clearances
- Medical Histories
- Birthparent Consents
- Child's Medical records

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**May Also Need:**

- Legal Risk Acknowledgement
- Affidavit of Paternity
- Disclosure of Fees

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**May Also Need:**

- Statement of Reasons for Out of State Placement
- Comparison of Law
- Submission to Law of other State

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