

I. **Adoption Procedure (Part 1) (Week 1)**

A. **Pennsylvania Adoption Procedure**

JOANNE ROSS WILDER, PENNSYLVANIA FAMILY LAW PRACTICE & PROCEDURE ch. 32 (7th ed. 2008) [Supp. 1-15] (optional background reading)

B. **Notice**

1. **Statutory Provisions**

- a. §§ 3-401 & 3-404 of the Uniform Adoption Act (1994) on Notice [Supp. 16-17]
- b. 23 PA. CONS. STAT. § 2721 (2008) [Supp. 18]

2. **Commentary**

1 JOAN HEIFETZ HOLLINGER ET AL., ADOPTION LAW AND PRACTICE § 4.10[1][a] (2008), on *Consent Rights and Notice Rights Distinguished* [Supp. 19]

C. **Consent**

1. **Persons from Whom Consent is Required**

a. **Statutory Provisions**

- (1) §§ 2-401, 2-402 & 2-403 of the Uniform Adoption Act (1994) on Consent [Supp. 20-21]
- (2) 23 PA. CONS. STAT. §§ 2502(b), 2711(a) & (b) & 2714 (2008) [Supp. 22]

b. **Case**

Commonwealth v. Hughes, 6 Pa. D. & C.3d 777 (Pa. Ct. Common Pleas 1978) [Supp. 23]

c. **Commentary**

1 JOAN HEIFETZ HOLLINGER ET AL., ADOPTION LAW AND PRACTICE § 2.05 (2008), on *Consent When Mother or Father is a Minor* [Supp. 24]

2. **Contents of Consent**

- a. § 2-406 of the Uniform Adoption Act (1994) on Consent [Supp. 25-26]
- b. 23 PA. CONS. STAT. § 2711(d) (2008) [Supp. 27]

3. **Timing, Validity and Revocability of Consent**

a. **Statutory Provisions**

- (1) §§ 2-404, 2-405(c), 2-408 & 2-409 of the Uniform Adoption Act (1994) on Consent [Supp. 28-30]
- (2) 23 PA. CONS. STAT. § 2711(c) (2008) [Supp. 31]
- (3) Indian Child Welfare Act, 25 U.S.C. § 1913(c) [Supp. 32]

b. **Case**

In the Interest of B.G.C., 496 N.W.2d 239 (Iowa 1992) (“Baby Jessica” case) [Supp. 33-40]

c. **Commentary**

2 JOAN HEIFETZ HOLLINGER ET AL., ADOPTION LAW AND PRACTICE § 8.02[1][b] (2008), on *Claim by the Biological Parent That a Valid Consent or Surrender Was Never Executed* [Supp. 41-44]

4. **Consequences of Consent**

§ 2-407 of the Uniform Adoption Act (1994) [Supp. 45]

D. **Notes** [Supp. 46-48]

II. **Adoption Procedure (Part 2) (Week 3)**

A. **The Rights of Birth Fathers and the Termination Thereof**

1. **Statutory Provisions**

- a. § 3-404 of the Uniform Adoption Act (1994) on Notice [Supp. 17] (from Week 1’s readings)
- b. §§ 3-504 & 3-505 of the Uniform Adoption Act (1994) on

Termination of Parental Rights [Supp. 51-53]

- c. 23 PA. CONS. STAT. §§ 2503 & 2511 (2008) [Supp. 54-57]

2. **Cases**

- a. *Lehr v. Robertson*, 463 U.S. 248 (1983) [Supp. 58-68]
- b. *In re Adoption of Doe*, 543 So. 2d 741 (Fla. 1989) [Supp. 69-77]

3. **Commentary**

Laura Oren, *Thwarted Fathers or Pop-up Pops?: How to Determine When Putative Fathers Can Block the Adoption of their Newborn Children*, 40 FAM. L.Q. 153 (2006) [Supp. 78-96]

B. **Finality of Decree**

1. 2 JOAN HEIFETZ HOLLINGER ET AL., ADOPTION LAW AND PRACTICE § 8.01[3] (2008), on *Statute of Limitations* [Supp. 97-98]
2. §§ 3-706 & 3-707 of the Uniform Adoption Act (1994) [Supp. 99]

C. **Interstate Adoption Procedures**

1. **Interstate Compact and Statutory Provisions**

- a. Interstate Compact on the Placement of Children (“ICPC”) [Supp. 100-03]
- b. 62 PA. CONS. STAT. §§ 761-765 (2008) [Supp. 104]
- c. § 2-107 of the Uniform Adoption Act (1994) [Supp. 105]
- d. Safe and Timely Interstate Placement of Foster Children Act of 2006, PL 109-239, H.R. 5403, S. 2999, 109th Cong., enacted July 3, 2006 [Supp. 106]

2. **Commentary**

- a. 1 JOAN HEIFETZ HOLLINGER ET AL., ADOPTION LAW AND PRACTICE § 3.07[3] (2008), on *Judicial Interpretation of the Interstate Compact on the Placement of Children* [Supp. 107-10]
- b. Judge Stephen Rideout, *The Promise of the New Interstate*

Compact on the Placement of Children, ABA Child Law Practice, vol. 25, no. 11 (January 2007) [Supp. 111-15]

- c. Council of State Governments, *Highlights of Proposed Compact Provisions* [Supp. 116-17]

3. **Case**

In re Adoption No. 10087 in the Circuit Court for Montgomery County, 597 A.2d 456 (Md. Ct. App. 1991) [Supp. 118-34]

- D. **Notes** [Supp. 135-37]

III. **Secrecy versus Openness in Adoption (Week 5)**

A. **Types of Placements**

- 1. 1 JOAN HEIFETZ HOLLINGER ET AL., ADOPTION LAW AND PRACTICE § 1.05[3][a] & [b] (2008), on *Types of Adoption as Defined by the Method of Placement* [Supp. 141-44]
- 2. L. Jean Emery, *Agency Versus Independent Adoption: The Case for Agency Adoption*, in 3 THE FUTURE OF CHILDREN 139 (1993) [Supp. 145-51] (on-line at http://www.futureofchildren.org/usr_doc/vol3no1ART10.PDF)
- 3. Mark T. McDermott, *Agency Versus Independent Adoption: The Case for Independent Adoption*, in 3 THE FUTURE OF CHILDREN 146 (1993) [Supp. 152-57] (on-line at http://www.futureofchildren.org/usr_doc/vol3no1ART11.PDF)

B. **Secrecy v. Access to Records of Adoption Proceedings**

1. **Statutory Provisions**

- a. 23 PA. CONS. STAT. § 2905 (2008) [Supp. 158-60]
- b. ALASKA STAT. § 18.50.500 (2008) [Supp. 161]
- c. Comment to Article 6 and §§ 6-101 – 6-110 of the Uniform Adoption Act (1994) [Supp. 162-67]

2. **Article**

Naomi Cahn & Jana Singer, *Adoption, Identity, and the Constitution: The Case for Opening Closed Records*, 2 U. PA. J. CONST. L. 150 (1999) [Supp. 168-87]

3. **Case**

Alma Society Inc. v. Mellon, 601 F.2d 1225 (2d Cir. 1979) [Supp. 188-94]

C. **Open Adoption**

1. **Statutory Provisions**

a. MINN. STAT. § 259.58 (2008) [Supp. 195-96]

b. §§ 1-105, 2-102, 2-106(d), 2-404(e), 2-406(d)(1) & (2), 3-707(c) & 4-113 of the Uniform Adoption Act (1994) [Supp. 197-200]

2. **Article**

Joan Heifetz Hollinger, *The Uniform Adoption Act: Reporter's Ruminations*, 30 FAM. L.Q. 345, 372-77 (1996) [Supp. 201-03]

3. **Cases**

a. *In re Adoption of Brunner*, 1993 Ohio App. LEXIS 1418 (Ohio Ct. App. 1993) [Supp. 204-10]

b. *Michaud v. Wawruck*, 551 A.2d 738 (Conn. 1986) [Supp. 211-14]

D. **Notes** [Supp. 215-17]

IV. **Step-Parent and Second-Parent Adoptions and Adoptions by Gays and Lesbians (Week 6)**

A. **Step-parent adoptions**

1. **Statutory Provisions**

a. 23 PA. CONS. STAT. § 2701(7), 2711(a)(3) & (d)(1), 2901, 2903 (2008) [Supp. 221-22]

b. Comment to Article 4 and §§ 4-101 – 4-106, 4-111 & 4-113 of the Uniform Adoption Act (1994) [Supp. 223-29]

2. **Treatise**

1 JOAN HEIFETZ HOLLINGER ET AL., ADOPTION LAW AND PRACTICE § 2.10[3] (2008), on *Dispensing With the Requirement of Consent in Stepparent Adoptions* [Supp. 230-38]

3. **Inheritance Rights**

a. § 4-103(b)(3) of the Uniform Adoption Act and Comment thereto [Supp. 225]

b. 20 PA. CONS. STAT. § 2108 (2008) [Supp. 239]

B. **Second-Parent Adoptions**

1. **Cases**

a. *In re Adoption of R.B.F.*, 803 A.2d 1195 (Pa. 2002) [Supp. 240-45]

b. *In re Adoption of Luke*, 640 N.W.2d 374 (Neb. 2002) [Supp. 246-52]

2. **Statutes**

a. CAL. FAM. CODE §§ 297 & 9000(b) (2008) [Supp. 253]

b. CONN. GEN. STAT. § 45a-724(a)(2) & (3) (2008) [Supp. 254]

3. **Article**

Mark Strasser, *Courts, Legislatures, and Second-Parent Adoptions: On Judicial Deference, Specious Reasoning, and the Best Interests of the Child*, 66 TENN. L. REV. 1019 (1999) [Supp. 255-62]

C. **Adoption by Gays and Lesbians**

1. **Treatise**

1 JOAN HEIFETZ HOLLINGER ET AL., ADOPTION LAW AND PRACTICE § 3.06[6] (2008), on *Sexual Orientation as a Factor in Adoption Placement* [Supp. 263-70]

2. **Statutes**

- a. FLA. STAT. ANN. § 63.042(3) (West 2008) [Supp. 271]
- b. Arkansas ballot measure approved November 4, 2008 [Supp. 271]

3. **Cases**

- a. *Lofton v. Sec'y of Dep't of Children & Family Servs.*, 358 F.3d 804 (11th Cir. 2004), *rehearing en banc denied*, 377 F.3d 1275 (11th Cir. 2004) [Supp. 272-87]
- b. *In re Adoption of Doe*, 2008 WL 5006172 (Fla. Cir. Ct. Nov. 25, 2008) [Supp. 288-304]

D. **Notes** [Supp. 305-09]

V. **Transracial Adoption (Week 7)**

A. **Treatise**

1 JOAN HEIFETZ HOLLINGER ET AL., *ADOPTION LAW AND PRACTICE* § 3.06[4] (2008), on *Race as a Factor in Adoption Placement* [Supp. 313-15]

B. **Policy Statement**

Statement of the National Association of Black Social Workers [Supp. 316-17]

C. **Cases**

1. *Palmore v. Sidoti*, 466 U.S. 429 (1984) [Supp. 318-20]
2. *Tallman v. Tabor*, 859 F. Supp. 1078 (E.D. Mich. 1994) [Supp. 321-27]

D. **Articles**

1. Elizabeth Bartholet, *Where Do Black Children Belong? The Politics of Race Matching in Adoption*, 139 U. PENN. L. REV. 1163 (1991) [Supp. 328-55]
2. R. Richard Banks, *The Color of Desire: Fulfilling Adoptive Parents' Racial Preferences Through Discriminatory State Action*, 107 YALE L.J. 875 (1998) [Supp. 356-67]

E. **Statutes**

1. Multiethnic Placement Act (“MEPA”) of 1994 [Supp. 368-70]
2. Removal of Barriers to Interethnic Adoption (“IEP”) provision in the Small Business Job Protection Act of 1996 [Supp. 371-72]

F. **Agency Interpretations of Federal Law**

1. 1997 Memorandum of the Dep’t of Health & Human Servs. on IEP [Supp. 373-77]
2. 1998 Memorandum of the Dep’t of Health & Human Servs. on IEP [Supp. 378-85]

G. **Recent Policy Analysis**

1. Evan B. Donaldson Adoption Institute, *Finding Families for African American Children: The Role of Race & Law in Adoption from Foster Care* (Executive Summary) (May 2008) [Supp. 386-91]

H. **Notes** [Supp. 392-94]

VI. **International Adoption (Week 8)**

A. **Policy Considerations**

1. Elizabeth Bartholet, *International Adoption: Propriety, Prospects and Pragmatics*, 13 J. AMER. ACAD. MATR. LAWYERS 181 (1996) [Supp. 397-401]

B. **Statistics**

1. Total Adoptions to the United States [Supp. 402-04]
2. David Crary, *For Third Straight Year, Foreign Adoptions in U.S. Decline*, Associated Press (Nov. 30, 2007) [Supp. 405-07]

C. **Regulation of International Adoption by the Country of Origin**

1. <http://adoption.state.gov/countryinformation.html> (website maintained by the United States Department of State, Office of Children’s Affairs containing summaries of the policies of many foreign countries regarding international adoption; take a look at one or two)
2. <http://adoption.state.gov/news/notices.html> (website maintained by the

United States Department of State, Office of Children's Affairs containing alerts and notices regarding changes in adoption practices in individual foreign countries; take a look at one or two)

D. Regulation of International Adoption in the United States: Federal and State Statutes and Regulations

1. 23 PA. CONS. STAT. § 2908 (2008) [Supp. 408-09]
2. Relevant Sections of the Immigration and Nationality Act, codified at 8 U.S.C. § 1101(b)(1)(E), (F) & (G), 1151(b)(2)(A)(1) & 1154(a), (b) & (d) (2008) [Supp. 410-13]
3. Child Citizenship Adoption Act of 2000, codified at 8 U.S.C. §§ 1431 & 1433 (2008) [Supp. 414-15]
4. Intercountry Adoption Act of 2000, Public Law 106-279 [Supp. 416-19]

E. Analysis of Federal Law

1. U.S. Department of Justice, Immigration and Naturalization Service booklet on The Immigration of Adopted and Prospective Adoptive Children (Document M-249N, revised September 2000) [Supp. 420-39]
2. United States Department of State, Bureau of Consular Affairs web page on Child Citizenship Act of 2000 [Supp. 440-42]

F. Hague Convention

1. Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) [Supp. 443-55]
2. Intercountry Adoption, Overview of the Hague Convention, United States Department of State, Office of Children's Issues [Supp. 456-57]
3. The Hague Convention on Intercountry Adoption: A Guide for Prospective Adoptive Parents (publication 11373)*, United States Department of State, Bureau of Consular Affairs [Supp. 458-75]

G. Notes [Supp. 476-78]