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CHAPTER I – PRELIMINARY RULES

RULE 1.1. TITLE AND CITATION

These rules shall be known as the Crawford County Orphans’ Court Rules. They shall be cited as “Cra.O.C.R.”

RULE 1.3. DEFINITIONS

Legal Periodical – The *Crawford County Legal Journal* is the legal periodical for the publication of legal notices in Crawford County.

RULE 1.6. MEDIATION

All interested parties in a matter may use mediation to resolve issues pending before the Court, and, upon either partial or complete resolution, may petition the Court to approve the agreement of all parties as an order or decree of the Court.

The Court may order mediation in a particular matter upon motion of any interested party or *sua sponte*. In any such order entered the Court shall set forth any specific requirements with regard to mediation.

RULE 1.7. ATTORNEYS

Appearance. Any attorney representing a party in any proceeding in the Orphan’s Court Division shall file a written appearance with the Clerk of the Orphan’s Court which shall state the attorney’s Pennsylvania Supreme Court Identification Number, fax number, telephone number and an address within the Commonwealth at which papers may be served. Written notice of entry of appearance shall be given forthwith to all parties, or their counsel.

RULE 1.8. COVER SHEET

All motions and petitions presented at motion court shall include a completed motion court cover sheet in a form in compliance with Crawford County Local Civil Rule L205.2(b). (See Exhibit L205.2(b) for sample of cover sheet form.)

CHAPTER II- ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

RULE 2.6. FILING WITH THE CLERK.

Accounts of personal representatives including statements of proposed distribution shall be filed with the Clerk of Orphans' Court in duplicate. Following confirmation, one copy of the account of personal representatives, with the date of confirmation noted thereon, shall be forwarded to the Register of Wills for indexing and filing with records of the proceeding in the Register's Office for that decedent.

RULE 2.10. FOREIGN HEIRS AND UNKNOWN DISTRIBUTEES

The report filed consistent with Pa. O.C. RULE 2.10(b) shall include the following:

- (a) The nature of the investigation made to locate any distributee(s) in full detail;
 - (1) If applicable to the determination of any distributees identity, complete family tree in as much detail as possible, supported by any documentary evidence as the petitioner has been able to obtain;
 - (2) A statement that investigation was made by as many of the following means as available and feasible; questioning of member(s) of the household of the decedent or settlor, and/or friends, neighbors and/or known relatives thereof; officers and members of groups, unions, social or fraternal organizations to which decedent or settlor belonged; contacting employers and/or co-workers; examining church, insurance, school and voter registrations records; Veteran's Administration and Social Security records; naturalization records if not a native born citizen; telephone and electronic media such as internet listings; and such other sources as the circumstances suggest;
 - (3) If the fiduciary determines that a non-resident distributee shall not be able respond or enjoy the benefit of the interest due thereto, the fiduciary shall indicate in the report the reason for that determination.
- (b) The report will be filed in the office of the Clerk of Court when the accounting is filed and notice shall be given to the distributee or where applicable, to the guardian, parent, next of kin or party having custody of the distributee or any other party required by rule or statute.

RULE 2.11. APPOINTMENT OF OFFICIAL EXAMINERS

The Court may enter an order appointing an examiner or examiners who shall examine the assets held by a fiduciary and make a full written report thereon to the Court showing what assets belong to the estate, how they are registered or otherwise earmarked as the property of the estate to which they belong, and where and how the cash belonging to the estate is kept or deposited.

The Court may, in any order appointing an examiner or examiners, also direct the examiner or examiners to accomplish one or more of the following:

- (a) Determine, in the case of a trust, if its purposes are being carried out;
- (b) Determine, if the funds and assets in the hands of the fiduciary are being used or applied in accord with any trust instrument, will, applicable statute, regulation or court order;
- (c) Make a written report including findings of fact, conclusions of law; and when appropriate, recommendations for consideration of the Court; and
- (d) Such other matters as the Court may designate.

Examiners shall be allowed such fees from principal or income, or apportioned between principal and income as may be directed by the Court.

CHAPTER III – PETITION PRACTICE AND PLEADING

RULE 3.5. FORM. NOTICE OF MOTION OR PETITION

- (a)** Before any motion or petition is filed, the moving party shall serve a copy of the motion, petition, request or application, and any proposed order, and a statement of the date and time of the intended presentation to counsel of record and any unrepresented party at least three (3) business days in advance of the presentation. Service may be accomplished personally, by first class mail or by facsimile transmission. Service shall be made pursuant to Pa. O.C. Rule 3.5.
- (b)** A document in the following form shall be attached to each contested and uncontested motion or petition and every copy of the same that is filed or served:

NOTICE

You are hereby notified that the attached motion/petition will be presented by me on _____, 20__.

() to the Clerk of Courts.

() in Motion's Court at 8:45 o'clock a.m.

CERTIFICATION OF NOTICE AND SERVICE

The undersigned represents that three (3) business days' prior notice and copy of this motion and proposed order have been served by () first class mail () fax, or () hand delivery on the ____ day of _____, 20__ upon all parties or their counsel of record in accordance with Pa.O.C. Rule 3.5.

INFORMATION FOR COURT ADMINISTRATOR

A. Is this an original filing in this case?

___ Yes ___ No

B. Has any Judge heard this matter previously?

___ Yes ___ No

C. If yes, name of Judge who presided over previous matter:

___ Vardaro ___ Spataro ___ Stevens ___ other/Name

D. Estimated Court time required for this matter.

___ Minutes ___ Hours ___ Days

E. Is this motion/petition opposed by another party?

___ Yes ___ No ___ Unknown

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

___ 1. All parties or counsel have consented.

___ 2. Consents of all parties or counsel are attached.

___ 3. The Petition seeks only a return hearing or argument date and no other relief.

Opposing Counsel: _____ (if opposing party is unrepresented, list his/her current address and telephone): _____ (Telephone) _____

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT

By _____

Attorney for: _____

(c). Suggested Order. Every motion, request and application shall have attached thereto a suggested order granting the relief that is requested by the moving party.

(d). Service of Order Entered. All orders entered by the Court after the presentation of a motion, petition, request or application shall be served upon all opposing parties or their counsel by the moving party within three (3) business days after the entry of the order by the Court. Service of a conformed order is sufficient. As a courtesy, the Clerk of Courts may furnish a copy of the actual order at a later date, but the responsibility of the moving party to effectuate service is not relieved hereby.

EXPLANATORY COMMENT

This local rule is intended to allow parties to bring before the court uncomplicated or uncontested matters. The court will not conduct argument or hold an evidentiary hearing at motions court on matters that are contested. In those cases an order will be entered directing the court administrator to schedule argument and/or an evidentiary hearing and the responding party will have twenty (20) days to respond consistent with the uniform notice period established by the Pennsylvania Orphans' Court Rules.

CHAPTER VII – RULES RELATING TO PRE-HEARING PROCEDURE

RULE 7.1. DEPOSITIONS, DISCOVERY, PRODUCTION OF DOCUMENTS AND PERPETUATION OF TESTIMONY.

The procedure relating to depositions, discovery and production of documents shall be governed by special Order of Court consistent with the following:

- (1) Leave to take depositions and/or discovery or production of documents shall be granted only upon petition with good cause shown, except upon agreement of counsel.
- (2) In the case of a will contest, no discovery shall be allowed prior to the filing of the contest or caveat.

CHAPTER IX - AUDITORS AND MASTERS

RULE 9.1

An auditor or master appointed pursuant to 20 Pa. C.S. §751 shall give notice of scheduled hearing in writing at least twenty (20) days prior to the hearing.

RULE 9.6. NOTICE OF FILING REPORT

An auditor or master filing a report or an intention to file a report shall provide notice of the same to all parties or counsel for represented parties in writing by sending first class mail no later than the day the report is filed.

RULE 9.7. CONFIRMATION OF REPORT

Any interested party shall have the right to file exceptions to the auditor's report or to a master's report within twenty (20) days after the date notice of the filing of the report is received by that party.

If no exceptions are filed within twenty (20) days after the service thereof, the Court may enter a decree confirming the auditor's report or approving the master's report and adopting its recommendations unless the time to file exceptions has been extended by the Court.

If exceptions are filed the matter shall go on the argument list as provided for in the Crawford County Civil Rules of Court and after disposition of any exceptions the Court will enter a confirmation either consistent with the report or with such modifications as the Court may deem appropriate after consideration of the exceptions.

RULE 10.2. PROCEEDINGS BEFORE THE REGISTER OF WILLS

- (a) Discovery before the Register of Wills, upon application to the Register by an interested party, shall be limited to the following: depositions, request for production of documents, request for admissions, subpoenas.
- (b) Objections to the discovery before the Register of Wills shall be addressed to, and decided by, the Register of Wills or the Deputy Register or solicitor presiding over the hearing.
- (c) Requests for additional discovery beyond this rule shall be made to a Judge of the Orphans Court Division by petition with proper notice.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :

_____ : No. _____
(ADOPTEE'S name as on birth certificate)

ADOPTION PETITION
(23 Pa.C.S.A. §2701)

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of

[Names of Petitioner(s)]

respectfully represents:

GENERAL INFORMATION

1. Pre-adoption name of Adoptee:

2. Name requested for Adoptee after adoption:

3. Age, date of birth, place of birth and sex of Adoptee:

4. State any blood or present legal relationship between Adoptee and petitioner(s):

5. Name, address and phone number of attorney representing petitioner(s):

6. Name, address and phone number of attorney or guardian ad litem who is or has represented Adoptee:

7. If "Report of Intention to Adopt" is required, state date of filing:

8. If Adoptee's natural parent(s) is/are deceased, list name(s), date(s) of death and attach original or certified death certificate(s);

9. If Adoptee's natural parent'(s) parental rights was/were terminated, state name(s), date(s), place(s) and manner of terminating the parental rights:

10. Name, address of Intermediary, if any:

Filing date of Intermediary Report:

11. If physical care or custody of Adoptee was placed with adoptive parent(s) by Intermediary answer the following: (23 Pa.C.S.A. §2530)

a.) Date of placement:

b.) Place of placement:

c.) Circumstance of placement:

d) Was a favorable home study completed by a local public child-care agency, an adoption agency or a court designated licensed social worker prior to said placement?

e) Did Intermediary make an interim placement pursuant to 23 Pa. C.S.A. §2530 (c)?

If yes, answer the following:

(1) Was the Court immediately notified of the interim placement and the identity of the individual or agency conducting the home study?

If no, explain why:

f) If a home study and pre-placement were completed, have they been filed?

(1) If yes, list filing dates:

(2) If no, explain:

(All home study and pre-placement reports shall be filed at least five days before the adoption hearing to give the Court an opportunity to review them.)

12. Has an investigation been conducted pursuant to 23 Pa. C.S.A. §2535?

a) If yes, state filing date:

b) If yes, does the investigative report contain a Pennsylvania State Police and child abuse clearance as required by 23 Pa. C.S.A. §6344(d)?

c) If no, explain why:

(All investigation reports shall be filed at least five days before the adoption hearing to give the Court an opportunity to review them.)

13. ADOPTEE

- a) Pre-adoption name: (As it appears on the birth certificate)

- b) Post-adoption name:

- c) Age and date of birth:

- d) Place of birth:

- e) Date and place of initial placement with adopting parent(s):

- f) Length of residence with adopting parent(s):

- g) Religious affiliation of Adoptee:
 - (1) Pre-adoption: _____
 - (2) Post-adoption: _____
- h) Racial background of Adoptee:

- i) If Adoptee is over 12 years of age, is Adoptee's written consent attached:

- j) Has Adoptee's birth certificate or certification of registration of birth been made a part of the record in these proceedings?

 - (1) If no, it must be attached to this petition or admitted as an Exhibit at the adoption hearing.
 - (2) If no birth certificate or certification of registration of birth can be obtained, a statement of the reasons therefore and an allegation of the effort made to obtain the certificate must be presented to the Court with a request that the Court establish a date and place of birth at the adoption hearing on the basis of the evidence presented (See 23 Pa. C.S.A. §2701 (9)).

NOTE: To expedite the adoption hearing and give the Court an opportunity for review, this request and relevant information shall be made a part of the record in the form of a written petition. **This written petition shall be filed and a certified copy presented to the Court at least ten days before the adoption hearing.** The request and factual averments shall also be presented as evidence at the adoption hearing.

k) List assets possessed or owned by Adoptee and the value of these assets:

l) Marital status of Adoptee: _____

(1) If married, state date of marriage and spouse's name, age and address:

14. ADOPTING MOTHER:

(A consenting natural mother in a step-father adoption is not considered an adopting mother. If this adoption involves a consenting natural mother in a step-father adoption, do not complete this part of the petition.)

a) Present name:

b) Maiden name:

c) Age and date of birth:

d) Birthplace:

e) Marital status:

f) Name of present spouse:

g) Date and place of most recent marriage:

h) Name(s) and age(s) of person(s) who presently live in your household:

i) Present address:

j) How long have you lived at this present address:

k) List residences during the past five years:

l) Are you related to Adoptee?

(1) If yes, state relationship:

m) Have you ever been convicted of a misdemeanor or a felony?

(1) If yes, list crime, date and place of conviction:

n) State employment and approximate annual income:

o) Religious affiliation: _____

p) Racial background: _____

15. ADOPTING FATHER:

(A consenting natural father in a step-mother adoption is not considered an adopting father. If this adoption involves a consenting natural father in a step-mother adoption, do not complete this part of the petition.)

a) Present name: _____

b) Age and date of birth: _____

c) Birthplace: _____

d) Marital status: _____

e) Name of present spouse: _____

f) Date and place of most recent marriage: _____

g) Name(s) and age(s) of person(s) who presently live in your household:

h) Present address: _____

i) How long have you lived at this present address? _____

j) List residences during the past five years:

k) Are you related to adoptee? _____
(1) If yes, state relationship:

l) Have you ever been convicted of a misdemeanor or a felony? _____
(1) If yes, list crime, date and place of conviction:

m) State employment and approximate annual income:

n) Religious affiliation: _____

o) Racial background: _____

16. If there is no Intermediary or if no Report of the Intermediary has been filed or if Adoptee is over the age of 18 years, complete the following: [23 Pa.C.S.A., §2701(5)]

a) NATURAL MOTHER OF ADOPTEE:
(1) Name:

(2) Address:

(3) Age and date of birth: _____

- (4) Birthplace: _____
- (5) Marital status as of the time of birth of Adoptee: _____
- (6) Marital status during one year prior to the time of birth of Adoptee: _____
- (7) Maiden name: _____
- (8) Racial background: _____
- (9) Religious affiliation: _____

b) NATURAL FATHER OF ADOPTEE:

- (1) Name: _____
- (2) Address: _____

- (3) Age and date of birth: _____
- (4) Birthplace: _____
- (5) Marital Status as of the time of birth of Adoptee: _____
- (6) Marital status during one year prior to the time of birth of Adoptee: _____
- (7) Racial background: _____
- (8) Religious affiliations: _____

17. State whether all consents required by 23 Pa. C.S.A. §2711 (relating to consents necessary to adoptions) are a part of this petition. If all required consents are not a part of this petition, state basis upon which the consents are not required. [See Pa.C.S.A. §2533(b)(7)]

18. Petitioner(s) are not aware of any violation of any statute regulating the interstate placement of children with respect to the placement of the Adoptee. [See Pa. C.S.A. §2533(b)(10)].

19. Have adopting parent(s) received medical history information about Adoptee? _____

a) If not obtained, state reason therefore. [See Pa.C.S.A. §2533 (b)(12)]

b) Is/are adopting parent(s) knowledgeable and satisfied with Adoptee's mental and physical health?

20. Petitioner(s) have reviewed the "Disclosure of Fees and Cost" form required by Pa. Orphans Rule 15.5(d) and aver that it accurately represents all of the fees, costs and expenses paid or to be paid by petitioner(s) relative to this adoption.

WHEREFORE, your petitioner(s) pray for a Decree of Adoption which creates the relationship of parent(s) and child between the petitioner or petitioners and the Adoptee.

Signature(s) of Petitioner(s)

Attorney for Petitioner(s):

Signature

Type or Print Name

Address

Phone Number

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF CRAWFORD :

The above named petitioner(s), being duly sworn according to law depose(s) and say(s) that the facts set forth in the above Adoption Petition are true and correct to the best of his/her/their knowledge, information and belief.

Signature of Petition(s)

Sworn to and subscribed
before me this ____ day
_____, 20__

Signature of Notary

SEAL OF NOTARY

(Alternative Attestation)

I/WE the above named petitioner(s) do verify that the statements contained in this Adoption Petition are true and correct to the best of my/our knowledge, information and belief. I/We understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities. (The maximum penalty for such violation is a period of incarceration up to two years and a \$5,000 fine.)

Date: _____

(Signature(s) of Petitioner(s))

WITNESS

ADDRESS OF WITNESS

CONSENT OF ADOPTEE:

I am over twelve years of age, have read the foregoing petition and consent to my adoption by

I also agree to having my name changed to

Date: _____

(Signature of Adoptee)

WITNESS

ADDRESS OF WITNESS

CONSENT OF NATURAL PARENT:

As natural parent for (or parent by former adoption), I consent to his/her adoption by my spouse. I believe it is in the best interest of my child. I further agree to the name change as heretofore stated.

Date: _____

(Signature of Natural or Adoptive Parent)

WITNESS

ADDRESS OF WITNESS

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY,
PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :

(ADOPTEE'S name as on birth certificate) : **No.** _____

FINAL ADOPTION DECREE
(23 Pa. C.S.A. §2902)

AND NOW, this _____ day of _____, 20____, after review of the record and after hearing the Court makes the following findings:

1. This Court has jurisdiction.
2. _____, the ADOPTEE is _____ years of age, being born on _____.
3. The adopting parent or parents and the ADOPTEE have appeared before this court. (23 Pa.C.S.A. §2723).
 - a.) If the ADOPTEE is over 12 years of age, the ADOPTEE'S consent is necessary. (23 Pa. C.S.A. §2711(a)(1)).
4. The statements made in the adoption petition are true and correct.
5. The needs and welfare of ADOPTEE will be promoted by approval of this adoption.
6. All requirements of the Adoption Act have been met.
7. It is in the ADOPTEE'S best interest that the Court approve the adoption.

THEREFORE THE COURT HEREBY ORDERS AND DECREES AS FOLLOWS:

1. The request for adoption is hereby approved and the above captioned ADOPTEE shall be and is hereby adopted by _____

(Name of Adopting Parent(s))

2. Said ADOPTEE shall have all the rights of a child and heir of the adopting parent or parents and shall be subject to the duties of such child.

3. In a step-parent adoption, the consenting natural parent shall retain the same parent-child relationship as heretofore existed irrespective of the fact that said consenting natural parent is or is not a petitioner. (23 Pa. C.S.A. §2903).

4. Said ADOPTEE shall hereafter be known as _____
_____.

BY THE COURT

J.

ATTEST:

**INSTRUCTIONS FOR COMPLETING PETITION FOR
VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS AND
INSTRUCTIONAL COMMENTS**

There are two types of petitions for voluntary relinquishment of parental rights. Section 2501 of the Adoption Act involves relinquishment of parental rights to an approved agency such as Crawford County Children and Youth Services. The other is provided for in Section 2502 of the Adoption Act and relates to relinquishment of parental rights to individuals, i.e. adoptive parent(s). The new petition is designed to accommodate both types.

The first page contains the Preliminary Decree. The executed petition with the attached Preliminary Decree is presented to the judge who will sign the Preliminary Decree and set the evidentiary hearing date. The Preliminary Decree also provides the basic guidelines for the required notice. The practitioner should carefully review the statutory references mentioned in the Preliminary Decree as well as any other applicable laws or rules. The practitioner is responsible to give proper notice to those entitled to notice. The Adoption Act and Orphans Court Rules should be referenced to see if new legislation has changed any of the notice requirements.

In July, 1992, the Adoption Act was amended to permit the termination of a putative father's parental rights in a voluntary relinquishment proceeding of a natural parent merely by giving the required notice to the putative father. (23 Pa.C.S.A. §2503). At the same time, the Adoption Act was amended to permit the same method of terminating a putative father's parental rights in a "Petition to Confirm Consent to Adoption" proceedings. (23 Pa.C.S.A. 2504).

In determining whether a petition for voluntary relinquishment of parental rights should be used, the practitioner must remember that the parent relinquishing his/her parental rights must appear and testify at the evidentiary hearing (23 Pa.C.S.A. §2503). [PA. Orphans' Court Rule Nos. 15.2 and 15.3 require any person whose joinder, or consent is attached to a voluntary relinquishment of parental rights, shall be examined under oath at the hearing unless excused by the court.]

Occasionally a parent who agrees to voluntarily relinquish his/her parental rights also agrees to sign the Petition and appear in court to testify however thereafter changes his/her mind about appearing in court to testify. This presents a serious problem because the adoption cannot be concluded without the termination of

this parent's parental rights. The only other methods available to terminate the parental rights of a natural parent are a Petition to Confirm Consent to Adoption (23 Pa.C.S.A. §2504) or Petition for Involuntary Termination of Parental Rights (23 Pa. C.S.A. §2511). In most cases, it is more difficult to proceed with an involuntary termination proceeding. This requires competent testimony to establish one of the grounds for involuntary termination as set forth in Section 2511 of the Adoption Act. In some cases and under such circumstances, competent witnesses to establish these grounds for involuntary termination are not available. On the other hand, a termination of parental rights in a "Petition to Confirm Consent to Adoption" can be legally justified by introducing into evidence a properly executed consent to adoption and proper notice to the consenting parent. The consent must comply with 23 Pa. C.S.A. §2513 and cannot be obtained less than 72 hours from time of birth. (23 Pa. C.S.A. §2711(c)). If a situation arises as described above, the practitioner will not be able to proceed with a "Petition to Confirm Consent to Adoption" unless the practitioner has a properly executed consent as specified in Section 2513 of the Adoption Act. Therefore, it may be advisable to have a parent who is signing a petition to voluntarily relinquish parental rights execute a proper consent form which can be utilized in case this parent refuses to appear in court. For convenience, a consent form for use with a "Petition to Confirm Consent" is attached to the petition for voluntary relinquishment of parental rights. The practitioner should make every effort to proceed with a voluntary relinquishment proceeding rather than a "Petition to Confirm Consent." From the viewpoint of the adoptive parents, this is the safest and most desirable method of terminating parental rights. The appearance before a judge and the inquiry by a judge minimizes the possibility of the parent contesting the termination of his/her parental rights at some later date. For the reasons set forth above, the Adoption Act categorizes the "Petition to Conform Consent to Adoption" as an "alternative procedure for relinquishment." This procedure should be utilized only as an alternative. If at all possible, use the voluntary relinquishment procedure.

The new petition for voluntary termination of parental rights was designed to comply with the Adoption Code and the PA Orphans' Court Rules. Understanding and ease of completion were the primary objectives. Most of the questions are clear and direct. They need no explanation. These instructions will only address those questions and comments that require some explanation. In most cases, the inquiries and comments are referenced to their statutory source.

The first part of the petition provides a simple method of indicating who is doing the relinquishing and to whom are the parental rights being relinquished.

Next, the formal introductory paragraph should be completed with the name(s) of the parent(s) who is/are relinquishing parental rights.

Paragraph No. 5 relates to a relinquishing parent who is under the age of 18. The consent of the parents of this minor is not required (23 Pa.C.S.A. §2501 and 2502), however notice must be sent to the parent(s) or guardian of said minor (23 Pa.C.S.A. §2503(b)).

Paragraphs 7, 8 and 9 request information about the termination of parental rights of the other natural parent(s) and/or putative father. This information will assist the court in determining if all the required consents or terminations have been completed before the hearing on the adoption.

Paragraph No. 11 was designed to avoid the unnecessary filing of "Reports of Intent to Adopt" and "Investigation Reports." Section 2535 of the Adoption Act requires the filing of an Investigation Report ONLY in cases requiring a Report of Intent to Adopt. Preparation and filing of an Investigation Report in cases where it is not required is a large unnecessary financial burden for the adoptive parents.

Many practitioners overlook the PA Supreme Court Rules for additional requirements in adoption procedures. Paragraph No. 11 includes these often overlooked requirements. As a matter of convenience, the petition also contains the required consent forms.

Paragraph No. 12 is inserted to remind the practitioner to attach a birth certificate or certification of registration of birth. If neither of these can be obtained, refer to paragraph 13(j) in the ADOPTION PETITION for an explanation of the procedure that will be required.

The information in No. 13 informs the judge whether or not an Intermediary's Report is required and whether there was custodial placement by an intermediary. Section 2530 of the Adoption Act requires the filing of a home study and pre-placement report in cases of custodial placement by an intermediary.

The objective of paragraphs 14, 15, 16 and 17 is to record relevant information about adoptee, natural mother, natural father and putative father. Rather than being scattered throughout the petition, this information is set at their respective categories. The questions and answers are in a simplistic form for quick reference and easy completion.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :
_____ : No. _____

(ADOPTEE'S name as on birth certificate)

PETITION FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS

RELINQUISHMENT TO:

"X" the one that applies.

To Agency (23 Pa.C.S.A. §2501)

To Adult(s) intending to adopt (23 Pa.C.S.A. §2502)

RELINQUISHMENT BY:

"X" those that apply.

NATURAL MOTHER.

NATURAL FATHER.

PUTATIVE FATHER.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of _____
(Names of Relinquishing Parent(s))

respectfully represent(s):

1. Name(s) of relinquishing parent(s).

(Natural Mother) (Age)

(Natural Father) (Age)

(Putative Father) (Age)

2. Full name and age of child being adopted (hereinafter referred to as ADOPTEE):

(Name) _____
(As appears on birth certificate)

(Age) _____ (Sex) - Male () Female ()

3. If parental rights are being relinquished to an approved Agency, state name and address of the Agency:

a) PA Orphans' Court Rule 15.2(b)(4) requires "the joinder of the Agency having care of the child and its consent to accept custody of the child until such time as the child is adopted." Has the joinder and consent been completed?

4. Who has custody of Adoptee?

5. If a relinquishing parent is under the age of 18 years, state name(s) and address(es) of his/her parent(s) (or Guardian).

6. If parental rights are being relinquished to ADULT(S) intending to adopt, is the identity of the proposed adoptive parent(s) known to the relinquishing parent(s)?

a) If yes, state name(s) and address(es) of proposed adoptive parent(s).

b) Are proposed adoptive parents married? _____

7. Have any of Adoptee's natural parents' or putative father's parental rights been relinquished or terminated prior to these proceedings? _____

a) If yes, state name(s) of such parent(s) and the date, place and type of proceedings.

8. Is it anticipated that any of Adoptee's natural parents' or putative father's parental rights will be relinquished or terminated subsequent to these proceedings? _____

a) If yes, explain.

9. Are any of the Adoptee's natural parents or putative father deceased?

- a) If yes, state name, relationship to Adoptee, date of death and attach an original death certificate as an Exhibit.

10. Is Adoptee's parent who is not a petitioner in these proceedings joining in the prayer of this petition? _____

- a) If yes, PA Orphans' Court Rules Nos. 15.2(c) and 15.3(c) require that person to testify at the hearing.
- b) If not the aforementioned Rules require notice to the other parent of the hearing on the petition.

11. No "Report of Intention to Adopt" is required if the Adoptee is "the child, grandchild, stepchild, brother or sister of the whole or half blood or niece or nephew by blood, marriage or adoption" of the adopting parent(s) (23 Pa.C.S.A. 2531(c)). In all other cases, persons receiving custody for an adoption are required to file a "Report of Intention to Adopt" within thirty days of receiving custody or physical care (23 Pa.C.S.A. §2532). Is a "Report of Intention to Adopt" required in this case? _____

- a) If yes, when and where was the "Report of Intention to Adopt" filed? (Pa. Orphans' Court Rule 15.3).

- b) If yes, when and where was physical custody of Adoptee placed with adoptive parent(s)? (Pa. Orphans' Court Rule 15.3(a)).

- c) Has the consent of the adult(s) accepting custody of Adoptee been completed and signed? (Pa. Orphans' Court Rule 15.3(b)).

12. Is birth certificate or certification of registration of birth of Adoptee attached as an Exhibit? (Pa.Orphans' Court Rules 15.2(b)(2) and 15.3(b))

- a) If not see 23 Pa.C.S.A. §2701(9) and question 13(j) in Adoption Petition form.

13. If an Intermediary is involved, state:

- a) Name:

- b) Address:

- c) Date Intermediary Report filed:

- d) Did the Intermediary place the Adoptee in the physical care or custody of the adoptive parent(s)? (If yes, see 23 Pa.C.S.A. §2530

Home Study and Pre-Placement Report)

14. ADOPTEE INFORMATION

- a) Full name: _____
(Name as on birth certificate)
- b) Age: _____
- c) Date of birth: _____
- d) Birthplace: _____
- e) Sex Male () Female ()
- f) Religious affiliation: _____
- g) Racial background: _____

15. NATURAL MOTHER OF ADOPTEE:

- a) Present name: _____
- b) Maiden name: _____
- c) Present marital status: _____
If married, state:
 - 1) Date: _____
 - 2) Place: _____
 - 3) Name of spouse: _____
- d) Age and date of birth: _____
- e) Birthplace: _____
- f) Present address: _____
- g) Were you married when Adoptee was born (Pa. Orphans ' Court Rule No. 15.3(a)? _____

- 1) If yes, name of spouse: _____
- h) Were you married one year before birth of Adoptee? (Pa Orphans' Court Rule No. 15.2 and 15.3(a)) _____
- 1) If yes, name of spouse: _____
- i) If Adoptee was born out of wedlock, do you intend to marry the natural father? (Pa. Orphans' Court Rules 15.2(a)(7) and 15.3(a)) _____
- j) Are you voluntarily relinquishing your parental rights? _____
- 1) If yes, state reasons for seeking relinquishment: (Pa. Orphans Court Rules 15.29(a)(8) and 15.3(a)) _____
- _____
- _____
- _____
- k) What is your employment? _____
- l) The last known address of Adoptee's NATURAL FATHER: _____
- _____
- m) Is your consent to the adoption attached? _____
- n) The parent relinquishing parental rights must personally appear in court at the voluntary relinquishment hearing. (23 Pa.C.S.A. §2503)
- o) The NATURAL MOTHER has executed this petition voluntarily to

promote what the NATURAL MOTHER believes to be in her best interest and the Adoptee's best interest. (Pa.Orphans' Court Rules Nos. 15.2(9) and 15.3(a))

- p) List the names of all other husbands of NATURAL MOTHER: (Pa. Orphans' Court Rules 15.2(a)(3) and 15.3(a)).

16. NATURAL FATHER OF ADOPTEE:

- a) Present name:

- b) Present marital status: _____

If married, state:

1) Date: _____

2) Place: _____

3) Name of spouse: _____

- c) Age and date of birth: _____

- d) Birthplace: _____

- e) Present address:

- f) Were you married when Adoptee was born? _____

1) If yes, name of spouse: _____

- g) Were you married one year before birth of Adoptee? _____

1) If yes, name of spouse: _____

h) If Adoptee was born out of wedlock, do you intend to marry the natural mother? (Pa. Orphans' Court Rules 15.2(a)(7) and 15.3(a))

i) Are you voluntarily relinquishing your parental rights? _____

1) If yes, state reasons for seeking relinquishment: (Pa. Orphans' Court Rules 15.2(a)(8) and 15.3(a))

j) What is your employment?

k) The last known address of Adoptee's NATURAL MOTHER:

l) Is your consent to the adoption attached? _____

m) The parent relinquishment parental rights must personally appear in court at the voluntary relinquishment hearing. (23 Pa. C.S.A. §2503).

n) The NATURAL FATHER has executed this petition voluntarily to promote what the NATURAL FATHER believes to be in his best interest and the Adoptee's best interest. (PA. Orphans' Court Rules Nos. 15.2(a)(9) and 15.3(a))

17. PUTATIVE FATHER

A PUTATIVE FATHER'S parental rights may be terminated in these proceedings either by having the PUTATIVE FATHER join in this petition as a petitioner (this will require his testimony at the evidentiary hearing) OR by giving him NOTICE pursuant to 23 Pa. C.S.A. §2503(d).

Is the termination of the parental rights of a PUTATIVE FATHER an objective by either method? _____

- a) If yes, complete the questions in the section entitled PUTATIVE FATHER, which is attached to this petition.

18. Has/Have petitioner(s) received counseling concerning the termination of parental rights and the alternatives thereto from an approved agency or from a qualified counselor? (See 23 Pa.C.S.A. 2505) _____

- a) If yes, state the name and address of agency or counselor:

- b) If not, does any petitioner apply to the court for counseling

Yes _____ No _____

WHEREFORE, your petitioner(s) prays for Decree(s) terminating the parental rights of the petitioner(s) and if required hereby terminate the parental rights of the Putative Father and award custody to the appropriate entity or parties.

Signature of Petitioner(s)

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF CRAWFORD COUNTY

The above named petitioner(s), being duly sworn according to law depose(s) and say(s) that the facts set forth in the above Petition for Voluntary Relinquishment of Parental Rights are true and correct to the best of his/her/their knowledge, information and belief.

Signature of Petitioner(s)

Sworn to and subscribed before me
this _____ day of _____, 20____

Notary Public

(Alternative Attestation)

I/WE the above named petitioner(s) do verify that the statements contained in this Adoption Petition are true and correct to the best of my/our knowledge, information and belief. I/We understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities. (The maximum penalty for such violation is a period of incarceration up to two years and a \$5,000 fine.)

Date: _____

(Signature(s) of Petitioner(s))

WITNESS

ADDRESS OF WITNESS

CONSENTS TO ACCEPT CUSTODY

CONSENT BY AGENCY (Pa. Orphans' Court Rule No. 15.2(b)(4))

We hereby certify that we are an approved AGENCY as defined in the Adoption Act and that _____

Adoptee

has been in our care and custody since _____
and we agree to accept custody of the child/Adoptee until such time as the child/Adoptee is adopted, that we have read the foregoing petition, consent thereto and join in the prayer.

Date: _____

Agency

By _____

Title

CONSENT BY ADULT(s) (Pa Orphans' Court Rule 15.3(b))

I/We _____

Name(s) of Adoptive Parent(s)

certify that the within named ADOPTEE has been in my/our custody since the _____ day of _____, 20____. I /We agree to accept and continue custody until the Adoption is completed. I/We filed a Report of Intent to Adopt the ADOPTEE on the _____ day of _____ 20____. My/Our present address is _____

Date: _____

(Name of Adult Intending to Adopt)

(Name of Adult Intending to Adopt)

IN RE: ADOPTION OF _____
(Adoptee's Name on Birth Certificate)

CONSENT TO ADOPTION OF NATURAL PARENT OR PUTATIVE FATHER
WHO IS RELINQUISHING PARENTAL RIGHTS

(23 Pa. C.S.A. §2711(d))

1. Name of person consenting to adoption of _____
(Adoptee)

2. Age and date of birth of person consenting to the adoption:

3. Address of person consenting to the adoption:

4. Marital status of person consenting to the adoption: _____

a) If married, what is spouse's name: _____

b) If married, what is place and date of marriage: _____

5. Relationship to person being adopted (Adoptee): _____

a) Name and address of Adoptee's natural mother:

b) Name and address of Adoptee's natural father:

c) If there is a presumptive father, state his name and address:

6. Name of person being adopted (Adoptee): _____

7. Age, birth date, and sex of person being adopted (Adoptee):

As to the disclosure to me of the identity of the adoptive parent(s) (check which block applies)

I hereby voluntarily and unconditionally consent to the adoption of the above-named child by _____
(Adoptive Parent or Parents)

I hereby state that this Consent is voluntarily executed without disclosure to me of the name or other identification of the adopting parent or parents.

Read the following carefully:

I hereby voluntarily and unconditionally consent to the adoption of the above named adoptee.

I understand that by signing this consent I indicate my intent to permanently give up all of my rights to the above named adopter.

I understand that the above named adoptee will be placed for adoption.

I understand I may revoke this consent to permanently give up all of my rights to the above named adoptee by placing the revocation in writing and serving it upon the agency or adult to whom the adoptee was relinquished.

I UNDERSTAND I MAY NOT REVOKE THIS CONSENT AFTER A COURT HAS ENTERED A DECREE CONFIRMING THIS CONSENT OR OTHERWISE TERMINATING MY PARENTAL RIGHTS TO THE ADOPTEE EVEN IF A DECREE

HAS NOT BEEN ENTERED TERMINATING MY PARENTAL RIGHTS I MAY NOT REVOKE THIS CONSENT AFTER A DECREE OF ADOPTION OF THIS ADOPTEE IS ENTERED.

I have carefully read and understood the above and I am signing this consent as my free and voluntary act.

Signature of Consenter

Date: _____

Place where read and signed:

WITNESSES TO SIGNATURE:

Relation to Consenter

(Signature of Witness)

(Print or Type Name of Witness)

Address

(Signature of Witness)

Relation to Consenter

(Print or Type Name of Witness)

Address

PUTATIVE FATHER

If a PUTATIVE FATHER is a petitioner in this petition for voluntary relinquishment of parental rights, he should read the petition and it should be explained to him. He should then sign the petition and attest to its truthfulness and accuracy. He must be given notice pursuant to 23 Pa. C.S.A. §2503(b) and 23 Pa. C.S.A. §2513(b). He must also appear and testify at the evidentiary hearing.

The PUTATIVE FATHER's parental rights may be terminated in these proceedings even though he is not a petitioner in this petition. The PUTATIVE FATHER'S parental rights may be terminated at the evidentiary hearing on this petition if certain requirements are fulfilled. These requirements are as follows: (See Pa. C.S.A. §2503(d)).

- a. PUTATIVE FATHER will not sign a petition for voluntary relinquishment of parental rights. (If he is willing to proceed as a petitioner in a petition for voluntary relinquishment of parental rights, this procedure must be utilized.)
- b. Attach as an Exhibit, or admit into evidence at the evidentiary hearing on this petition, a certification from the Department of Health that the PUTATIVE FATHER has not filed an acknowledgment of paternity or claim of paternity pursuant to 23 Pa. C.S.A. §5103.
- c. At least ten days written notice of the hearing shall be given to the PUTATIVE FATHER. This notice shall comply with 23 Pa. C.S.A. §2503(b).

- d. PUTATIVE FATHER fails to appear at the evidentiary hearing on this petition for the purpose of objecting to termination of his parental rights.
- e. PUTATIVE FATHER fails to file written objections to such termination with the court prior to the hearing.
- f. Method of providing notice shall conform to Pa. Orphans' Court Rules Nos. 5. and 15.6

Information on PUTATIVE FATHER

- a. Name: _____
- b. Age and date of birth: _____
- c. Birthplace: _____
- d. Last known address: _____
- e. Racial background: _____
- f. Religious affiliation: _____
- g. Present marital status: _____
(1) If married, name of spouse:

- h. Was PUTATIVE FATHER ever married to NATURAL MOTHER? _____
If yes, state when: _____
- i) Explain the circumstances that created the status of PUTATIVE FATHER:

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :
_____: No. _____
(ADOPTEE'S name as on birth certificate)

DECREE OF TERMINATION
(Voluntary Relinquishment)

AND NOW, this _____ day of _____, 20____, after review of the record and after an evidentiary hearing following due notice the court makes the following findings and judicial determinations.

1. The petitioner(s) is/are _____

2. The petitioner(s) is/are the natural parent(s) of the above captioned Adoptee.

3. Petitioner(s) has/have knowingly, deliberately and voluntarily relinquished all of his/her/their parental rights to Adoptee.

4. If relinquishment is to an adult or adults ALL OF PETITIONER(S) PARENTAL RIGHTS TO ADOPTEE ARE HEREBY FOREVER TERMINATED AND ADOPTEE MAY BE ADOPTED WITHOUT FURTHER CONSENT OF OR NOTICE TO PETITIONER(S).

If relinquishment is an agency ALL OF PETITIONER(S) PARENTAL RIGHTS AND DUTIES TO ADOPTEE ARE HEREBY FOREVER TERMINATED AND ADOPTEE MAY BE ADOPTED WITHOUT FURTHER CONSENT OF OR NOTICE TO PETITIONER(S).

5. The custody of Adoptee is hereby transferred to -

a) the adopting parent(s) _____

OR

b) _____

an approved Agency and such Agency is hereby authorized to give consent to the adoption of Adoptee.

6. _____
(Name of Putative Father)

putative father of adoptee having received proper and due notice in accordance with 23 Pa. C.S.A. §2503, has failed to file an acknowledgement of paternity pursuant to 23 Pa.C.S.A.§5103 and has failed to appear or file written objections as required by 23 Pa.C.S.A. §2503. THE PARENTAL RIGHTS OF SAID PUTATIVE FATHER ARE HEREBY TERMINATED pursuant to 23 Pa. C.S.A. §2503 and the adoption of Adoptee may continue without further consent of, or notice to said putative father.

BY THE COURT

J.

Attest:

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

NOTICE

TO: _____

On _____, after hearing, the Court entered a Decree terminating your parental rights as the of _____. A true and correct copy of that Decree is attached.

This is a final decree. You have the right to file an appeal to the Superior Court of Pennsylvania within thirty (30) days from the date of this final decree.

If you do not take an appeal within the next thirty (30) days you have no further appeal rights.

You are also notified and advised that you have a right to place certain information on file with these adoption proceedings with the Clerk of Courts of Crawford County and the Department of Health or the Department of Welfare. There are two separate rights and they are set forth in more detail on the two pages that are attached and made a part hereof. The notice forms are as follows:

1. Notice to Birth Parents - Pennsylvania Adoption Medical History Registry.
2. Notice to Birth Parents - Consent to the Disclosure of Certain Identifying or Nonidentifying Information Pertaining to the Birth Parents.

See also 23 Pa. C.S.A. 2503(e), 2504(d) and 2511 (c).

BY THE COURT

P.J.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :
_____ : No. _____

PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
PRELIMINARY DECREE

(23 Pa. C.S.A. §2511)

AND NOW, this _____ day of _____, 20____, to
judicially resolve the attached petition, it is ORDERED and DECREED that an
evidentiary hearing is set in Courtroom No. _____ for the _____
day of _____, 20__, at _____ o'clock ____m.

At least ten days written notice shall be given to the parent or parents and
putative father whose rights are to be terminated and to the parent or guardian of a
minor parent whose rights are to be terminated. A copy of the notice shall be given to
the other parties. Manner of service and contents of notice shall comply with 23
Pa.C.S.A. §2513(b). Method of providing said notice shall conform to PA Orphans'
Court Rule Nos. 5 and 15.6.

BY THE COURT

J.

ATTEST:

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :
_____: No. _____
(ADOPTEE's name as on birth certificate)

PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
(23 Pa. C.S.A. §2511)

PARTIES WHOSE RIGHTS ARE BEING TERMINATED:

"X" those that apply (list names and ages)

- NATURAL MOTHER _____ (Age) _____
- NATURAL FATHER _____ (Age) _____
- PUTATIVE FATHER _____ (Age) _____

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of _____

respectfully represent(s):

1. List name(s) and address(es) of petitioner(s):

[See 23 Pa.C.S.A. §2512 for parties who are authorized to be petitioner(s)]

2. State relationship of petitioner(s) to ADOPTEE:

3. If required, petitioner(s) have or will timely file a Report of Intention to Adopt:

(23 Pa.C.S.A. §2531 and §2532)

a) If required, state date of filing: _____

4. The petitioner(s) agree to assume or maintain custody of ADOPTEE until such

time as ADOPTEE is adopted: *[23 Pa.C.S.A. §2512(b)]*

5. If petitioner is an approved AGENCY or INSTITUTION, state complete name and address:

6. ADOPTEE:

a) Name as appears on birth certificate:

b) Age, date of birth and sex of ADOPTEE:

c) Birthplace:_____

d) Present residence:

e) Who has custody of ADOPTEE and since when:

f) Was ADOPTEE born out of wedlock?_____

g) Religious affiliation:_____

h) Racial background: _____

7. NATURAL MOTHER

a) Name: _____

b) Maiden name: _____

c) Present address: _____

(1) If unknown, list last known address: _____

d) Age and date of birth: _____

e) Birthplace: _____

f) Present marital status: _____

(1) If married, name of spouse: _____

(2) If married, date and place of marriage: _____

(3) List name(s) of all other husbands of NATURAL MOTHER: *[Pa. Orphans' Court Rule No. 15.4 (a)(4)]*

g) Was NATURAL MOTHER married as of the time of birth of ADOPTEE? _____
[Pa. Orphans' Court Rule No. 15.4(a)(4)]

(1) If yes, name of spouse: _____

(2) If this marriage ended, state how and when: _____

h) Was NATURAL MOTHER married one year prior to the time of birth of ADOPTEE? [*Pa. Orphans' Court Rule No. 15.2(a)(3), 15.4(a)(4).*] _____

1) If yes, name of spouse:

(2) If this marriage ended, state how and when:

i) Racial background: _____

j) Religious background: _____

k) Is this petition requesting the termination of the NATURAL MOTHER'S parental rights? _____

8. NATURAL FATHER:

a) Name: _____

b) Present address:

(1) If unknown, list last known address:

c) Age and date of birth:

d) Birthplace: _____

- e) Present marital status:
 - 1) If married, name of spouse: _____
 - 2) If married, date and place of marriage: _____
- f) Racial background: _____
- g) Religious background: _____
- h) Is this petition requesting the termination of the NATURAL FATHER'S parental rights? _____

9. PUTATIVE FATHER

(If this petition is not requesting the termination of parental rights of a PUTATIVE FATHER, DO NOT COMPLETE THIS SECTION).

- a) Name: _____
- b) Age and date of birth: _____
- c) Birthplace: _____
- d) Present address: _____

- (1) If unknown, list last known address: _____

- e) Racial background: _____
- f) Religious background: _____
- g) Present marital status: _____
 - 1) If married, name of spouse: _____

h) Was PUTATIVE FATHER ever married to the NATURAL MOTHER? _____

1) If yes, state beginning and ending dates of marriage:

(i) Explain the circumstances that create the status of PUTATIVE FATHER:

10. If this petition does not identify the father of ADOPTEE, attach a certification from the Department of Health as to whether a claim of paternity has been filed pursuant to 23 Pa.C.S.A. §5103. [23 Pa.C.S.A. §2512 (c)]

11. 23 Pa. C.S.A. §2512(b) mandates that the Petition for Involuntary Termination of Parental Rights "shall set forth specifically those grounds and facts alleged as the basis for terminating parental rights." Therefore, cite the specific subsections of 23 Pa.C.S.A. §2511 which establish the legal basis for the requested termination(s) and state the alleged facts which justify the requested termination(s). Set forth this information in Appendix No. 1 and attach to this petition or insert this information at this point.

12. If petitioner(s) are individuals rather than an approved AGENCY, are the termination(s) of parental rights requested herein to effectuate the adoption of ADOPTEE?

a. If anonymity is not a problem, list name(s) of adopting parent(s) and relationship, if any, to ADOPTEE:

13. Attach a birth certificate or certification of registration of birth of ADOPTEE:
[Pa. Orphans' Court Rule No. 15.4(b)(1)]

14. List the name(s) of person(s) whose parental rights may be terminated by these proceedings who is a member of the United States armed services and thereby entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, 50 U.S.C.A. §501 et. seq. [Pa. Orphans' Court Rule No. 15.4(a)(7)]

15. As soon as petitioner(s) or attorney(s) have reason to believe these proceedings will be contested, the court must be notified IMMEDIATELY so that an attorney may be appointed for ADOPTEE as required by 23 Pa. C.S.A. §2313 and thus avoid needless delay.

WHEREFORE, petitioner(s) pray your Honorable Court to set an evidentiary hearing and thereafter judicially decree the termination of the parental rights as required herein and further award custody of the ADOPTEE to the petitioner(s), and, further decree that a ADOPTEE may be adopted without further consent of, or notice to those individuals whose parental rights are hereby terminated.

Attorney for Petitioner(s)

AFFIDAVIT (Agency)

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF _____ :

Before me, the undersigned authority personally appeared _____
_____ who deposes and says he/she is
the authorized representative of _____
_____ and that the facts set forth in the foregoing
petition are true and correct to the best of his/her knowledge, information and belief.

Sworn to and subscribed
before me this _____ day
of _____, 20____

Signature of Notary

(SEAL OF NOTARY)

AFFIDAVIT (Individual(s))

COMMONWEALTH OF PENNSYLVANIA :
 :
COUNTY OF _____ :

Before me, the undersigned authority personally appeared _____
_____ who depose(s) and
say(s) that the facts set forth in the foregoing petition are true and correct to the best
of his/her/their knowledge, information and belief.

Sworn to and subscribed
before me this _____ day
of _____, 20____

Signature of Notary

(SEAL OF NOTARY)

(Alternative Attestation)

I/We the petitioner(s) do verify that the statements contained in this Petition for Involuntary Termination of Parental Rights are true and correct to the best of my/our knowledge, information and belief. I/We understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsifications to authorities. *(The maximum penalty for such violation is a period of incarceration up to two years and a \$5,000 fine.*

Date: _____

(Signatures(s) of Petitioner(s))

WITNESS:

ADDRESS OF WITNESS:

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :

(ADOPTEE'S name as on birth certificate) : No. _____

PETITION TO CONFIRM CONSENT TO ADOPTION
(23 Pa. C.S.A. §2504)

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The petition of _____
(Adoptive parent(s) or Intermediary)

respectfully represents:

1. This petition relates to the confirmation of consent and termination of the parental rights of the following:

"X" those that apply (list names and ages)

- NATURAL MOTHER _____ (Age) _____
- NATURAL FATHER _____ (Age) _____
- PUTATIVE FATHER _____ (Age) _____

2. 23 Pa. C.S.A. §2504 authorizes an intermediary or adoptive parent(s) to file a Petition to Confirm Consent. The above named petitioner(s) are [intermediary] or [adoptive] parent(s). Petitioner(s) name(s) and address(es) are as follows:

3. **ADOPTEE:**

a) Name as appears on birth certificate: (Attach a copy of the birth certificate to this petition).

b) Age, date of birth and sex of ADOPTEE:

c) Birthplace: _____

d) Present residence:

e) Who has custody of ADOPTEE and since when:

f) Was ADOPTEE born out of wedlock? _____

g) Religious affiliation: _____

h) Racial background: _____

4. NATURAL MOTHER

a) Name:

b) Maiden name:

c) Present address:

(1) If unknown, list last known address:

d) Age and date of birth: _____

e) Birthplace: _____

f) Present marital status: _____

(1) If married, name of spouse:

(2) If married, date and place of marriage:

g) Was NATURAL MOTHER married as of the time of birth of ADOPTEE? _____

(1) If yes, name of spouse:

(2) If this marriage ended, state how and when:

h) Was NATURAL MOTHER married one year prior to the time of birth of ADOPTEE? _____

(1) If yes, name of spouse:

(2) If this marriage ended, state how and when:

i) Racial background: _____

j) Religious background: _____

5. NATURAL FATHER:

a) Name:

b) Present address:

(1) If unknown, list last known address:

c) Age and date of birth:

d) Birthplace: _____

e) Present marital status:
1) If married, name of spouse: _____

2) If married, date and place of marriage: _____

f) Was NATURAL FATHER married as of the time of birth of ADOPTEE?

(1) If yes, name of spouse: _____

(2) If this marriage ended, state how and when: _____

g) Was NATURAL FATHER married one year prior to the time of birth of ADOPTEE?

(1) If yes, name of spouse: _____

(2) If this marriage ended, state how and when: _____

h) Racial background: _____

i) Religious background: _____

6. PUTATIVE FATHER

If a PUTATIVE FATHER is named as a party-respondent in this petition and has duly executed the consent as specified in 23 Pa. C.S.A. §2711(d) and which is attached hereto, the following information section on PUTATIVE FATHER should be completed. Thereafter, the provisions of 23 Pa. C.S.A. 2504 should be fulfilled.

[A PUTATIVE FATHER’s parental rights can be terminated in these proceedings even though he has not executed a consent. If a PUTATIVE FATHER has not executed a consent form as specified in 23 Pa. C.S.A. 2711(d) and petitioners desire to terminate the parental rights of a PUTATIVE FATHER as an adjunct to this Petition to Confirm Consent the information section should be completed and the following requirements must be completed (23 Pa. C.S.A. §2504 (c)].

- a) Complete this section of petition relating to information about PUTATIVE FATHER.
- b) Attach as an exhibit or admit into evidence at the hearing on this petition a certification from the Department of Health that the PUTATIVE FATHER has not filed a claim of paternity pursuant to 23 Pa. C.S.A. §5103.
- c) At least ten days written notice of the hearing shall be given to the PUTATIVE FATHER. This notice shall include the specific language set forth in 23 P.S. C.S.A. 2513(b) and shall comply with all other requirements set forth therein.
- d) PUTATIVE FATHER has not filed written objections to termination of his parental rights.
- e) PUTATIVE FATHER fails to appear at the hearing on this petition.
- f) PUTATIVE FATHER did not execute a Consent to Adoption in accordance with 23 Pa. C.S.A. §2711.
- g) Method of providing notice shall conform to Pa. Orphans’ Court Rule Nos. 5 and 15.6.

INFORMATION ON PUTATIVE FATHER

- a) Name of PUTATIVE FATHER:

- b) Age and date of birth: _____
- c) Birthplace: _____
- d) Last known address:

- e) Racial background: _____
- f) Religious background: _____

g) Present marital status: _____
1) If married, name of spouse:

h) Was PUTATIVE FATHER ever married to the NATURAL MOTHER?
1) If yes, state beginning and ending dates of marriage:

i) Explain the circumstances that create the status of PUTATIVE FATHER:

7. The NATURAL MOTHER and NATURAL FATHER do not intend to marry.

8. The adoptive parent(s) agree to accept custody of the ADOPTEE until such time as may be adopted.

9. On the _____ day of _____, 20____, the consenting parent(s) has/have executed the consent(s) to Adoption of ADOPTEE as required by 23 Pa. C.S.A. §2504, but have failed for a period of at least forty (40) days after executing the consent, to file or proceed with a petition for voluntary relinquishment of parental rights. Said ORIGINAL consents are attached hereto as Exhibit(s) No(s). _____.

WHEREFORE, petitioner(s) request(s) this Honorable Court to set an evidentiary hearing and thereafter confirm the consents) to Adoption of ADOPTEE, terminate the parental rights of the consenting parents and award custody to the appropriate entity or parties.

(Attorney for Intermediary/Adoptive Parent(s))

COMMONWEALTH OF PENNSYLVANIA :
 :
COUNTY OF Crawford : SS:

The above named petitioner(s), being duly sworn according to law depose(s) and say(s) that the facts set forth in the above Petition to Confirm Consent are true and correct to the best of his/her/their knowledge, information and belief.

Signature(s) of Petitioners(s)

Sworn to and subscribed before
me this _____ day of _____,
20_____

Signature of Notary

(SEAL OF NOTARY)

(Alternative Attestation)

I/We the above named petitioner(s) do verify that the statements contained in this Petition to Confirm Consent are true and correct to the best of my/our knowledge, information and belief. I/We understand that false statements herein made are subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsifications to authorities. (The maximum penalty for such violation is a period of incarceration up to two years and a \$5,000 fine.)

Date _____

(Signature(s) of Petitioner(s))

WITNESS

ADDRESS OF WITNESS

CONSENT OF ADOPTEE:

I am over twelve years of age, have read the foregoing petition and consent to my adoption by _____

I also agree to having my named changed to _____

Date: _____

Signature of Adoptee

WITNESS

ADDRESS OF WITNESS

CONSENT OF NATURAL PARENT TO ADOPTION BY MY SPOUSE.

As natural parent (or parent by former adoption), I consent to his/her adoption by my spouse. I believe it is in the best interest of my child. I further agree to the name change as heretofore stated.

Date _____

(Signature of Natural or Adoptive Parent)

WITNESS

WITNESS ADDRESS

IN RE: ADOPTION OF

(Adoptee's Name on Birth Certificate)

CONSENT TO ADOPTION

(23 Pa. C.S.A. §2711)

1. Name of person consenting to adoption of _____
(Adoptee)

2. Age and date of birth of person consenting to the adoption:

3. Address of person consenting to the adoption:

4. Marital status of person consenting to the adoption: _____
 - a) If married, what is spouse's name: _____
 - b) If married, what is place and date of marriage:

5. Relationship to person being adopted (Adoptee): _____
 - a) Name and address of Adoptee's natural mother:

 - b) Name and address of Adoptee's natural father:

 - c) If there is a presumptive father state his name and address:

6. Name of person being adopted (Adoptee): _____

7. Age, birth date, and sex of person being adopted (Adoptee):

As to the disclosure to me of the identity of the adoptive parent(s) (check which block applies)

I hereby voluntarily and unconditionally consent to the adoption of the above-named child by _____

(Adoptive Parent or Parents)

I hereby state that this Consent is voluntarily executed without disclosure to me of the name or other identification of the adopting parent or parents.

READ THE FOLLOWING CAREFULLY:

I hereby voluntarily and unconditionally consent to the adoption of the above named adoptee.

I understand that by signing this consent I indicate my intent to permanently give up all of my rights to the above named adopter.

I understand that the above named adoptee will be placed for adoption.

I understand I may revoke this consent to permanently give up all of my rights to the above named adoptee by placing the revocation in writing and serving it upon the agency or adult to whom the adoptee was relinquished.

I UNDERSTAND I MAY NOT REVOKE THIS CONSENT AFTER A COURT HAS ENTERED A DECREE CONFIRMING THIS CONSENT OR OTHERWISE TERMINATING MY PARENTAL RIGHTS TO THE ADOPTEE

EVEN IF A DECREE HAS NOT BEEN ENTERED TERMINATING MY PARENTAL RIGHTS I MAY NOT REVOKE THIS CONSENT AFTER A DECREE OF ADOPTION OF THIS ADOPTEE IS ENTERED.

I have carefully read and understood the above and I am signing this consent as my free and voluntary act.

Signature of Consenter

Date: _____

Place where read and signed:

WITNESSES TO SIGNATURE:

Relation to Consenter

(Signature of Witness)

(Print or Type Name of Witness)

Address

(Signature of Witness)

Relation to Consenter

(Print or Type Name of Witness)

Address

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :
_____ : No. _____
(ADOPTEE'S name as on birth certificate)

PETITION TO CONFIRM CONSENT TO ADOPTION

PRELIMINARY DECREE
(23 Pa. C.S.A. §2504)

AND NOW, this _____ day of _____ 20____ to judicially resolve the attached petition, it is ORDERED AND DECREED that an evidentiary hearing is set in Courtroom No. _____ for the _____ day of _____, 20____, at _____ o'clock ____m. At least ten days written notice, as required by 23 Pa.C.S.A. §2503(b), shall be given to the following:

- (1) the parent(s) who have consented in attached petition,
- (2) the parent(s) who have not consented in attached petition,
- (3) the parent(s) or guardian of consenting parent(s) who is/are under the age of 18.

The parent(s) consenting in attached petition and their parent(s) or guardian if under 18 years of age and/or the putative father whose parental rights are being exposed to termination shall also be advised in said notice that their parental rights may be terminated at the aforesaid hearing.

Method of providing said notice shall conform to PA. Orphans' Court Rule Nos. 5 and 15.6.

BY THE COURT

J.

ATTEST:

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

In Re: Adoption of _____ :

(ADOPTEE'S name as on birth certificate) : No. _____

DECREE OF TERMINATION

(Petition to Confirm Consent)

AND NOW, this _____ day of _____, 20____
, after review of the record and after an evidentiary hearing following due notice the court makes the following findings and judicial determinations.

1. _____ has
/have executed a Consent to Adoption in accordance with 23 Pa. C.S.A. §2711 and 2504.

2. The consenting natural parent(s) has/have failed to revoke said consent within thirty (30) days after the birth of the child or thirty (30) days after the consent was signed, whichever occurred later.

3. If relinquishment is to an adult or adults, all of the parental rights of the consenting parent(s) are forever terminated and the adoption of adoptee may proceed without further consent of, or notice to, said consenting parent(s).

If relinquishment is to an agency, all of the parental rights and duties of the consenting parent(s) are forever terminated and the adoption of adoptee may proceed without further consent of, or notice to, said consenting parent(s).

4. The custody of ADOPTEE is hereby transferred to
a) the adopting parent(s) _____

OR

b) _____
an approved Agency and such Agency is hereby authorized to give consent to the adoption of ADOPTEE.

5. _____
(Name of Putative Father)

6. The petitioner(s) shall serve a true and correct copy of the notices attached hereto upon all persons who have consented resulting in their parental rights being forever terminated by this decree as well as the putative father if his parental rights are terminated herein. Said notices shall be sent by certified mail, return receipt requested or shall be served personally upon said persons in the same manner as original process is served upon persons in civil cases. The petitioner(s) shall file a proof of service of this notice with the Clerk of Courts.

The putative father of ADOPTEE having received proper and due notice in accordance with 23 Pa. C.S.A. §2504(b), has failed to file an acknowledgement of paternity pursuant to 23 Pa.C.S.A. §5103 and has failed to appear or file written objections as required by 23 Pa. C.S.A. §2504(c). THE PARENTAL RIGHTS OF SAID PUTATIVE FATHER ARE HEREBY TERMINATED pursuant to 23 Pa. C.S.A. §2504 and the adoption of ADOPTEE may continue without further consent of, or notice to said putative father.

BY THE COURT

J.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
ORPHANS COURT DIVISION

NOTICE

On _____, after hearing, the Court entered a Decree terminating your parental rights as the _____ of _____ . A true and correct copy of that Decree is attached.

This is a final decree.

You are also notified and advised that you have a right to place certain information on file with these adoption proceedings with the Clerk of Courts of Crawford County and the Department of Health or the Department of Welfare. There are two separate rights and they are set forth in more detail on the two pages that are attached and made a part hereof. The notice forms are as follows:

1. Notice to Birth Parents - Pennsylvania Adoption Medical History Registry.
2. Notice to Birth Parents - Consent to the Disclosure of Certain Identifying or Nonidentifying Information Pertaining to the Birth Parents.

See also 23 Pa. C.S.A. 2503(e), 2504(d) and 2511 (c).

BY THE COURT

P.J.