

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 3]

Order Amending Rules 120, 160, 163, 166, 300, 302, and 340 and Adopting New Rule 161 of the Rules of Juvenile Court Procedure; No. 569 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 21st day of May, 2012, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 40 Pa.B. 4742 (August 21, 2010), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 999, No. 2, September 17, 2010), and on the Supreme Court's web page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 120, 160, 163, 166, 300, 302, and 340 and adoption of new Rule 161 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2012.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 120. Definitions.

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HEALTH CARE is care related to any medical need including physical, mental, and dental health. This term is used in the broadest sense to include any type of health need.

INSPECTION is the official examination of a document or evidence as authorized by Rules 160 and 161.

INTAKE STAFF is any responsible person taking custody of the juvenile on behalf of the court, detention facility, or medical facility.

ISSUING AUTHORITY is any public official having the power and authority of a magistrate, a Philadelphia bail commissioner, or a Magisterial District Judge.

JUDGE is a judge of the Court of Common Pleas.

JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's tenth birthday, committed a delinquent act before reaching eighteen years of age.

JUVENILE PROBATION FILES are those records formally maintained by the juvenile probation office and its officers, including, but not limited to, copies of information contained in the official juvenile court record; social studies; school records and reports; health evaluations, screenings, assessments, records, and reports, including psychological and psychiatric evaluations and reports; drug and alcohol testing, evaluations, and reports; placement reports and documents; employment records; and probation reports.

JUVENILE PROBATION OFFICER is a person who has been appointed by the court or employed by a [count's] county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

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Official Note: Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended September 7, 2011, effective immediately. Amended September 20, 2011, effective November 1, 2011. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 120 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE RECORDS

Rule 160. [Inspection of] Inspecting, Copying, and Disseminating the Official Court Record.

A. [General Rule] Inspecting. The official court record is only open to inspection by:

* * * * *

B. Copying. Any person, agency, or department permitted to inspect the record pursuant to paragraph (A) may copy or be provided with a copy of the record.

C. Disseminating. Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.

D. Public availability. Upon request, a public document shall be created by the clerk of courts if the case is designated eligible for public inspection pursuant to Rule 330 or 515.

* * * * *

Comment

Pursuant to paragraph (A)(11), the court may order that any person, agency, or department receive a copy of all or portions of the record. The court order is to state: 1) the specific information the person, agency or department may receive; 2) that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and 3) that any dissemination of the information received is a violation of the court order.

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

See Rule 120 for definition of the "official court record."

This rule is meant to include the contents of the official court record as described in Rule 166.

When delinquency proceedings are commenced pursuant to Rule 200(4), the entire criminal court file is to be transferred with the case to juvenile court. This criminal case file is now the juvenile court file, which is the official court record, and the disclosure requirements of this rule apply.

Paragraph (C) protects the juvenile from dissemination of information contained in the official court record to unauthorized sources. Nothing in this rule is intended to preclude the juvenile or the juvenile's attorney from discussing the case with others, such as, local newspaper reporters. However, specific information concerning the victim should not be disseminated by the juvenile or the juvenile's attorney.

Under paragraph [(B)] (D), there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks' office as the only document available for inspection by the general public. All other information contained in the official court record is not open for public inspection but only open to inspection to the persons enumerated in paragraph (A).

See Rule 330 for designation of public availability status in the juvenile petition. See Rule 515 for designation of public availability status in the dispositional order.

Official Note: Rule 160 adopted April 1, 2005, effective October 1, 2005[; amended]. Amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. Amended December 24, 2009, effective immediately. **Amended May 21, 2012, effective August 1, 2012.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 160 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

(*Editor's Note:* Rule 161 is new and printed in regular type to enhance readability.)

Rule 161. Inspecting, Copying, and Disseminating Juvenile Probation Files.

A. *Inspecting and copying.* Except as provided in paragraph (C), juvenile probation files shall be open to inspection and/or copying only by:

- 1) the juvenile's attorney;
- 2) the attorney for the Commonwealth;
- 3) the Sexual Offender Assessment Board; or
- 4) any other person, agency, or department by order of court.

B. *Electronic records.*

1) Records which are maintained electronically by juvenile probation offices shall be subject to inspection and/or copying only pursuant to court order.

2) Each juvenile probation office shall create a document which describes the information that is maintained by the juvenile probation office concerning each juvenile. This document shall be open to inspection and copying pursuant to paragraph (A).

C. *Contents of order.* The order shall:

- 1) specify who shall be permitted to inspect the record or any portion of the record;
- 2) specify who shall be permitted to copy the record;
- 3) state that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and
- 4) state that dissemination of any information received is a violation of the court order.

D. *Disseminating.*

1) The juvenile probation office has discretion to disseminate portions of its files to the juvenile, service providers, placement facilities, and courts and courts' professional staff of other jurisdictions when facilitating placement, the delivery of services, treatment, or transfer of the case to, or supervision by another jurisdiction consistent with applicable Federal or state law.

2) Unauthorized dissemination of any information contained in the juvenile probation file to a person, agency, or department not permitted to inspect or copy the file pursuant to this rule may result in a finding of contempt of court.

Comment

Documents contained in the juvenile probation files are not a part of the official court record unless the juvenile probation office officially files the documents in the official court record. Those documents placed in the official court record are governed by Rule 160 and 42 Pa.C.S. § 6307.

The notes of a juvenile probation officer, which describe the officer's impressions or personal observations but which are not included in a report to the court or other report, are not considered a component of a juvenile probation file that is open to inspection or copying under paragraph (A).

Nothing in this rule is intended to preclude the juvenile probation office from sharing information in its file with the juvenile.

Official Note: Rule 161 adopted May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 161 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Rule 163. Release of Information to School.

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D. *Maintained separately.* Any information provided to the building principal or his or her designee under this rule shall be maintained separately from the juvenile's official school record.

E. *Dissemination.* Unauthorized dissemination of any information contained in the school record to any unauthorized person, agency, or department may result in a finding of contempt of court.

Comment

The delinquency information in the school record is to be used only by school officials and is not to be released to the general public or third parties unless ordered by the court. In addition, information sent to the school may not be used for disciplinary purposes against the juvenile. The juvenile probation office should send a notice to the school when it sends information to the school concerning the findings of the court. The notice should state that any information received by the school should not be used against the juvenile for disciplinary reasons, including suspensions and expulsions. See 42 Pa.C.S. § 6341(b.1)(4).

For further dissemination and usage in school, see 42 Pa.C.S. § 6341(b.1).

Official Note: Rule 163 adopted April 1, 2005, effective October 1, 2005. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 163 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

PART C(2). MAINTAINING RECORDS

Rule 166. Maintaining Records in the Clerk of Courts.

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Comment

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This rule is not intended to include items contained in the juvenile probation [records or reports] files. [See Rule 160 (Inspection of the Official Court Record) and its Comment for items contained in juvenile probation records or reports.]

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Official Note: Rule 166 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 166 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

PART A. VENUE

Rule 300. Venue.

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C. *Transmission of all records.* If there is a change of venue pursuant to paragraph (B):

1) the transferring court shall transfer certified copies of all documents, reports, and summaries in the juvenile's official court record to the receiving court; and

2) The juvenile probation office of the transferring court shall transfer [all] its [records] juvenile probation files to the juvenile probation office where venue has been transferred.

Official Note: Rule 300 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 300 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Rule 302. Inter-County Transfer.

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C. *Transmission of all records.* If the case is transferred pursuant to paragraph (A) or (B):

1) the transferring court shall transfer certified copies of all documents, reports, and summaries in the juvenile's official court record to the receiving court;

2) the juvenile probation office of the transferring court shall transfer [all] its [records] juvenile probation files to the juvenile probation office where jurisdiction has been transferred.

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Official Note: Rule 302 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 302 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

PART D. PROCEDURES FOLLOWING FILING OF PETITION

Rule 340. Pre-Adjudicatory Discovery and Inspection.

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Comment

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In addition to information requested under this rule, an attorney has the right to inspect all court records and files, including juvenile probation [records and reports] files. See [Rule] Rules 160 and 161.

Official Note: Rule 340 adopted April 1, 2005, effective October 1, 2005. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 340 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

EXPLANATORY REPORT**May 2012**

The Supreme Court of Pennsylvania has adopted the modifications to Rules 120, 160, 163, 166, 300, 302, and 340 and new Rule 161 with this Recommendation. The changes are effective August 1, 2012.

Background

In December of 2009, the Court adopted changes to Rules 120 and 160 which eliminated the inspection of juvenile probation records from the Rules of Court. The scope of Rule 160 was changed from Inspection of Juvenile File/Records to Inspection of the Official Court Record as defined by Rule 120.

It was important to define the official court record, to identify the entity responsible for overseeing the record, and to clarify how the record shall be viewed. The Committee deferred addressing juvenile probation files until a future date.

In early 2010, judges and probation officers from various judicial districts inquired as to whether the Rules addressed the copying and inspection of juvenile probation files.

Now with these rule changes, the official court record is further distinguished from juvenile probation files. These changes provide for inspecting, copying, and disseminating the official court record and juvenile probation files.

Rule 120—Definitions

The definition of juvenile probation files explains what is included in the juvenile probation file and distinguishes it from the official court record. Copies of documents contained in the official court record may, however, also be included in the juvenile probation file.

In addition, “inspection” of the record is defined. It does not include the copying of the record.

Rule 160—Inspecting, Copying, and Disseminating the Official Court Record

This rule now addresses the inspecting, copying, and disseminating of information contained in the official court record. New paragraphs were added to address each issue.

The Comment further explains that the inspection of the record does not include copying the record. It is important that a court order clearly articulate whether copying is permitted. The court order should specify: 1) the exact information a person, agency, or department may receive; 2) that the information shall not be disseminated to any person, agency, or department not specified in the court order; and 3) that any unauthorized dissemination is a violation of the court order.

The court must balance the importance of sharing critical information with a specific individual, agency, or department against the potential for inappropriate use of information once released.

This rule limits the distribution of the information and provides that it is unlawful to further disseminate information concerning a juvenile from the official court record.

Rule 161—Inspecting, Copying, and Disseminating Juvenile Probation Files

This new rule provides for the inspecting and/or copying of juvenile probation files by the party’s attorneys. If the court determines that any other person, agency, or

department needs the information in the juvenile probation file, the court specifically shall order it.

The rule also provides for the sharing of information contained in the juvenile probation file in paragraph (D). The sharing of information is controlled by the juvenile probation office. The rule gives the probation office discretion to share information with the juvenile, service providers, placement facilities, and courts of other jurisdictions. This is necessary for the juvenile probation office to perform its daily operations and carry out its responsibilities in maintaining its services for its juveniles.

The rule also mandates that when the juvenile probation office shares information, it will not be further disseminated. Dissemination of information received, unless specifically authorized, is a violation of the court order.

Rule 163—Release of information to schools

Information received from the court must not be disseminated to any unauthorized person, agency, or department. Additionally, information sent to the school concerning the court’s findings should not be used against the juvenile for disciplinary reasons, including suspensions and expulsions.

Rule 166—Maintaining Records in the Clerk of Courts

Juvenile probation records are not a part of the official court record; therefore, this Comment is being deleted. Prior to the changes of Rule 160 in December of 2009, many judicial districts interpreted juvenile probation files as a part of the “files and records of the court.”

Rule 300—Venue and Rule 302—Inter-county Transfer

To remain consistent with the new definition in Rule 120, “records” has been changed to “juvenile probation files” in these rules.

Rule 340—Pre-adjudicatory Discovery and Inspection

The new Rule 161 has been cited in the Comment to this rule.

[Pa.B. Doc. No. 12-1040. Filed for public inspection June 8, 2012, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Adoption and Amendment of Local Rules of Orphans’ Court Procedure for Actions in Adoption; Misc. Doc. No. 7-OC-2012

Order

And Now, this 10th day of May, 2012, in light of the enactment of requirements for Adoptions under Act 101 of 2010,

It Is Hereby Ordered That the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Orphans’ Court Division, are amended, rescinded or adopted as indicated this date, to be effective thirty (30) days following the date of their publication in the *Pennsylvania Bulletin*:

Local Rules of Orphans' Court Procedure 39-15.1, 39-15.5.8, and 39-16 shall be amended as provided as follows.

Local Rule of Orphans' Court Procedure 39-15.5.9 shall be adopted in the following form.

Local Rule of Orphans' Court Procedure 39-15.4 shall be rescinded.

It Is Further Ordered That the District Court Administrator shall:

1. Cause seven (7) certified copies of the Local Rules to be filed with the Administrative Office of Pennsylvania Courts.

2. Distribute two (2) certified copies of the Local Rules and a computer diskette containing the text of the Local Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The computer diskette shall be formatted and labeled as provided under the Note to Pa. R.C.P. 239(c)(3).

3. Cause one (1) certified copy of the Local Rules to be filed with the Orphans' Court Procedural Rules Committee.

4. Ensure a copy of the amended Local Rules, as well as all Local Orphans' Court Rules, shall be continuously available for public inspection and copying in the office of the Clerk of Courts of Franklin County and the office of the Clerk of Courts in Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Courts shall furnish to any person a copy of any Local Rule.

5. Provide one (1) certified copy of the Local Rules to the Franklin County Law Library, and one (1) certified copy of the Local Rules to the Fulton County Law Library.

6. Arrange for the publication of the Local Rules on the Franklin County Bar Association Website at www.franklinbar.org.

By the Court

DOUGLAS W. HERMAN,
President Judge

RULE 39—15. ADOPTIONS

Rule 39—15. 1. Practice and Procedure.

(a) *Reports and Petitions; Fees.* All reports and petitions relating to adoption shall be filed with the Clerk of Courts and shall be in such form as is designated from time to time by the Court. All filing fees shall be paid at the time of filing. The Clerk shall assign each case a docket number in the format as follows: _____ - ADOPT - (YEAR). Upon the completion of any proceedings relative to adoption, all documents in connection therewith shall be handled in the manner set forth in Pa. O.C.R. 15.7.

(b) *Request for Investigation.* If no report of intention to adopt is required, in the absence of a special order of court, there shall be no investigation of the petition for

adoption. If an investigation of the adoption petition is necessary, the Court shall order the investigating agency to conclude its investigation and file its report not later than ninety (90) days after the filing of the notice of intention to adopt.

(c) *Counseling fund.* Pursuant to 23 Pa.C.S.A. § 2505(e), a fund has been established by the county to provide funding for counseling pursuant to 23 Pa.C.S.A. § 2505(c) or (d) for those who are unable to pay for such counseling. A parent who cannot afford to pay for counseling may petition the Court for payment of counseling by the fund. If the Court finds that the parent is unable to pay for counseling and desires counseling, the Court shall order payment from the fund.

Rule 39—15. 5. 8. Confirmation of Consents.

(a) *Hearing.* The hearing for confirmation of consents under 23 Pa.C.S.A. § 2504(a) may be held at the same time as the hearing on the petition for adoption provided that said hearing shall not be held sooner than thirty (30) days after the signing of the consent to adoption.

(b) *Notice.* Notice of the hearing on confirmation of consents shall be given to each parent as directed in Pa. O.C.R. 15.6 and 23 Pa.C.S.A. § 2504(b) and in the form directed in 23 Pa.C.S.A. § 2513(b).

Rule 39—15. 5. 9. Compliance with Act 101 of 2010.

(a) *Notice of Act 101 of 2010 Rights.* Either prior to, or contemporaneously with the service of the Notice of Confirmation Hearing or Notice of Involuntary Termination of Parental Rights Hearing, the Notice of Act 101 of 2010 Rights shall be served on birth parents and prospective adoptive children, if of an age that they may be reasonably likely to understand the rights set forth. An Affidavit of Service for all Notices required under these Rules shall be filed with the Clerk of Court prior to the date of the Involuntary Termination or Confirmation of Consent hearing.

(b) *Petition for Adoption.* The Petition for Adoption shall contain an averment that the Notice of Act 101 of 2010 Rights has been provided to the adoptive parents, whether a post-adoption voluntary contact agreement has been entered into, and any such agreement and the Notice of Act 101 Rights shall be attached as exhibits to the Petition for Adoption.

(c) *Publication.* In the event of service by publication, the following language shall be added to the published Notice: "Under Act 101 of 2010, there may be an option to enter into a voluntary, enforceable post-adoption contact agreement."

Rule 39—16. Forms.

(a) *Consent of a child over the age of 12.* A child over the age of 12 shall consent to his or her adoption and shall sign a consent form in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF

Born

:
:
:
:
:
:

Orphans' Court Division

_____ - ADOPT - _____

CONSENT TO ADOPTION BY ADOPTEE
(Consent of proposed adoptee over 12 years of age)
23 Pa.C.S.A. § 2711(a)(1)

I, [name of adoptee], the above proposed adoptee, aged [age], do hereby certify that I have read the petition in the above-captioned matter and fully understand the contents thereof and do hereby, without reservation, give my consent to my adoption by [name of adopting parents] the petitioners in the above-captioned matter.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 20 __, at _____.

(Signature of Consenter)

Place of execution: _____

WITNESSES:

(Name) (Signature) (Relationship to Consenter) (Date)

ADDRESS (street) (town) (state) (zip code)

(Name) (Signature) (Relationship to Consenter) (Date)

ADDRESS (street) (town) (state) (zip code)

STATE OF _____

COUNTY OF _____

On this, the ____ day of _____, 20 __, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within consent to adoption and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(b) Consent by biological parent. A biological parent who is not a petitioner in the adoption action shall sign a consent to the adoption of the child in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
:
Born : _____ - ADOPT - _____
:
:

CONSENT TO ADOPTION
23 Pa.C.S.A. § 2711(a) and (d)

(Name of Consenting Parent) Age (Marital Status) (Relationship to Child)

(Name of Other Parent)

I hereby voluntarily and unconditionally consent to the adoption of [name of adoptee], born [date of birth].

I understand that by signing this consent I indicate my intention to permanently give up all rights to this child.

I understand such child will be placed for adoption.

CONSENT TO ADOPTION BY [GUARDIAN] [PERSON HAVING CUSTODY OF ADOPTEE]
23 Pa.C.S.A. § 2711(a)(5)

[I] [We], [name of consenter], [being the guardian of] [having custody of] [do] [does] certify without disclosure of the name or other identification of the adopting parent(s) the [I] [we] have read the petition in the above captioned matter and fully understand the contents thereof, and without any undue influence or coercion exerted upon [me] [us] by any person, [I] [We] willingly and of [my] [our] own volition surrender all of [my] [our] rights in and to said adoptee, and believing that it will promote [his] [her] welfare, give consent to [his] [her] adoption.

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____ 20 __, at _____.

(Signature of Consenter)

Place of execution: _____

WITNESSES:

(Name) (Signature) (Relationship to Consenter) (Date)

ADDRESS (street) (town) (state) (zip code)

(Name) (Signature) (Relationship to Consenter) (Date)

ADDRESS (street) (town) (state) (zip code)

STATE OF _____

COUNTY OF _____

On this, the ____ day of _____, 20 __, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within consent to adoption and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(d) Consent of spouse or natural parent in a step-parent adoption: The spouse of the adopting parent shall sign a consent to the adoption of the child in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: _____ - ADOPT - _____
Born :
:

CONSENT TO ADOPTION BY [ADOPTING PARENT'S SPOUSE] (if not joining in petition) [NATURAL PARENT IN STEP-PARENT ADOPTION] 23 Pa.C.S.A. § 2711(a)(2)

I, [name of natural parent], do hereby certify that I am [age] years of age, that I have read the petition in the above captioned matter and fully understand the contents thereof and do hereby, without reservation and without undue influence or coercion exerted upon me by any person, give my consent to the adoption of [name of adoptee] as prayed for in the foregoing petition. [In consenting to this adoption I am hereby retaining for myself all my rights and duties as a natural parent.]

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

5. That the natural father of [name of adoptee] is [name of natural father], whose current address [street], [city], Pennsylvania [zip code]; he is [age] years of age, his date of birth being [date of birth]; his race is [racial background]; he is currently [un] married; he was [not] married at the time of the birth of the child and during one year prior thereto; and his religious affiliation is [religion].

6. The legal grounds for the involuntary termination of parental rights of [name of natural parent] are as follows:

a) 23 Pa.C.S. § 2511 (a)(1)- The parent by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to the child or has refused or failed to perform parental duties.

b) 23 Pa.C.S. § 2511 (a)(2)- The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

c) 23 Pa.C.S. § 2511 (a)(3)- The parent is the presumptive but not the natural father of the child.

d) 23 Pa.C.S. § 2511 (a)(4)- The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found.

e) 23 Pa.C.S. § 2511 (a)(5)- The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

f) 23 Pa.C.S. § 2511 (a)(6)- In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.

g) 23 Pa.C.S. § 2511 (a)(7)- The parent is the father of a child who was conceived as a result of a rape or incest.

h) 23 Pa.C.S. § 2511 (a)(8)- The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

i) The parent has been convicted of one of the following in which the victim was a child of the parent:

1. An offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
2. A felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);
3. An offense on another jurisdiction equivalent to an offense in subparagraph (1) or (2); or
4. An attempt, solicitation or conspiracy to commit an offense in subparagraph (1), (2), or (3).

7. The facts which support said grounds for termination are as follows:

- a)
- b)
- c)

8. [Name of natural parent facing termination] is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003 (50 U.S.C. App. 501 et seq.).

9. The child is not a member of, nor entitled to membership in, any Native American Tribe, therefore the child is not an "Indian Child" pursuant to the Indian Child Welfare Act. [if applicable]

10. Neither parent requires the services of a translator at the hearing and/or forms to be prepared in another language. [if applicable]

11. Petitioner(s) consents to accept custody of [name of adoptee] until such time as the child is adopted.

WHEREFORE, your petitioner prays your Honorable Court to enter an order directing that a time and place be set for a hearing on this Petition and upon holding said hearing to enter a Decree:

1. Finding that the involuntary termination of the parental rights of [name of natural parent] would best serve the needs and welfare of the child.

2. Directing the transfer of custody of [name of adoptee] to Petitioner(s).

3. Authorizing Petitioner(s) to give consent to the adoption of [name of adoptee] without further consent of, or notification to, [name of natural parent].

AND it will ever pray, etc.

Dated: _____

By, _____
[Name of Attorney], Esquire
Attorney for Petitioner
[Street Address]
[Telephone Number]
Attorney I.D. No.

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this ____ day of _____, 20 __, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(f) *Confirmation of Consent.* A petition for confirmation of consent under 23 Pa.C.S.A. § 2504(a) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF _____ : Orphans' Court Division
: :
Born _____ : _____ - ADOPT - _____
: :
: :

PETITION FOR CONFIRMATION OF CONSENT
23 Pa.C.S.A. § 2504(a)

To the Honorable, the Judges of said Court:

The petition of [name of petitioner], respectfully represents:

1. That your petitioner, [name of petitioner], [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania] [relation to adoptee], [having its office at] [residing at] [address], [county] County, Pennsylvania, has the care and custody of [name of adoptee], a minor [sex of adoptee] child born [date of birth] in [place of birth], [county of birth] County, Pennsylvania. The child was born to [name of natural mother], Mother, and [name of natural father], Father.

2. That your petitioner, [name of petitioner], is the [intermediary] [petitioner] in the above captioned adoption and files this petition under the provisions of Section 2504 of the Adoption Act of 1980, as amended.

3. The mother of [name of adoptee] is [name of natural mother], her address being [street], [city], Pennsylvania, [zip code]; she is [age] years of age, having been born on [date of birth], in [place of birth]; her race is [racial background], she is currently [un]married, she was [not] married at the time of the birth of the child and during one year prior thereto, and her religious affiliation is [religion].

4. The natural father of [name of adoptee] is [name of natural father], whose current residence is [street], [city], Pennsylvania, [zip code]; he is [age] years of age, born on [date of birth], in [place of birth]; his race is [racial background], he is currently [un] married, he was [not] married at the time of the birth of the child and during one year prior thereto, and his religious affiliation is [religion].

5. [Name of consenting parent] has executed a consent for the subsequent adoption of [name of adoptee], said consent being attached hereto and incorporated herein as "Exhibit A."

6. The aforesaid consent of was executed on [date of execution] and more than thirty (30) days have elapsed since the dates without the said [name of consenting parent] filing or proceeding with a petition for the voluntary relinquishment of his/her parental rights.

7. [Name of petitioners] consents to accept custody of [name of adoptee].

8. The child is not a member of, nor entitled to membership in, any Native American Tribe, therefore the child is not an "Indian Child" pursuant to the Indian Child Welfare Act. [if applicable]

9. Neither parent requires the services of a translator at the hearing and/or forms to be prepared in another language. [if applicable]

10. [Name of consenting parent] is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003 (50 U.S.C. App. 501 et seq.).

11. Your petitioners seek to confirm the consent to adoption executed by the aforesaid pursuant to Section 2504 of the Adoption Act of 1980, as amended (23 Pa.C.S.A., Section 2504).

WHEREFORE, your petitioner prays your Honorable Court to make a decree confirming the consent to adoption executed by [name of consenting parent] with respect to the minor child born to [names of natural parents], on [date of birth of adoptee], in [place of birth], [county of birth] County, Pennsylvania, known as [name of adoptee], thereby terminating all his rights and duties as father/mother of said [name of adoptee] and awarding custody of [name of adoptee] to [petitioner], under the provision of Section 2521 of the Adoption Code, and permitting the adoption of [name of adoptee] to proceed without further notice to or consent from [name of consenting parent].

AND it will ever pray, etc.

Dated: _____

By, _____
[Name of Attorney], Esquire
Attorney for Petitioner
[Street Address]
[Telephone Number]
Attorney I.D. No.

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

[Seal]

(signature of notary public)

Title: _____

My commission expires: _____

I maintain my office in: _____

(g) *Order Scheduling Hearing.* The orders scheduling the hearing on the Petition for Involuntary Termination of Parental Rights, the Petition for Adoption, and the Petition for Confirmation of Consent shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF

: Orphans' Court Division

:

:

Born

:

:

:

_____ - ADOPT - _____

ORDER

23 Pa.C.S.A. § 2504(b)

AND NOW, this ____ day of _____, 20 ____, the within Petition for Involuntary Termination of Parental Rights/Petition for Adoption/Petition to Confirm Consent having been presented in Chambers, read, considered and ordered filed, _____, the ____ day of _____, 20 ____, at ____ o'clock ____ m., prevailing time, in the assigned Court Room of the Franklin County Courthouse, Chambersburg, Franklin County, Pennsylvania, is fixed as the time and place of hearing thereon. Notice of the said hearing shall be given to [name of natural mother]; [name of attorney for natural mother], Esquire, Attorney for Natural Mother; [name of natural father]; [name of attorney for natural father], Esquire, Attorney for Natural Father; and [name of guardian ad litem], Esquire, Guardian Ad Litem for the above-referenced child.

By the Court,

J.

(h) Notice of Confirmation Hearing: The notice of the hearing for Confirmation of Consent shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

NOTICE

23 Pa.C.S.A. § 2504(b) and 2513(b)

TO: [Name of Natural Parent],

A petition has been filed asking the court to put an end to all rights you have to your child, [name of adoptee]. The court has set a hearing to consider ending your rights to your child. That hearing will be held at Courtroom No. [Courtroom], the Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, Pennsylvania, on [date of hearing] at [time of hearing]. Your presence is required at this hearing. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child, and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and the Court may end your rights to your child without you being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Franklin County Court Administrator
Franklin County Courthouse, 3rd Floor
157 Lincoln Way East
Chambersburg, PA 17201
(717) 261-3848

The Court of Common Pleas of Franklin County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Office of the Court Administrator. All arrangements must be made at least 72 hours prior to a hearing or business before the Court. You must attend the scheduled hearing.

[Name of Attorney], Esquire
Attorney for Petitioner

(i) Notice of Involuntary Termination Hearing: The notice of the hearing for Involuntary Termination of Parental Rights shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

NOTICE

23 Pa.C.S.A. § 2513(b)

TO: [Name of Natural Parent]

A petition has been filed asking the Court to put an end to all rights you have to your child, [name of adoptee]. The Court has set a hearing to consider ending your rights to your child. The hearing will be held in the Franklin County Court House, Chambersburg, Franklin County, Pennsylvania, on [date of hearing] at [time of hearing]. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child, and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and the Court may end your rights to your child without you being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer and desire to have one appointed, apply at the office set forth below and one shall be appointed for you.

Franklin County Court Administrator
Franklin County Courthouse, 3rd Floor
157 Lincoln Way East
Chambersburg, PA 17201
(717) 261-3848

The Court of Common Pleas of Franklin County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Office of the Court Administrator. All arrangements must be made at least 72 hours prior to a hearing or business before the Court. You must attend the scheduled hearing.

[Name of Attorney], Esquire
Attorney for Petitioner

(j) *Petition for Leave to Provide Notice by Publication*: The Petition for Leave to Provide Notice by publication as per Pa. O.C. Rule 15.6 shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF : Orphans' Court Division
: :
: :
Born : _____ - ADOPT - _____
: :
: :

PETITION FOR LEAVE TO PROVIDE NOTICE BY PUBLICATION
Pa. O.C. Rule 15.6

To the Honorable, the Judges of said Court:

The petition of [name of petitioner], respectfully represents:

1. That your petitioner, [name of petitioner], [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania] [relation to adoptee], [having its office at] [residing at] [address], Chambersburg, Franklin County, Pennsylvania, has the care and custody of [name of adoptee], a minor [sex of adoptee] child born [date of birth of adoptee], in Franklin County, Pennsylvania. The child was born to [name of natural mother], Mother, and [name of natural father], Father.

2. That your petitioner, [name of petitioner], is the [intermediary] [petitioner] in the above captioned adoption and files this petition under the provisions of Section 2504 of the Adoption Act of 1980, as amended.

3. The mother of [name of adoptee] is [name of natural mother], her address being [street], [city], Pennsylvania, [zip code]; she is [age] years of age, having been born on [date of birth], in [place of birth]; her race is [racial background], she is currently [un]married, she was [not] married at the time of the birth of the child and during one year prior thereto, and her religious affiliation is [religion].

4. The natural father of [name of adoptee] is [name of natural father], whose current residence is [street], [city], Pennsylvania, [zip code]; he is [age] years of age, having been born on [date of birth], in [place of birth]; his race is [racial background], he is currently [un] married, he was [not] married at the time of the birth of the child and during one year prior thereto, and his religious affiliation is [religion].

5. Petitioner had made the following efforts to locate [name of natural parent]:

- A) .
- B) .
- C) .
- D) .

6. Despite the above mentioned diligent efforts to locate [name of natural parent], Petitioner[s] [has] [have] been unable to ascertain their whereabouts.

WHEREFORE, your petitioner prays your Honorable Court to enter a decree granting leave to Petitioner[s] to provide notice to [name of natural parent] by Publication pursuant to Pennsylvania Rule of Orphan's Court 15.6(2).

AND it will ever pray, etc.

Dated: _____

By, _____
[Name of Attorney], Esquire
Attorney for Petitioner
[Street Address]
[Telephone Number]
Attorney I.D. No.

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(k) *Order Authorizing Service by Publication:* The Order authorizing service by publication as per Pa. O.C. Rule 15.6 shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____
: _____ - ADOPT - _____
Born : _____
: _____

ORDER
Pa. O.C. Rule 15.6

AND NOW, this _____ day of _____, 20____, the within Petition for Leave to Provide Notice by Publication having been presented in Chambers, read, considered and ordered filed, and _____, the _____ day of _____, 20____, at _____ o'clock _____ m., prevailing time, in the assigned Court Room of the Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, Franklin County, Pennsylvania, having been fixed as the time and place of hearing thereon, Petitioner[s] [is] [are] hereby authorized to provide service to by publication in the [name of publication] Newspaper and [name of county] County Legal Journal, pursuant to Pennsylvania Rule of Orphan's Court 15.6(2).

By the Court,

J.

(l) *Decree Involuntarily Terminating Natural Parent's Rights:* The decree terminating the parental rights of a natural parent shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: _____ - ADOPT - _____
Born :
:

DECREE

23 Pa.C.S.A. § 2513(d) and Pa. O.C. Rule 15.4(d)

AND NOW, this ____ th day of _____, 20 ____, the above named matter having been heard in a private hearing on [date of hearing], at [time of hearing], and it appearing to the Court that the facts set forth in the petition are true and correct, and that service of the notice of the foregoing private hearing, together with a copy of the Petition for Involuntary Termination of Parental Rights has been made upon [name of natural mother], Natural Mother; [name of attorney for natural mother], Esquire, Attorney for the Natural Mother; [name of attorney for natural father], Esquire, Attorney for the Natural Father; [name of natural father], Natural Father; and [name of guardian ad litem], Esquire, Guardian Ad Litem for the Child, in the manner required by this Court, and as evidenced by an Affidavit of Service filed in this matter by [name of attorney for petitioner], Attorney for the petitioner, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. That your petitioner, [name of petitioner], [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania], [having its office] [residing at] at [address], [county of residence] County, Pennsylvania, has the care and custody pursuant to an Order of Court dated [date of order granting custody] of [name of adoptee], a minor [sex of adoptee] child born [date of birth] in [place of birth] County, Pennsylvania. [Child's name] was born to [mother] and [father].

2. That [child] is a [racial background] [sex of adoptee] child who is [age] years old, having been born on [date of birth] in [county of birth] County, Pennsylvania. Their religious affiliation is [religion].

3. That the mother of [name of adoptee] is [name of natural mother], her address being [street], [city], Pennsylvania, [zip code]; she is [age] years of age, having been born on [date of birth], in [place of birth], Pennsylvania; her race is [racial background], she is currently [un]married, she was [not] married at the time of the birth of the child and during one year prior thereto, and her religious affiliation is [religion].

4. That the natural father of [name of adoptee] is [name of natural father], whose current address is [street], [city], Pennsylvania, [zip code]; he is [age] years of age, having been born on [date of birth]; his race is [racial background], he is currently [un] married, he was [not] married at the time of the birth of the child and during one year prior thereto; and his religious affiliation is [religion].

5. The legal grounds for the involuntary termination of the parental rights of [name of natural parent] are as follows:

a) 23 Pa.C.S. § 2511 (a)(1)- The parent by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to the child or has refused or failed to perform parental duties.

b) 23 Pa.C.S. § 2511 (a)(2)- The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

c) 23 Pa.C.S. § 2511 (a)(3)- The parent is the presumptive but not the natural father of the child.

d) 23 Pa.C.S. § 2511 (a)(4)- The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found.

e) 23 Pa.C.S. § 2511 (a)(5)- The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

f) 23 Pa.C.S. § 2511 (a)(6)- In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.

g) 23 Pa.C.S. § 2511 (a)(7)- The parent is the father of a child who was conceived as a result of a rape or incest.

h) 23 Pa.C.S. § 2511 (a)(8)- The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

i) The parent has been convicted of one of the following in which the victim was a child of the parent:

1. An offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
2. A felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);
3. An offense on another jurisdiction equivalent to an offense in subparagraph (1) or (2); or
4. An attempt, solicitation or conspiracy to commit an offense in subparagraph (1), (2), or (3).
6. The facts which support said grounds for termination are as follows:

- a)
- b)
- c)

7. [Name of natural parent] is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003. (50 U.S.C. App. 501 et seq.).

8. The child is/is not an "Indian Child" subject to the protections of the Indian Child Welfare Act.

9. [Agency name] [parent's name] consents to accept custody of [name of adoptee] until such time as the child is adopted.

10. Notices required per Act 101 of 2010 (23 Pa.C.S. §§ 2731—2742) have been served on both parents and the child as evidenced by the Affidavit of Service filed in this matter.

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the parties and the subject matter under 23 Pa.C.S.A. Section 2501 et seq.
2. The prayer of the petition should be granted, all requirements of the applicable statute having been complied with.
3. The Court finds by clear and convincing evidence the existence of valid grounds to involuntarily terminate the parental rights of [name of natural parent] pursuant to the following statutory authority:

(a) [TPR sections set forth above]

NOW, THEREFORE, IT IS ORDERED AND DECREED THAT:

(1) The parental rights and duties of the [name of natural parent], Natural [Mother/Father] of [name of adoptee], are hereby terminated, and

(2) Custody of [name of adoptee] is awarded to [Agency] [parent] under the provisions of Section 2521 of the Adoption Act, and

(3) [Mother Name] and [Father Name] [are/is] hereby advised pursuant to Act 101 of 2010 (23 Pa.C.S. §§ 2731—2742) that [she/he/they] [have/has] a continuing right as [a] parent(s) to voluntarily place on file and update social and medical history information, whether or not the medical condition is in existence or discoverable at the time of the present adoption. The information you choose to provide could be important to the child's present and future medical needs. Requests to release the information will be honored if certain conditions set forth by Act 101 are met. All information will be maintained and distributed in a manner that fully protects your privacy. [Mother Name] and [Father Name] [are/is] further advised that [she/he/they] may obtain the appropriate form to file social and medical history information, either now or in the future, by contacting the Pennsylvania Adoption Information Registry (PAIR), Franklin County Children and Youth Service, any private licensed adoption agency, Franklin County Clerk of Orphan's Court Office, or it may be found online.

(4) [Name of natural parent] is hereby advised that they have the right to appeal this Order of Court within thirty days of its entry. Notice of such appeal shall be provided in accordance with the Pennsylvania Rules of Appellate Procedure.

(5) The Clerk of Orphan's Court is hereby directed to provide this Order to the following by First Class Mail and to note date of mailing in the adoption file:

- a.
- b.
- c.
- d.

By the Court,

J.

(m) *Decree Confirming Consent*: The decree confirming a consent to adoption shall be substantially in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
:
Born : _____ - ADOPT - _____
:

DECREE
23 Pa.C.S.A. § 2504(b)

AND NOW, this ____ th day of _____, 20__ , the above named matter having been heard in a private hearing on [date of hearing], at [time of hearing] o'clock [a/p].m. and it appearing to the Court that: the facts set forth in the petition are true and correct, and that notice of the foregoing private hearing, together with a copy of the petition for the Confirmation of Consent has been given to in the manner required by this Court; and [name(s) of petitioner(s)], petitioner(s), has filed a petition and consented to accept custody of said child until such time as the child is adopted; and the prayer of the petition should be granted and all requirements of the applicable statutes have been complied with;

NOW, THEREFORE, IT IS ORDERED AND DECREED, that

- 1. The consent executed by [name of consenting parent] is hereby confirmed;
2. The parental rights and duties of [name of consenting parent] are hereby terminated;
3. Custody of [name of adoptee] is awarded to [petitioner], under the provisions of Section 2521 of the Adoption Act;
4. The adoption of [name of adoptee] may proceed without further notice to or consent from .
5. [Name of consenting parent] is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003. (50 U.S.C. App. 501 et seq.).
6. The child is/is not an "Indian Child" subject to the protections of the Indian Child Welfare Act.
7. [Mother Name] and [Father Name] [are/is] hereby advised pursuant to Act 101 of 2010 (23 Pa.C.S. §§ 2731—2742) that [she/he/they] [have/has] a continuing right as [a] parent(s) to voluntarily place on file and update social and medical history information, whether or not the medical condition is in existence or discoverable at the time of the present adoption. The information you choose to provide could be important to the child's present and future medical needs. Requests to release the information will be honored if certain conditions set forth by Act 101 are met. All information will be maintained and distributed in a manner that fully protects your privacy. [Mother Name] and [Father Name] [are/is] further advised that [she/he/they] may obtain the appropriate form to file social and medical history information, either now or in the future, by contacting the Pennsylvania Adoption Information Registry (PAIR), Franklin County Children and Youth Service, any private licensed adoption agency, Franklin County Clerk of Orphan's Court Office, or it may be found online.
8. [Mother Name] and [Father Name] [are/is] hereby advised that [they/he/she] [have/has] the right to appeal this Order of Court within thirty days of its entry. Notice of such appeal shall be provided in accordance with the Pennsylvania Rules of Appellate Procedure.
9. This Order shall be mailed by the Clerk of Orphans' Court by first class mail with date of mailing being documented to the following:
a)
b)
c)

By the Court,

J.

(n) Report of Intention to Adopt: The report of intention to adopt described in 23 Pa.C.S.A. § 2531(b) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
:
Born : _____ - ADOPT - _____
:

REPORT OF INTENTION TO ADOPT
23 Pa.C.S.A. § 2531(b)

(To be filed by every person now having or hereafter receiving or retaining custody or physical care of any child, for the purpose or with the intention of adopting a child under the age of eighteen years within thirty days after the date of receipt of the custody or physical care of the child. No report shall be required when the child 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 person receiving or retaining custody or physical care.)

Part A.

(To be completed by persons having or receiving a child from an Agency.)

- 1. The name and address of Agency is [name and address of Agency].

Part B.

(To be completed by persons having or receiving a child from an intermediary other than an Agency.)

- 1. Child is [name of adoptee], a [racial heritage] [male] [female] child, who is [age] years of age, having been born [date of birth] in [place of birth], whose religious affiliation is [religion].
2. The name and address of intermediary is [name and address of intermediary].

Part C.

(To be completed by all persons required to file report.)

- 1. The circumstances surrounding the placement or receipt of physical care of the child are as follows:
A) Date of completion of Pre-placement Investigation (Copy attached hereto):
B) Date when [I] [we] first applied to the agency was:
C) The reason this particular child was placed with [me] [us] is:
D) The length of time [I] [we] have known the child or about the child is:
E) [I] [We] [do] [do not] know the natural parents or their families.
F) The date the child was placed in [my] [our] home is:
2. A) There [was] [was not] any fee or expenses paid or to be paid to the Intermediary or other persons.
B) If there was fees paid or to be paid above, the following is an itemized accounting of the moneys or other consideration paid or to be paid, and to whom:

\$ to for .
to for .

- 3. A) To the best of [my] [our] knowledge and beliefs, the natural parents whose parental rights were terminated [have] [have not] received counseling.
B) If counseling has been received, it was received on [date] by [counselor] whose address is [address of office].

[I] [We] acknowledge that we have been advised or know that the natural parent(s) may revoke their consent to the adoption within thirty days of the date of execution of the consent.

Signed this _____ day of _____, 20 ____ .

Petitioner

Petitioner

(o) Report of Intermediary: The report of intermediary required under 23 Pa.C.S.A. § 2533(b) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: _____ - ADOPT - _____
Born :
:

REPORT OF INTERMEDIARY
23 Pa.C.S.A. § 2533(b)

(To be filed by Intermediary who or which arranged the adoption placement of any child under the age of eighteen years within six months after filing a Report of Intention to Adopt.)

- 1. The name and address of Intermediary is [name and address of intermediary].
2. Adoptee is [name of adoptee], a [racial heritage] [male] [female] child who is [age] years of age, having been born on [date of birth] in [place of birth], whose religious affiliation is [religion].

3. Adoptee was placed with adopting parents on [date of placement].

4. The Natural Mother of Adoptee is [name of natural mother], a [racial heritage] female, who is [age] years of age, having been born on [date of birth] in [place of birth], she was [married] [unmarried] at the time of adoptee's birth, and was [married] [unmarried] within one year prior to adoptee's date of birth, and whose religious affiliation is [religion].

5. The Natural Father of Adoptee is [name of natural father], a [racial heritage] male, who is [age] years of age, having been born on [date of birth] in [place of birth], he was [married] [unmarried] at the time of adoptee's birth, and was [married] [unmarried] within one year prior to adoptee's date of birth, and whose religious affiliation is [religion].

6. Parental rights were terminated by [identify court] by decree dated [date of termination decree], docketed to [docket number] and custody was awarded to [name of adopting parents/Agency].

7. A) To the best of [my] [our] knowledge and beliefs, the natural parents whose parental rights were terminated [have] [have not] received counseling.

B) If counseling has been received, it was received on [date] by [counselor] whose address is [office address].

C) If no decree of termination and/or relinquishment was entered, the residence and mailing addresses of the natural parent(s) [is] [are]:

Mother:

Father:

8. A) The exhibits required by Section 2534 of the Adoption Act are attached.

B) Consents required by Section 2711 of the Adoption Act are attached as exhibits.

C) Consents are not required under Sections 2713, 2714, and 2711 of the Adoption Act because:

9. [No] [The following] moneys or consideration has been or will be paid or received by the Intermediary or to or by any other person or persons to the knowledge of the Intermediary by reason of the adoption placement.

\$ to for .

10. The child owns or possesses the following described and valued property:

11. No provision of any act regulating the interstate placement of children has been violated with respect to the placement of the Adoptee.

12. [If applicable] A birth certificate or registration of birth cannot be obtained for the following reasons:

13. Written notice of the filing of this Report and the date of the same will be given to the adopting parent(s) forthwith.

14. Medical information as defined in Section 2102 of the Adoption Act was obtained, and if not obtained the reason therefore is:

Signed this ____ day of _____, 20 ____ .

Signature of Intermediary or Authorized Officer

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(p) *Petition for Adoption*: The petition for adoption in 23 Pa.C.S.A. § 2701 and Pa. O.C. Rule 15.5 shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

PETITION FOR ADOPTION

23 Pa.C.S.A. § 2701 and Pa. O.C. Rule 15.5

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of _____ respectfully represents:

I.

Your petitioner(s) (is) (are):

A. [Name of petitioner] residing at [residence and mailing address] who is (married) (single) and [age] years of age, having been born on [date of birth] and whose occupation is [occupation] religious affiliation is [religion], racial background is [racial heritage] and relationship to the proposed adoptee is [nature of relationship];

B. [Name of petitioner] residing at [residence and mailing address] who is (married) (single) and [age] years of age, having been born on [date of birth] and whose occupation is [occupation] religious affiliation is [religion], racial background is [racial heritage] and relationship to the proposed adoptee is [nature of relationship];

II.

A. The report of Intention to Adopt under Section 2533 (has) (has not) been filed.

B. The report of the intermediary under Section 2533 (has) (has not) been filed; however, in lieu thereof, Exhibit A is attached hereto.

III.

The name and address of the intermediary is:

IV.

Your petitioner(s) desire(s) to adopt [name of adoptee] who was born on [date of birth] and who has resided with your petitioner(s) since [date of placement] as one of (her)(his)(their) heirs and declare(s) that (she)(he)(they) will perform all of the duties of parent(s) to said adoptee.

V.

A. Exhibits required by Section 2702 of the Adoption Act are attached.

B. Consents required by Section 2711 of the Adoption Act are attached as exhibits.

C. Consents are not required under Sections 2713, 2714 and 2711 of the Adoption Act by reason of (state facts):

D. Notices required by Act 101 of 2010 (23 Pa.C.S. § 2731—2742) have been provided to the birth parents, the adoptive parents, and the child, and are attached as Exhibit [exhibit number].

E. Exhibit containing vital statistics is attached as Exhibit [exhibit number].

VI.

(Strike out if not applicable) A birth certificate or certificate of registration of birth cannot be obtained for the adoptee and the petitioner would request that the Court establish a time and place of birth for said adoptee at the adoption hearing on the basis of the evidence presented. (Set forth reasons for failure to obtain a birth certificate or certificate of registration of birth and the efforts made to so obtain those documents):

VII.

That your petitioner(s) believing that the welfare of said adoptee will be promoted by said adoption, desire(s) that the relationship of parent and child be established between [names of petitioners] and the adoptee, and the adoptee shall be known as [new full name of child]; and (she)(he)(they) respectfully pray(s) that the Court make a decree in accordance with this prayer.

_____ - Petitioner

_____ - Petitioner

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

[Seal]

(signature of notary public)
Title: _____
My commission expires: _____
I maintain my office in: _____

(q) *Exhibit "A"*: Exhibit "A" of the adoption petition in (p) above shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____
Born _____ : _____ - ADOPT - _____
: _____
: _____

EXHIBIT A

1. Name and Address of Intermediary:
2. Adoptee, [name of adoptee], is [age] years of age, having been born on [date of birth], in [place of birth], Pennsylvania, whose racial background is [racial heritage], and religious affiliation is [religion].
3. Adoptee was placed with adopting parent(s) on [date of placement].
4. The natural parent(s) of adoptee is/are:
 - a. Mother: [name], is [age] years of age, having been born on [date of birth], in [place of birth], Pennsylvania; their racial background is [racial heritage]; they were [married] [single] at the time of the adoptee's birth and were [married] [single] within one year prior to the birth of Adoptee; and their religious affiliation is [religion].
 - b. Father: [name], is [age] years of age, having been born on [date of birth], in [place of birth], Pennsylvania; their racial background is [racial heritage]; they were [married] [single] at the time of the Adoptee's birth and were [married] [single] within one year prior to the birth of the Adoptee; and their religious affiliation is [religion].
5. A. Parental rights and duties were terminated and/or relinquished by [Court where terminated] by decree dated [date of termination decree], docketed to [docket number], and custody was awarded to [name of petitioners/Agency].
 B. If no decree of termination or relinquishment has been entered, the residence and mailing addresses of the natural parents(s) [is] [are]:
 - 1) Mother:
 - 2) Father:
6. A. Exhibits required by Section 2543 of the Adoption Act are attached.
 B. Consents required by Section 2711 of the Adoption Act are attached as exhibits.
 C. Consents are not required under Sections 2713, 2714, and 2711 of the Adoption Act for the following reasons:
7. [No] [The following] moneys or consideration have been or will be paid or received by the intermediary or to or by any other person or persons to the knowledge of the intermediary by reason of the adoption placement.
 - a)
 - b)
8. State value and describe all property owned or possessed by Adoptee:

9. No provisions of any act regulating interstate placement of children have been violated with respect to the placement of the Adoptee.

10. [Strike if not applicable] A birth certificate or registration of birth cannot be obtained for the following reasons:

11. Written notice of the filing of this report and the date of the same will be given to the adopting parent(s) forthwith.

12. Medical history information as defined in Section 2102 of the Adoption Act was obtained, and if not obtained, the reason therefore is as follows:

Signed this ____ day of _____, 20 ____.

Petitioner

Petitioner

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(r) *Vital Statistics Exhibit*: The vital statistics exhibit of the adoption petition in (p) above shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF

: Orphans' Court Division

:

: _____ - ADOPT - _____

Born

:

ADOPTION VITAL STATISTICS EXHIBIT

1. Adoptee, [name of adoptee] is a [male] [female], who is [age] years of age, having been born on [date of birth], in [place of birth], [county of birth] County, [state], United States.

2. The new name proposed for Adoptee is [new name of adoptee].

3. The Adoptive Father's full name is [name of adopting father]; he is [racial heritage]; his age at the time of birth of Adoptee was [age], having been born on [date of birth], in [place of birth]; and his usual occupation is [occupation], the industry or business being [nature of employment].

4. The Adoptive Mother's full maiden name is [maiden name of adopting mother]; she is [racial heritage]; her age at the time of birth of Adoptee was [age], having been born on [date of birth], in [place of birth]; and her usual occupation is [occupation], the industry or business being [nature of employment].

5. The Adoptive Parents mailing address at the time of the adoption is [address].

6. The attorney handling the adoption is [name of adopting parents attorney], Esquire, whose mailing address is [address].

(s) *Disclosure of Fees*: The disclosure of fees statement as required in 23 Pa.C.S.A. §§ 2533(b)(8) and 2724(a) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

DISCLOSURE OF FEES AND COSTS
23 Pa.C.S.A. §§ 2533(b)(8) and 2724(a)

- \$ Clerk of Courts, Filing fees
Notary Fees
Attorney Fees
Vital Statistics, birth certificate
Home Study
Agency Fees
Doctor Fees (Mother)
Doctor Fees (Baby)
Hospital Fees (Mother)
Hospital Fees (Baby)
Prescription Medications
Other-

\$ Total

[I] [We] certify that the above itemization of fees and costs paid by [name of petitioners], in connection with the above captioned adoption is accurate and complete to the best of my knowledge, information and belief. Signed this ____ day of _____, 20 ____ .

Petitioner _____ Petitioner _____

(t) Adoption Decree: The adoption decree as required in 23 Pa.C.S.A. § 2902 shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

DECREE

23 Pa.C.S.A. § 2902

AND NOW, this ____ day of _____, 20 ____, it appearing that the statements set forth in the Petition for Adoption filed and docketed in this matter are true, and that the welfare of the person proposed to be adopted will be promoted by such adoption, and that all requirements of the adoption law of Pennsylvania have been complied with,

IT IS HEREBY ORDERED AND DECREED that the adoption is granted and that the person proposed to be adopted by the petitioners, [name of petitioner] and [name of petitioner], shall have all the rights of a child and heir of said petitioners, and shall be subject to the duties of such child, and henceforth shall be known as [new name of adoptee].

BY THE COURT,

_____ J.

COMMONWEALTH OF PENNA . :
COUNTY OF (FRANKLIN)(FULTON) : ss.

I, _____, Clerk of Orphans' Court Division of the Court of Common Pleas of the 39th Judicial District, Pennsylvania, (Franklin) (Fulton) County Branch, do hereby certify that the foregoing is a full, true and correct copy of a Decree of Adoption by the petitioners therein named as the same remains on file and of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set
My hand and affixed the seal of _____
The said office this ____ day of _____, 200__ .

Clerk, Orphans' Court Division,
Court of Common Pleas of the 39th Judicial District,
Pennsylvania, (Franklin)(Fulton) County Branch

(u) *Acceptance of Service:* The acceptance of service as described in 23 Pa.C.S.A. §§ 2503(a), 2513(b), 2721; Pa. O.C. Rule 15.6; Pa. R.C.P. 402(b) shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____
Born : _____ - ADOPT - _____
: _____
: _____

ACCEPTANCE OF SERVICE

23 Pa.C.S.A. §§ 2503(a), 2513(b), 2721; Pa. O.C. Rule 15.6; Pa. R.C.P. 402(b)

I, [name of attorney], Esquire, counsel for [client name and relationship to adoptee], certify that I am authorized to accept service on behalf of and hereby accept service of the Petition to Involuntarily Terminate Parental Rights/Petition for Confirmation of Consent/Petition for Termination of Parental Rights/ Adoption Petition and the Order scheduling a hearing in the above-captioned matter.

Date

(v) *Affidavit of Service:* The affidavit of service shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____
Born : _____ - ADOPT - _____
: _____
: _____

AFFIDAVIT OF SERVICE

STATE OF PENNSYLVANIA :
: ss.
COUNTY OF FRANKLIN :

[Name of attorney], Esquire, being duly sworn according to law, deposes and says that he/she served copies of the attached Notice of Hearing, copies of the petitions filed in this matter, and Order scheduling hearing on the following:

- (1) [Name of attorney], Esquire, Guardian ad Litem for the child(ren), at [address] on [date] by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned;
- (2) [Name of attorney], Esquire, Attorney for Natural Mother, [name of natural mother], at [address] on [date] as evidenced by an Acceptance of Service;
- (3) [Name of natural mother], Natural Mother, at [address] on [date] by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned; and
- (4) [Name of natural father], Natural Father, at [address] on [date] by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned.

The Notice required by Act 101 of 2010 was also served on [Mother]. [Father], [Child].

[Name of attorney], Esquire- Attorney for Petitioner

STATE OF _____
COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

[Seal]

(signature of notary public)

Title: _____

My commission expires: _____

I maintain my office in: _____

(w) Act 101 of 2010 Notice: The Notice required under Act 101 of 2010 shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____ - ADOPT - _____
Born :
:
:

NOTICE REQUIRED BY ACT 101 OF 2010
23 Pa.C.S. §§ 2731—2742

Date:

To:

This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent, and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding.

A birth relative is defined only as a parent, grandparent, stepparent, sibling, uncle or aunt of the child's birth family, whether the relationship is by blood, marriage, or adoption.

This voluntary agreement may allow you to have continuing contact or communication, including, but not limited to:

- Letters and/or e-mails;
- Photos and/or videos;
- Telephone calls and/or text messages; or
- Supervised or unsupervised visits.

If you are interested in learning more about this option for a voluntary agreement, you may contact an attorney of your choice.

Sincerely,

[Name of attorney], Esquire
Counsel for [name of client]

[Pa.B. Doc. No. 12-1041. Filed for public inspection June 8, 2012, 9:00 a.m.]

LEHIGH COUNTY
Expungement upon Successful Completion of ARD
Pursuant to Leh. R. Crim. P. 320; AD-4-2012

Administrative Order

And Now, this 22nd day of May, 2012, *It Is Hereby Ordered* that Lehigh Rule of Criminal Procedure 320 Expungement Upon Successful Completion of ARD, following hereto, is adopted and shall become effective 30 days after publication in the *Pennsylvania Bulletin*;

It Is Further Ordered That one (1) certified copy of this Order shall be filed by the Court Administrator of Lehigh County with the Administrative Office of the Pennsylvania Courts; that two (2) certified copies and a CD-ROM copy that complies with the requirement of Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that

one (1) certified copy shall be file with the Criminal Procedure Rules Committee, which Committee has certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is ordered that the Court Administrator of Lehigh County publish a copy of this Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

By the Court

CAROL K. MCGINLEY,
President Judge

Leh. R. Cr. P. 320. Expungement Upon Successful Completion of ARD.

1. The following procedure is to be effective for both DUI and Non-DUI criminal cases;
2. Criminal defendants accepted into the ARD Program will be charged appropriate fees to cover expungment

which *shall* take place upon successful completion of the Program;

3. Expungement fees collected are in *addition* to any and all other applicable costs, fees and restitution assessed as part of the ARD Program;

4. At the expiration of the designated supervision period, the Adult Probation department will determine all those defendants who have successfully completed the ARD Program and whose cases shall be closed for supervision;

5. Successful completion includes full payment of all costs and restitution;

6. All ARD case closures will be reported to the Clerk of Judicial Records—Criminal Division who will forward a list of the successful completions to the Office of the District Attorney;

7. The District Attorney shall review the list of successful completions and may object to the expungment of the records of any particular defendant;

8. Such objection must be filed in a petition with proper service to all parties and a hearing shall be scheduled before the Court;

9. Once reviewed and approved by the District Attorney, the Clerk of Judicial Records—Criminal Division shall prepare Orders of Dismissal and Expungement to be signed by the Court;

10. Records will *not* be expunged for those defendants whose cases have been closed for supervision but who have not successfully completed all conditions;

11. Expungement fees collected from those defendants who do not successfully complete the ARD Program and, therefore, are not entitled to expungement will be refunded;

12. Upon satisfactory completion of all outstanding conditions subsequent to case closure, a defendant may petition the Court for dismissal of charges and expungement upon payment of the appropriate filing fee; *pro se* petitions may be obtained online at *lccpa.org* or in the office of the Court Administrator and the Clerk of Judicial Records—Criminal Division;

13. Expungement after successful completion of ARD is expressly prohibited for certain offenses specifically delineated in 18 Pa.C.S.A. § 9122(b.1) and will not be granted.

Note: This Rule was adopted by an Administrative Order dated May 22, 2012 and published in the *Pennsylvania Bulletin*, and became effective 30 days from the date of publication.

[Pa.B. Doc. No. 12-1042. Filed for public inspection June 8, 2012, 9:00 a.m.]