

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Proposed Amendment of Pa.R.Civ.P. 1910.16-6(c)

The Domestic Relations Procedural Rules Committee is considering proposing to the Supreme Court of Pennsylvania the Amendment of Pa.R.Civ.P. 1910.16-6(c) governing unreimbursed medical expenses, for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any report accompanying this proposal was prepared by the Committee to indicate the rationale for the proposed rulemaking. It will neither constitute a part of the rules nor be adopted by the Supreme Court.

Additions to the text of the proposal are bolded and underlined; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

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Domestic Relations Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
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All communications in reference to the proposal should be received by February 15, 2023. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations
Procedural Rules Committee*

DAVID S. POLLOCK, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

(Editor's Note: Pa.R.Civ.P. 1910.16-6 as printed in 231 Pa. Code reads "Official Note" rather than "Note.")

Rule 1910.16-6. Support Guidelines. Basic Support Obligation Adjustments. Additional Expenses Allocation.

* * * * *

(c) *Unreimbursed Medical Expenses.* The trier-of-fact shall allocate the obligee's or child's unreimbursed medical expenses. However, the trier-of-fact shall not allocate unreimbursed medical expenses incurred by a party who is not owed a statutory duty of support by the other party. The trier-of-fact may require that the obligor's expense

share be included in the basic support obligation, paid directly to the health care provider, or paid directly to the obligee.

(1) *Medical Expenses.*

(i) For purposes of this subdivision, medical expenses are annual unreimbursed medical expenses in excess of \$250 per person.

(ii) Medical expenses include insurance co-payments and deductibles and all expenses incurred for reasonably necessary medical services and supplies, including but not limited to surgical, dental and optical services, **psychiatric and psychological services**, and orthodontia.

(iii) Medical expenses do not include cosmetic, chiropractic, [**psychiatric, psychological,**] or other services unless specifically directed in the order of court.

[Note: While cosmetic, chiropractic, psychiatric, psychological, or other expenses are not required to be apportioned between the parties, the trier-of-fact may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.]

(2) The trier-of-fact may impose an annual limitation when the burden on the obligor would otherwise be excessive.

(3) Annual expenses shall be calculated on a calendar year basis.

(i) In the year in which the initial support order is entered, or in any period in which support is being paid that is less than a full year, the \$250 threshold shall be pro-rated.

(ii) The party seeking allocation for an unreimbursed medical expense shall provide to the other party the expense's documentation, such as a receipt or an invoice, promptly upon receipt, but not later than March 31st of the year following the calendar year in which the final bill was received by the party seeking allocation.

(iii) For purposes of subsequent enforcement, unreimbursed medical bills need not be submitted to the domestic relations section prior to March 31st.

(iv) The trier-of-fact shall have the discretion to not allocate an expense if documentation is not timely provided to the other party.

(4) If the trier-of-fact determines that out-of-network medical expenses were not obtained due to medical emergency or other compelling factors, the trier-of-fact may decline to assess the expenses against the other party.

[Note: If the trier-of-fact determines that the obligee acted reasonably in obtaining services that were not specifically set forth in the order of support, payment for such services may be ordered retroactively.]

* * * * *

Comment:

While cosmetic, chiropractic, or other expenses are not required to be apportioned between the parties, the trier-of-fact may apportion such expenses that it determines to be reasonable and appropriate under the circumstances.

If the trier-of-fact determines that the obligee acted reasonably in obtaining services that were not specifically set forth in the order of support, payment for such services may be ordered retroactively.

The contested necessity of unreimbursed medical services should be raised as a custody or other matter. The intent of this rule is strictly to apportion costs of these services, not to determine if the services are appropriate for the child or obligee.

Explanatory Comment—2004

Subdivision (a), relating to the federal child care tax credit, has been amended to reflect recent amendments to the Internal Revenue Code, 26 U.S.C. § 21. By generally referencing the Tax Code, rather than incorporating current Code provisions in the rule, further amendments will be incorporated into the support calculation.

Explanatory Comment—2005

Pa.R.C.P. No. 1910.16-6 governs the treatment of additional expenses that warrant an adjustment to the basic support obligation.

Subdivision (a) relates to child care expenses. Subdivision (a) has been amended to require that child care expenses incurred by either party are to be allocated between the parties in proportion to their respective net incomes. Subsection (a)(1), relating to the federal child care tax credit, was amended in 2004 to reflect recent amendments to the Internal Revenue Code. 26 U.S.C. § 21. By referring to the Tax Code in general, rather than incorporating current Code provisions in the rule, any further amendments will be incorporated into the support calculation. Since the tax credit may be taken only against taxes owed, it cannot be used when the eligible parent does not incur sufficient tax liability to fully realize the credit. For this reason, subsection (2) provides that no adjustment to the total child care expenses may be made if the eligible parent does not qualify to receive the credit.

Subdivision (b) addresses health insurance premiums. The cost of the premiums is generally treated as an additional expense to be allocated between the parties in proportion to their net incomes. Subdivision (b)(1) of the rule permits allocation of the entire premium, including the portion of the premium covering the party carrying the insurance, when the insurance benefits the other party and/or the children. Subdivision (b)(2) clarifies that, in calculating the amount of the health care premium to be allocated between the parties, subdivision (b)(1) requires the inclusion of that portion of the health insurance premium covering the party who is paying the premium, so long as there is a statutory duty of support owed to that party, but not the portion of the premium attributable to non-parties and children who are not the subjects of the support order. Subdivision (b)(2) provides for proration of the premium when the health insurance covers other persons who are not subject to the support action or owed a statutory duty of support. Subdivision (b) also permits an alternative method for dealing with the cost of health insurance premiums in certain circumstances. While, in general, the cost of the premiums will be treated as an additional expense to be allocated between the parties in proportion to their net incomes, in cases in which the obligee has no income or minimal income, subsection (4) authorizes the trier-of-fact to reduce the obligor's gross income for support purposes by some or all of the amount of the health insurance premiums. This is to avoid the result under a prior rule

in which the entire cost of health insurance would have been borne by the obligor, with no resulting reduction in the amount of support he or she would otherwise be required to pay under the support guidelines. The goal of this provision is to encourage and facilitate the maintenance of health insurance coverage for dependents by giving the obligor a financial incentive to maintain health insurance coverage.

Subdivision (c) deals with unreimbursed medical expenses. Since the first \$250 of medical expenses per year per child is built into the basic guideline amount in the child support schedule, only medical expenses in excess of \$250 per year per child are subject to allocation under this rule as an additional expense to be added to the basic support obligation. The same is true with respect to spousal support so that the obligee-spouse is expected to assume the first \$250 per year of these expenses and may seek contribution under this rule only for unreimbursed expenses which exceed \$250 per year. The definition of "medical expenses" includes insurance co-payments, deductibles and orthodontia and excludes chiropractic services.

Subdivision (d) governs apportionment of private school tuition, summer camp and other unusual needs not reflected in the basic guideline amounts of support. The rule presumes allocation in proportion to the parties' net incomes consistent with the treatment of the other additional expenses.

Subdivision (e) provides for the apportionment of mortgage expenses. It defines "mortgage" to include the real estate taxes and homeowners' insurance. While real estate taxes and homeowners' insurance must be included if the trier-of-fact applies the provisions of this subdivision, the inclusion of second mortgages, home equity loans and other obligations secured by the marital residence is within the trier-of-fact's discretion based upon the circumstances of the case.

Explanatory Comment—2006

A new introductory sentence in Pa.R.C.P. No. 1910.16-6 clarifies that additional expenses contemplated in the rule may be allocated between the parties even if the parties' respective incomes do not warrant an award of basic support. Thus, even if application of either formula Pa.R.C.P. No. 1910.16-4 results in a basic support obligation of zero, the trier-of-fact may enter a support order allocating between the parties any or all of the additional expenses addressed in this rule.

The amendment of subdivision (e) recognizes that the obligor may be occupying the marital residence and that, in particular circumstances, justice and fairness may warrant an adjustment in his or her support obligation.

Explanatory Comment—2008

Federal and state statutes require clarification to subdivision (b) to ensure that all court orders for support address the children's ongoing need for medical care. In those instances where the children's health care needs are paid by the state's medical assistance program, and eligibility for the Children's Health Insurance Program ("CHIP") is denied due to the minimal income of the custodial parent, the obligor remains required to enroll the parties' children in health insurance that is, or may become, available that is reasonable in cost.

Government-sponsored health care plans represent a viable alternative to the often prohibitive cost of health insurance obtainable by a parent. Except for very low income children, every child is eligible for CHIP, for which

the parent with primary physical custody must apply and which is based on that parent's income. A custodial parent may apply for CHIP by telephone or on the Internet. While co-premiums or co-pays increase as the custodial parent's income increases, such costs are generally modest and should be apportioned between the parties. Moreover, health care coverage obtained by the custodial parent generally yields more practical results, as the custodial parent resides in the geographic coverage area, enrollment cards are issued directly to the custodial parent, and claims may be submitted directly by the custodial parent.

Explanatory Comment—2010

Subdivision (e), relating to mortgages on the marital residence, has been amended to clarify that the rule cannot be applied after a final order of equitable distribution has been entered. To the extent that *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003), holds otherwise, it is superseded. At the time of resolution of the parties' economic claims, the former marital residence will either have been awarded to one of the parties or otherwise addressed.

Explanatory Comment—2018

The amendments provide for an adjustment to the parties' monthly net incomes prior to determining the percentage each party pays toward the expenses set forth in Pa.R.C.P. No. 1910.16-6. Previously, the Rules of Civil Procedure apportioned the enumerated expenses in Pa.R.C.P. No. 1910.16-6(a)—(d), with the exception of subdivision (c)(5), between the parties based on the parties' respective monthly net incomes as calculated pursuant to Pa.R.C.P. No. 1910.16-2. This apportionment did not consider the amount of support paid by the obligor or received by the obligee.

The amended rule adjusts the parties' monthly net incomes, upward or downward, by the spousal support/APL amount paid or received by that party prior to apportioning the expenses. This methodology is not new to the Rules of Civil Procedure.

In Pa.R.C.P. No. 1910.16-6(c)(5) (rescinded), the parties' monthly net incomes in spousal support/APL-only cases were similarly adjusted prior to the apportionment of unreimbursed medical expenses. Likewise, Pa.R.C.P. No. 1910.16-6(e) considers the parties' monthly net income after the receipt or payment of the support obligation for purposes of determining a mortgage deviation. As the new procedure adopts the methodology in former subdivision (c)(5), that subdivision has been rescinded as delineating the spousal support only circumstance is unnecessary.

Lastly, the amendment consolidates Pa.R.C.P. No. 1910.16-6(b)(1), (2), and (2.1).

**SUPREME COURT OF PENNSYLVANIA
DOMESTIC RELATIONS PROCEDURAL
RULES COMMITTEE
PUBLICATION REPORT**

Proposed Amendment of Pa.R.Civ.P. 1910-16-6(c)

The Domestic Relations Procedural Rules Committee (Committee) is seeking comments on a proposed amendment of Pa.R.Civ.P. 1910.16-6(c) that would require the allocation of psychological and psychiatric services as medical expenses between the parties, if those expenses are not reimbursed by a third party. Currently, the allocation of those expenses is discretionary.

The Committee received several requests for the amendment of Pa.R.Civ.P. 1910.16-6(c), which has existed

in some form since the original support guidelines were adopted in 1990. Since that time, the coverage and provision of mental health services has evolved. In 2010, the Mental Health Parity and Addiction Equality Act of 2008 ("MHPAEA") was enacted to require that insurance companies provide equivalent coverage for mental health services, as they do for other medical and surgical benefits, if covered. See 29 U.S.C. § 1185a and 42 U.S.C. § 300gg-26. Similarly, the Patient Protection and Affordable Care Act built on the MHPAEA, requiring all new small group and individual market plans to cover ten essential health benefit categories, including mental health and substance use disorder services, and to cover them at parity with medical and surgical benefits. See 42 U.S.C. § 18022(b)(1)(E).

Moreover, children covered by the Children's Health Insurance Program (CHIP) receive mental health services. See 42 U.S.C. § 1397cc. These services include counseling, therapy, medication management, and substance use disorder treatment. *Id.* Medicaid requires that children enrolled in Medicaid receive a wide range of "medically necessary" services, including mental health services. 42 U.S.C. § 1396d(r)(1)(A)(ii).

The Domestic Relations Code requires either one or both parents to provide "medical support" for children of parties in support matters. See 23 Pa.C.S. § 4326(a). "Medical support" is defined as "[h]ealth care coverage, which includes coverage under a health insurance plan. . ." and "health care coverage" includes "coverage for medical, dental. . . psychological, psychiatric or other health care services. . ." *Id.* at § 4326(l).

The Committee took note of these legislative changes, as well as the parity between medical expenses and mental health expenses in other jurisdictions. A review indicated that at least 15 states, including the neighboring states of Maryland, Ohio and West Virginia, consider mental health expenses the same as other medical expenses. See Md. Code, Family Law Article § 12-204(h)(2); O.R.C. § 3119.05; and W. Va. Code § 48-12-101(7).

Additionally, the Committee observed there appears to be a growing need for mental health services for minors. Statistics from the Center of Disease Control (CDC) indicate that 9.8% of children under the age of 18 are diagnosed with ADHD, 9.4% suffer from anxiety, 4.4% suffer from depression, and 8.9% suffer from behavior problems. See www.cdc.gov/childrensmentalhealth/data.html. The CDC's 2019 Youth Behavior Risk Surveillance System found that 17% of all Pennsylvania school-aged children had thoughts of suicide, 12.5% had a plan to end their lives and 8% had an attempt in the past 12 months. See A. Ivey-Stephenson, *et al.*, *Suicidal Ideation and Behaviors Among High School Students*, *Morbidity and Mortality Weekly Report* Vol. 69(1):47—55 (Aug 21 2020). Research indicates that children exposed to family instability in their personal lives have an increased risk for adjustment problems, including depression and behavior disorders. D. Lee and S. McLanahan, *Family Structure Transitions and Child Development: Instability, Selection, and Population Heterogeneity*, *Am. Sociological Rev.* 80(4):738—763 (Aug 2015). As a result of the increasing concerns related to mental health issues, the majority of the Committee did not want child support litigation between parties to cause a delay in accessing mental health services.

Accordingly, the proposal would remove references to "psychiatric" and "psychological" expenses from subdivisions (c)(1)(iii) and place those references in subdivision (c)(1)(ii) so those expenses are apportioned without a

specific order of court in a manner similar to medical expenses. It is also proposed that the Notes following subdivision (c)(1)(iii) and subdivision (c)(4) would be revised to reflect this amendment and the content relocated to a Comment.

This proposal was not without concern that a support determination allocating unreimbursed psychiatric and psychological expenses may be tantamount to a determination that such services are appropriate for a child or obligee. Compare Pa.R.Civ.P. 1910.16-6(c)(1)(ii) (“reasonably necessary”) with the accompanying Note (“reasonable and appropriate”). A majority of the Committee believed that any disagreement among the parties about the appropriateness of medical services, including psychiatric and psychological services, is a matter of custody and not support or a proceeding for an obligee, as directed by the court. As a result of these concerns, commentary was added to confirm that the “necessity of unreimbursed medical services should be raised as a custody or other matter. . .” The commentary would emphasize that the intent of this rule is to apportion costs of all of the services, not to determine if they are appropriate for a child or obligee.

Accordingly, the Committee invites all comments, objections, concerns, and suggestions regarding this proposed rulemaking.

[Pa.B. Doc. No. 22-1961. Filed for public inspection December 16, 2022, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 5]

Order Amending Rule 515 of the Pennsylvania Rules of Juvenile Court Procedure; No. 925 Supreme Court Rules Docket

Order

Per Curiam

And Now, this 1st day of December, 2022, upon the recommendation of the Juvenile Court Procedural Rules Committee, the proposal having been published for public comment at 52 Pa.B. 11 (January 1, 2022):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Juvenile Court Procedure 515 is amended in the attached form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective on April 1, 2023.

Additions to the rule are shown in bold and are underlined.

Deletions from the rule are shown in bold and brackets.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 5. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 515. Dispositional Order.

[A.] (a) *Generally*. When the court enters a disposition after an adjudication of delinquency pursuant to Rule

409(A)(2), the court shall issue a written order in accordance with 42 Pa.C.S. § 6352, which the court has determined to be consistent with the protection of the public interest and best suited to the child’s treatment, supervision, rehabilitation and welfare, which disposition shall, as appropriate to the individual circumstances of the child’s case, provide balanced attention to the protection of the community, accountability for the offenses committed, and development of the juvenile’s competencies to enable the juvenile to become a responsible and productive member of the community. The order shall include:

(1) the court’s findings pursuant to Rule 512(D), **including any conditions of probation that, if not enumerated in the order, shall be attached to the order;**

(2) a designation whether the case is eligible pursuant to 42 Pa.C.S. § 6307(b)(1.1)(i) for limited public information;

(3) a directive that the juvenile shall submit to fingerprinting and photographing by, or arranged by, the law enforcement agency that submitted the written allegation in all cases in which the juvenile has not previously been fingerprinted or photographed;

(4) the date of the order; and

(5) the signature and printed name of the judge entering the order.

[B.] (b) *Financial Obligations*. If the court orders the payment of fines, costs, fees, or restitution, pursuant to 42 Pa.C.S. § 6352(a)(5) and (6), the amounts shall be reasonable and as deemed appropriate as part of a plan of rehabilitation considering the nature of the acts committed and the earning capacity of the juvenile. The dispositional order shall include:

(1) the specific amounts of fines, costs, fees, or restitution to be paid by the juvenile;

(2) to whom each of the financial obligations shall be paid; and

(3) a payment schedule based upon the juvenile’s ability to pay according to the dispositional order.

[C.] (c) *Guardian Participation*. The dispositional order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

[D.] (d) *Disposition Reporting*. The court shall forward the case disposition to the Juvenile Court Judges’ Commission, as required by the Commission.

Comment

See 42 Pa.C.S. § 6352 regarding disposition of a delinquent child.

Courts shall impose the conditions of probation at the time of disposition. See Pa.R.J.C.P. 512(D)(3). If the imposed conditions of probation are not enumerated in the dispositional order itself, the court shall attach them to the order pursuant to subdivision (a)(1).

Pursuant to [paragraph (A)(2)] **subdivision (a)(2)**, the court is to determine if the case is eligible for limited public information under the requirements of 42 Pa.C.S. § 6307(b)(1.1)(i). See 42 Pa.C.S. § 6307(b)(2). When the case is designated, the clerk of courts is to mark the file clearly. For information that is available to the public in those eligible cases, see Rule 160.

See 23 Pa.C.S. § 5503 and 42 Pa.C.S. §§ 6308, 6309 [&], and 6310.

(*Editor's Note:* Pa.R.J.C.P. 515 as printed in 237 Pa. Code reads “and” rather than “&.”)

Pursuant to [**paragraph (B)**] **subdivision (b)**, financial obligations may be imposed as a plan of rehabilitation consistent with the goals of balanced and restorative justice: 1) the protection of the community; 2) the imposition of accountability for offenses committed; and 3) the development of competencies to enable the juvenile to become a responsible and productive member of the community. See 42 Pa.C.S. § 6352(a).

In determining the amount of the financial obligation pursuant to [**paragraph (B)**] **subdivision (b)**, the judge may include a contribution to a restitution fund. See 42 Pa.C.S. §§ 6352(a)(5)-(6). A juvenile's earning capacity can be determined by examining factors including, but not limited to, the juvenile's physical and intellectual capabilities, maturity, education, work history, availability of suitable employment, and the priority of other uses of earnings, including essential goods and services, dependents, and the pursuit of higher education. The court may also order non-financial obligations consistent with the principles of balanced and restorative justice.

Assuming the court finds the juvenile has a sufficient earning capacity to impose a reasonable financial obligation, the court should determine the juvenile's present ability to pay the financial obligation in accordance with the payment schedule pursuant to [**paragraph (B)(3)**] **subdivision (b)(3)**. In determining a payment schedule, the court should include the frequency, amount, and duration of payments. A juvenile with a present ability to satisfy a financial obligation may be placed on an immediate and full payment schedule.

When a disposition is no longer consistent with the goals of balanced and restorative justice, a juvenile's plan of rehabilitation may be changed through a dispositional review hearing and modification of dispositional order, including an adjustment of financial obligations. See Rule 610(A)-(B).

The court shall retain jurisdiction over the juvenile until the juvenile attains 21 years of age, or supervision has been terminated upon completion of the terms of the dispositional order and satisfaction of financial obligations, or otherwise. See 42 Pa.C.S. § 6352(a)(5); see also Rules 630 (Loss of Court Jurisdiction), 631 (Termination of Court Supervision) and 632 (Early Termination of Court Supervision by Motion).

[Official Note

Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended February 13, 2019, effective June 28, 2019. Amended October 22, 2021, effective April 1, 2022.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 515 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007).

Final Report explaining the amendment to Rule 515 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010).

Final Report explaining the amendments to Rule 515 published with the Courts Order at 41 Pa.B. 2413 (May 14, 2011).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 49 Pa.B. 916 (March 2, 2019).

Final Report explaining the amendments to Rule 515 published with the Court's Order at 51 Pa.B. ___ (___, 2021).]

(*Editor's Note:* Pa.R.J.C.P. 515 as printed in 237 Pa. Code reads “Final Report explaining the amendments to Rule 515 published with the Courts Order at 51 Pa.B. 6905 (November 6, 2021).”)

JUVENILE COURT PROCEDURAL RULES COMMITTEE

ADOPTION REPORT

Amendment of Pa.R.J.C.P. 515

On December 1, 2022, the Supreme Court amended Pennsylvania Rule of Juvenile Court Procedure 515 to require the juvenile court to include any conditions of probation, if not enumerated in the dispositional order, be attached to the order. The Juvenile Court Procedural Rules Committee has prepared this Adoption Report describing the rulemaking process. An Adoption Report should not be confused with Comments to the rules. See Pa.R.J.A. 103, Comment. The statements contained herein are those of the Committee, not the Court.

In the disposition of a delinquent juvenile, the Juvenile Act permits the court to place a juvenile on probation “under conditions and limitations the court prescribes.” 42 Pa.C.S. § 6352(a)(2). The terms and conditions must be stated by the court on the record at the time of disposition. See *id.* § 6252(c); Pa.R.J.C.P. 512(D)(3). The Committee understood that it may not be a consistent statewide practice for the court to impose the conditions of probation at the time of disposition. Instead, some courts appear to delegate the imposition of appropriate conditions to the juvenile probation office after disposition.

The Committee believed the rules should reinforce that the juvenile court judge, and not the probation department, is to impose the conditions of probation at the time of the disposition. Accordingly, the Committee proposed amending the Comment to Pa.R.J.C.P. 515 to advise courts that, if the conditions are not set forth in the order, then the conditions should be attached to the order. This language was intended to accommodate the process whereby the juvenile probation officer hands up written conditions of probation at the time of the dispositional hearing, which may be accepted, in whole or in part, by the judge.

The proposal was published for comment. See 52 Pa.B. 11 (January 1, 2022). No comments were received. Post-publication, the proposed advisement in the commentary was elevated to the rule text of subdivision (a)(1) to require that any conditions of probation be included in the dispositional order and, if not included, then attached to the order.

Aside from stylistic revisions, the following commentary is being removed from the rule:

Official Note: Rule 515 adopted April 1, 2005, effective October 1, 2005. Amended August 20, 2007, effective December 1, 2007. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 29, 2011, effective July 1, 2011. Amended February 13, 2019, effective June 28, 2019. Amended October 22, 2021, effective April 1, 2022.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 515 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005). Final Report explaining the amendments to Rule 515 published with the Court's Order at 37 Pa.B. 4866 (September 8, 2007). Final Report explaining the amendment to Rule 515 published with the Court's Order at 39 Pa.B. 4743 (August 8, 2009). Final Report explaining the amendments to Rule 515 published with the Court's Order at 40 Pa.B. 222 (January 9, 2010). Final Report explaining the amendments to Rule 515 published with the Courts Order at 41 Pa.B. 2413 (May 14, 2011). Final Report explaining the amendments to Rule 515 published with the Court's Order at 49 Pa.B. 916 (March 2, 2019). Final Report explaining the amendments to Rule 515 published with the Court's Order at 51 Pa.B. ___ (___, 2021).

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(*Editor's Note:* Pa.R.J.C.P. 515 as printed in 237 Pa. Code reads "Final Report explaining the amendments to Rule 515 published with the Courts Order at 51 Pa.B. 6905 (November 6, 2021).")

This amendment becomes effective April 1, 2023.

[Pa.B. Doc. No. 22-1962. Filed for public inspection December 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CLARION COUNTY

Adoption of Local Rules of Criminal and Juvenile Court Procedure; 2022 MD 109

Order of Court

And Now, this 21st day of November, 2022, *It Is Hereby Ordered And De creed* as follows:

1. The following Clarion County Local Rules are *Hereby Adopted* pursuant to Pa.R.Crim.P. 576.1, Pa.R.J.C.P. 205, and Pa.R.J.C.P. 1205 effective December 21, 2022.

2. The adopted Local Rules shall be disseminated and published in the following manner:

One (1) certified copy of the adopted Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

The adopted Local Rules shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

A copy of the adopted Local Rules shall be published on the Unified Judicial System's website through the Pennsylvania Judiciary's Web Application Portal;

The adopted Local Rules shall be kept continuously available for the public inspection and copying in the Office of the Clerk of Courts of Clarion County, and upon request and payment of reasonable costs of reproduction and mailing, a copy shall be furnished to any requesting person; and

The adopted Local Rules shall be published on the website of the County of Clarion.

By the Court

SARA J. SEIDLE-PATTON,
President Judge

Local Rule of Criminal Procedure 576.1. Electronic Filing and Service of Legal Papers in Criminal Proceedings.

(A) *Electronic Filing.* The Administrative Office of Pennsylvania Courts and the Eighteenth Judicial District have agreed upon an implementation plan for electronic filing, as that term is defined in Pa.R.Crim.P. 576.1(C), in the Eighteenth Judicial District through the statewide system known as PACFile, effective December 21, 2022. The Clarion County Court of Common Pleas hereby permits the electronic filing of legal papers and the electronic service of such papers under the terms described in this Local Rule. In the context of this rule, "legal papers" which may be filed electronically do not include cases involving Domestic Relations, Protection from Abuse, Orphans' Court, and Mental Health/Intellectual Disability.

(B) *PACFile.* Electronic filing through the PACFile System is voluntary. Any party or attorney who declines to participate, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format ("hard-copy") and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.1. All electronic filings shall be in Portable Document Format (PDF).

(C) *Legal Papers.*

(1) The legal papers which may be filed electronically shall encompass all written motions, written answers, and any notices or documents for which filing is required or permitted, including orders, copies of exhibits, and attachments, except for the following:

- (a) Applications for search warrants;
- (b) Applications for arrest warrants;

(c) Any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;

(d) Exhibits offered into evidence, whether or not admitted, in a court proceedings;

(e) Submissions filed ex parte as authorized by law;

(f) Submissions filed or authorized to be filed under seal;

(g) Oversized documents or documents that cannot be reduced into an 8 1/2 × 11 inch;

(h) Wiretap Act, cell phone, tracker, and Internet petitions; and

(i) Third-party filing of amicus briefs or other third-party filing.

(2) The applicable rules of criminal procedure, general rules of court, and court policies that implement the rules shall continue to apply to all legal papers regardless of the method of filing.

(3) A legal paper filed electronically shall be deemed the original document.

(4) Any legal paper submitted for filing to the Clerk of Courts in a physical paper (or 'hard-copy') format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C) and this rule.

(D) *Signature.*

(1) Scanned signatures will be accepted as originals. An electronically filed document shall be deemed to have been signed by the filer if it bears a facsimile or typographical signature of the filer, e.g. /s/ John Doe.

(2) An electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.Crim.P. 575 that the filing party or attorney has filed the motion in good faith.

(3) Any motion that, pursuant to Rule 575(A)(2)(g) avers facts not of record and requiring a verification must be created in a physical paper form, have a physical signature placed on it, and then be converted into a .pdf before it may be electronically filed. The original verification shall be maintained by the electronic filer in either electronic or paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

(E) *Filing Fees.* Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, court rule or order, or published fee schedule.

(F) *Service.* Upon receipt of the legal paper, the Clerk of Courts shall provide the filing party with an acknowledgement, which includes the date and time the legal paper was received by the electronic filing system. The Clerk of Courts shall also provide the filing party with notice that the legal paper was accepted for filing. If a legal paper is not accepted upon presentation for filing or is refused by the electronic filing system, the Clerk of Courts shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or was refused for filing by the system, and the reason.

(G) *Confidential Information.* Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts whether filed electronically or in a paper format.

(H) *Record on Appeal.* Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(4), shall become the record on appeal.

Local Rule of Juvenile Procedure 205. Electronic Filing and Service of Legal Papers in Delinquency Proceedings.

(A) *Electronic Filing.* The Administrative Office of Pennsylvania Courts and the Eighteenth Judicial District have agreed upon an implementation plan for electronic filing, as that term is defined Pa.R.J.C.P. 205(C), in the Eighteenth Judicial District through the statewide system known as PACFile, effective December 21, 2022. The Clarion County Court of Common Pleas hereby permits the electronic filing of legal papers and the electronic service of such papers under the terms described in this Local Rule in all delinquency proceedings. In the context of this rule, "legal papers" which may be filed electronically do not include cases involving Domestic Relations, Protection from Abuse, Orphans' Court, and Mental Health/Intellectual Disability.

(B) *PACFile.* Electronic filing through the PACFile System is voluntary. Any party or attorney who declines to participate, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format ('hard-copy') and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.J.C.P. 205. All electronic filings shall be in Portable Document Format (PDF).

(C) *Legal Papers.*

(1) The legal papers which may be filed electronically shall encompass all written motions, written answers, and any notices or documents for which filing is required or permitted, including orders, copies of exhibits, and attachments.

(2) The applicable rules of juvenile procedure, general rules of court, and court policies that implement the rules shall continue to apply to all legal papers regardless of the method of filing.

(3) A legal paper filed electronically shall be deemed the original document.

(4) Any legal paper submitted for filing to the Clerk of Courts in a physical paper (or 'hard-copy') format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.J.C.P. 205(C) and this rule.

(D) *Signature.*

(1) Scanned signatures will be accepted as originals. An electronically filed document shall be deemed to have been signed by the filer if it bears a facsimile or typographical signature of the filer, e.g. /s/ John Doe.

(2) An electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.J.C.P. 344(C)(1) that the filing party or attorney has filed the motion in good faith.

(3) Any motion that, pursuant to Rule 344(C)(3), avers facts not of record and requiring a verification must be created in a physical paper form, have a physical signa-

ture placed on it, and then be converted into a .pdf before it may be electronically filed. The original verification shall be maintained by the electronic filer in either electronic or paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

(E) *Filing Fees.* Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, court rule or order, or published fee schedule.

(F) *Service.* Upon receipt of the legal paper, the Clerk of Courts shall provide the filing party with an acknowledgement, which includes the date and time the legal paper was received by the electronic filing system. The Clerk of Courts shall also provide the filing party with notice that the legal paper was accepted for filing. If a legal paper is not accepted upon presentation for filing or is refused by the electronic filing system, the Clerk of Courts shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or was refused for filing by the system, and the reason.

(G) *Confidential Information.* Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts whether filed electronically or in a paper format.

(H) *Record on Appeal.* Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(4), shall become the record on appeal.

Local Rule of Juvenile Procedure 1205. Electronic Filing and Service of Legal Papers in Dependency Proceedings.

(A) *Electronic Filing.* The Administrative Office of Pennsylvania Courts and the Eighteenth Judicial District have agreed upon an implementation plan for electronic filing, as that term is defined in Pa.R.J.C.P. 1205(C), in the Eighteenth Judicial District through the statewide system known as PACFile, effective December 21, 2022. The Clarion County Court of Common Pleas hereby permits the electronic filing of legal papers and the electronic service of such papers under the terms described in this Local Rule in all dependency proceedings. In the context of this rule, "legal papers" which may be filed electronically do not include cases involving Domestic Relations, Protection from Abuse, Orphans' Court, and Mental Health/Intellectual Disability.

(B) *PACFile.* Electronic filing through the PACFile System is voluntary. Any party or attorney who declines to participate, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format ('hard-copy') and shall be served legal papers in a physical paper format by the Clerk of Courts and other parties, whether electronically filed or otherwise, as required by Pa.R.J.C.P. 1205. All electronic filings shall be in Portable Document Format (PDF).

(C) *Legal Papers.*

(1) The legal papers which may be filed electronically shall encompass all written motions, written answers, and any notices or documents for which filing is required or permitted, including orders, copies of exhibits, and attachments.

(2) The applicable rules of juvenile procedure, general rules of court, and court policies that implement the rules shall continue to apply to all legal papers regardless of the method of filing.

(3) A legal paper filed electronically shall be deemed the original document.

(4) Any legal paper submitted for filing to the Clerk of Courts in a physical paper (or 'hard-copy') format shall be accepted by the Clerk of Courts in that format and shall be retained by the Clerk of Courts as may be required by applicable rules of court and record retention policies. The Clerk of Courts shall convert such hard-copy legal paper to .pdf and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.J.C.P. 1205(C) and this rule.

(D) *Signature.*

(1) Scanned signatures will be accepted as originals. An electronically filed document shall be deemed to have been signed by the filer if it bears a facsimile or typographical signature of the filer, e.g. /s/ John Doe.

(2) An electronic filing of a motion or answer that includes an electronic signature constitutes a certification pursuant to Pa.R.J.C.P. 1344(C)(1) that the filing party or attorney has filed the motion in good faith.

(3) Any motion that, pursuant to Pa.R.J.C.P. 1344(C)(3), avers facts not of record and requiring a verification must be created in a physical paper form, have a physical signature placed on it, and then be converted into a .pdf before it may be electronically filed. The original verification shall be maintained by the electronic filer in either electronic or paper format and made available upon direction of the court or reasonable request of the signatory or opposing party.

(E) *Filing Fees.* Applicable filing fees shall be paid through procedures established by the Clerk of Courts and at the same time and in the same amount as required by statute, court rule or order, or published fee schedule.

(F) *Service.* Upon receipt of the legal paper, the Clerk of Courts shall provide the filing party with an acknowledgement, which includes the date and time the legal paper was received by the electronic filing system. The Clerk of Courts shall also provide the filing party with notice that the legal paper was accepted for filing. If a legal paper is not accepted upon presentation for filing or is refused by the electronic filing system, the Clerk of Courts shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or was refused for filing by the system, and the reason.

(G) *Confidential Information.* Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and refrain from including confidential information in legal papers filed with the Clerk of Courts whether filed electronically or in a paper format.

(H) *Record on Appeal.* Electronically filed legal papers, and copies of legal papers filed in a paper format as provided in subsection (C)(4), shall become the record on appeal.

[Pa.B. Doc. No. 22-1963. Filed for public inspection December 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CUMBERLAND COUNTY

Local Rule 107.1; Civil Term; No. 96-1335 Civil

Amended Order

And Now, this 1st day of December 2022, it is hereby Ordered and Decreed, that effective thirty (30) days after publication in the *Pennsylvania Bulletin*, the Cumberland County Court of Common Pleas amends local rule 107.1:

Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

Rule 107.1.

The District Attorney of Cumberland County having filed a certification pursuant to Pa.R.Crim.P. 107, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging one (1) or more of the following offenses:

(a) The following offenses set forth in Chapter 9 of the Pennsylvania Crimes Code entitled “Inchoate Crimes”:

(i) Corrupt Organizations in violation of 18 Pa.C.S. § 911;

(b) All offenses set forth in Chapter 25 of the Pennsylvania Crimes Code entitled “Criminal Homicide”;

(c) All offenses set forth in Chapter 26 of the Pennsylvania Crimes Code entitled “Crimes Against Unborn Child”;

(d) The following offenses set forth in Chapter 27 of the Pennsylvania Crimes Code entitled “Assault”:

(i) Aggravated Assault in violation of 18 Pa.C.S. § 2702;

(ii) Discharge of Firearm into an Occupied Structure in violation of 18 Pa.C.S. § 2707.1

(iii) Stalking in violation of 18 Pa.C.S. § 2709.1;

(iv) Ethnic Intimidation in violation of 18 Pa.C.S. § 2710;

(v) Neglect of a Care-Dependent Person in violation of 18 Pa.C.S. § 2713;

(vi) Abuse of a Care-Dependent Person in violation of 18 Pa.C.S. § 2713.1;

(vii) Threat to Use Weapons of Mass Destruction in violation of 18 Pa.C.S. § 2715;

(viii) Weapons of Mass Destruction in violation of 18 Pa.C.S. § 2716;

(ix) Strangulation in violation of 18 Pa.C.S. § 2718;

(e) All offenses set forth in Chapter 29 of the Pennsylvania Crimes Code entitled “Kidnapping”;

(f) All offenses set forth in Chapter 30 of the Pennsylvania Crimes Code entitled “Human Trafficking”;

(g) All offenses set forth in Chapter 31 of the Pennsylvania Crimes Code entitled “Sexual Offenses”;

(h) All offenses set forth in Chapter 32 of the Pennsylvania Crimes Code entitled “Abortion”;

(i) The following offenses set forth in Chapter 33 of the Pennsylvania Crimes Code entitled “Arson, Criminal Mischief and Other Property Destruction”:

(i) Arson and Related Offenses in violation of 18 Pa.C.S. § 3301;

(j) The following offenses set forth in Chapter 35 of the Pennsylvania Crimes Code entitled “Burglary and Other Criminal Intrusion”:

(i) Burglary in violation of 18 Pa.C.S. § 3502;

(k) The following offenses set forth in Chapter 37 of the Pennsylvania Crimes Code entitled “Robbery”;

(i) Robbery in violation of 18 Pa.C.S. § 3701;

(ii) Robbery of Motor Vehicle in violation of 18 Pa.C.S. § 3702;

(l) The following offenses set forth in Chapter 41 of the Pennsylvania Crimes Code entitled “Forgery and Fraudulent Practices”:

(i) Fraudulent Destruction, Removal or Concealment of Recordable Instruments in violation of 18 Pa.C.S. § 4103;

(ii) Deceptive or Fraudulent Business Practices in violation of 18 Pa.C.S. § 4107;

(iii) Insurance Fraud in violation of 18 Pa.C.S. § 4117;

(iv) Washing Vehicle Titles in violation of 18 Pa.C.S. § 4118;

(m) All offenses set forth in Chapter 43 of the Pennsylvania Crimes Code entitled “Offenses Against the Family”;

(n) All offenses set forth in Chapter 47 of the Pennsylvania Crimes Code entitled “Bribery and Corrupt Influence”;

(o) All offenses set forth in Chapter 49 of the Pennsylvania Crimes Code entitled “Falsification and Intimidation”;

(p) All offenses set forth in Chapter 51 of the Pennsylvania Crimes Code entitled “Obstructing Governmental Operations”;

(q) The following offenses set forth in Chapter 55 of the Pennsylvania Crimes Code entitled “Riot, Disorderly Conduct and Related Offenses”:

(i) Riot in violation of 18 Pa.C.S. § 5501;

(ii) Abuse of Corpse in violation of 18 Pa.C.S. § 5510;

(iii) Gambling Devices, Gambling, Etc. in violation of 18 Pa.C.S. § 5513;

(iv) Facsimile Weapons of Mass Destruction in violation of 18 Pa.C.S. § 5516;

(r) All misdemeanor and felony offenses set forth in Chapter 55, Subchapter B of the Pennsylvania Crimes Code entitled “Cruelty to Animals”;

(s) All offenses set forth in Chapter 57 of the Pennsylvania Crimes Code entitled “Wiretapping and Electronic Surveillance”;

(t) The following offenses set forth in Chapter 59 of the Pennsylvania Crimes Code entitled “Public Indecency”:

(i) Prostitution and Related Offenses in violation of 18 Pa.C.S. § 5902;

(ii) Obscene and Other Sexual Material and Performances in violation of 18 Pa.C.S. § 5903

(iii) Persons Not to Possess, Use, Manufacture, Control, Sell or Transfer Firearms in violation of 18 Pa.C.S. § 6105;

(iv) Firearms Not to be Carried Without a License in violation of 18 Pa.C.S. § 6106;

(v) Sale or Transfer of Firearms in violation of 18 Pa.C.S. § 6111;

(u) The following offenses set forth in Chapter 63 of the Pennsylvania Crimes Code entitled “Minors:”

(i) Corruption of Minors in violation of 18 Pa.C.S. § 6301;

(ii) Sexual Abuse of Children in violation of 18 Pa.C.S. § 6312;

(iii) Unlawful Contact with Minors in violation of 18 Pa.C.S. § 6318;

(iv) Solicitation of Minors to Traffic Drugs in violation of 18 Pa.C.S. § 6319;

(v) Sexual Exploitation of Children in violation of 18 Pa.C.S. § 6320;

(vi) Transmission of Sexually Explicit Images by Minor in violation of 18 Pa.C.S. § 6321;

(v) The following offenses set forth in Chapter 75 of the Pennsylvania Crimes Code entitled “Other Offenses”:

(i) Invasion of Privacy in violation of 18 Pa.C.S. § 7507.1;

(ii) Operation of Methamphetamine Laboratory in violation of 18 Pa.C.S. § 7508.2;

(w) All offenses set forth in Chapter 76 of the Pennsylvania Crimes Code entitled “Computer Offenses”;

(x) All offenses set forth in Chapter 77 of the Pennsylvania Crimes Code entitled “Vehicle Chop Shot and Illegally Obtained and Altered Property”;

(y) The following offenses set forth in Chapter 63 of the Pennsylvania Domestic Relations Code entitled “Child Protective Services”;

(i) Failure to Report Child Abuse by Mandated Reporter in violation of 23 Pa.C.S. § 6319

(z) The following offenses set forth in Chapter 9 of the Pennsylvania Fish and Boat Code entitled “Enforcement”;

(i) Resisting or Interfering with a Game Officer in violation of 30 Pa.C.S. § 904;

(ii) Homicide by Watercraft while DUI in violation of 30 Pa.C.S. § 5502.1;

(iii) Homicide by Watercraft in violation of 30 Pa.C.S. § 5502.2;

(aa) The following prohibited acts set forth in “The Controlled Substance, Drug Device and Cosmetic Act:”

(i) Acquisition of Controlled Substance by Fraud in violation of 35 P.S. § 780-113(a)(12);

(ii) Delivery by Practitioner in violation of 35 P.S. § 780-113(a)(13);

(iii) Unlawful Delivery or Possession with Intent to Deliver a Controlled Substance in violation of 35 P.S. § 780-113(a)(30);

(iv) Illegal Sale of Non-Controlled Substance in violation of 35 P.S. § 780-113(a)(35);

(v) Designer Drugs in violation of 35 P.S. § 780-113(a)(36);

(bb) All violations of 73 P.S. §§ 517.1—517.19 entitled “Home Improvement Consumer Protection Act”;

(cc) The following offenses under the Pennsylvania Motor Vehicle Code:

(i) Homicide by Vehicle in violation of 75 Pa.C.S. § 3732;

(ii) Aggravated Assault by Vehicle in violation of 75 Pa.C.S. § 3732.1;

(iii) Fleeing or Attempting to Elude Police Officers in violation of 75 Pa.C.S. § 3733;

(iv) Homicide by Vehicle While DUI in violation of 75 Pa.C.S. § 3735;

(v) Aggravated Assault by Vehicle While DUI in violation of 75 Pa.C.S. § 3735.1;

(vi) Accidents Involving Death or Personal Injury (Felony Only) in violation of 75 Pa.C.S. § 3742;

(vii) Accidents Involving Death or Personal Injury While Not Properly Licensed in violation of 75 Pa.C.S. § 3742.1.

The Cumberland County District Court Administrator is Ordered and Directed to do the following:

1. File one (1) copy to the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.

2. File two (2) paper copies and one (1) electronic copy in a Microsoft Word format only to bulletin@palrb.us with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish these Rules on the Cumberland County Court website at www.ccpa.net.

4. Incorporate the local rule into the set of local rules on www.ccpa.net within thirty (30) days after the publication of the local rule in the *Pennsylvania Bulletin*.

5. File one (1) copy of the local rule in the appropriate filing office for public inspection and copying.

6. Forward one (1) copy to the *Cumberland Law Journal*.

By the Court

EDWARD E. GUIDO,
President Judge

[Pa.B. Doc. No. 22-1964. Filed for public inspection December 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793S1989

Order

And Now, this 5th day of December 2022, Dauphin County Local Rules of Civil Procedure 1915.3, 1915.3.1, 1915.3.2, 1915.4-2, 1915.4-4, 1915.5, 1915.7, 1915.17, and 1930 are amended as follows and Dauphin County Local Rules of Civil Procedure 1915.8, 1915.15(c), and 1931 are rescinded.

Rule 1915.3. Custody Actions.

(a) Commencement of Custody Actions

1. A custody action shall be commenced by the filing of an original and one copy of either a Custody Complaint or a Divorce Complaint or Counterclaim that contains a custody count with the Prothonotary in accordance with Pa.R.C.P. 1915.3.

2. In addition to the filing fees assessed for the filing of complaints, an additional administrative fee in the amount of \$150.00 shall be paid to the Prothonotary simultaneously with the filing of the Custody action.

(b) A Custody Action shall include the following attachments:

[**1. A Seminar Attendance and Custody Conference Scheduling Order in accordance with Local Rule 1915.15(c).**

2. Prior Court Involvement Statement in accordance with Local Rule 1931. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center

3.] 1. A Criminal or Abuse History Verification in accordance with Pa.R.C.P. 1915.3-2. This form is available [at www.dauphincounty.org/government/Court-Departments/Self-Help-Center] at the Dauphin County Website on the Self-Help Center page.

[**4.] 2. Self-Represented Party Entry of Appearance, if not represented by legal counsel, in accordance with Local Rule 1930.8. This form is available [at www.dauphincounty.org/government/Court-Departments/Self-Help-Center] at the Dauphin County Website on the Self-Help Center page.**

3. The Confidential Information Form.

(c) The Prothonotary shall promptly forward the original Custody Complaint with the attachments listed above to the Court Administrator's Office for assignment to a Custody Conference Officer [**and scheduling of the Seminar**].

[**(d) The Court Administrator's Office will contact a Custody Conference Officer to establish the date, time and location of the Custody Conference which will generally be scheduled after the dates for the parties' attendance at the mandatory four hour educational seminar (Seminar for Families in Change and Conflict) in accordance with Local Rule 1930.**

(e) The Court Administrator's Office will insert the assigned dates, times and location on the Seminar Attendance and Custody Conference Scheduling Order.

(f) The Court Administrator's Office shall file the Order with the Prothonotary and promptly notify the Plaintiff(s) or their legal counsel, if represented, that the Custody action, attachments, Seminar Attendance and Custody Conference Scheduling Order are ready to pick up for service on the other parties in accordance with the applicable rules of civil procedure.

(g) Plaintiff(s) or their legal counsel, if represented, shall promptly file a Certificate of Service with the Prothonotary verifying that they have served the Complaint, attachments and Order on all parties before the date of the scheduled Seminars and Custody Conference.

(h)] (d) If the parties do not reach an agreement at the Custody Conference (see Local Rule 1915.4-2), the Conference Officer may recommend an Interim Order and the case will be assigned to a Family Court Judge [**for hearing**].

[(i)] (e) As a general rule, if a Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

Rule [**1915.3.1**] **1915.15.** Petition for Modification of a Custody Order.

(a) An original and one copy of a Petition for Modification of a Custody Order shall be filed with the Prothonotary together with the administrative fee of \$150.00.

(b) A Petition for Modification of a Custody Order shall include the following attachments:

[**1. A Seminar Attendance and Custody Conference Scheduling Order in accordance with Local Rule 1915.15(c).**

2. Prior Court Involvement Statement in accordance with Local Rule 1931. This form is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

3.] 1. A Criminal or Abuse History Verification in accordance with Pa.R.C.P. 1915.3-2. This form is available [at www.dauphincounty.org/government/Court-Departments/Self-Help-Center] at the Dauphin County Website on the Self-Help Center page.

[**4.] 2. Self-Represented Party Entry of Appearance, if not represented by legal counsel, in accordance with Local Rule 1930.8. This form is available [at www.dauphincounty.org/government/Court-Departments/Self-Help-Center] at the Dauphin County Website on the Self-Help Center page.**

[**5.] 3. A copy of the most recent Custody Order.**

4. The Confidential Information Form.

(c) The Prothonotary shall promptly forward the original Petition for Modification of a Custody Order with the attachments listed above to the Court Administrator's Office for assignment to a Custody Conference Officer [**and scheduling of the Seminar**].

[**(d) The Court Administrator's Office shall contact a Custody Conference Officer to establish the date, time and location of the Custody Conference which will generally be scheduled after the dates for the parties' attendance at the mandatory four hour educational seminar (Seminar for Families in Change and Conflict) in accordance with Local Rule 1930. Attendance at the Seminar is not required if the parties have attended the Seminar within the last twelve (12) months unless ordered by the Court.**

(e) The Court Administrator's Office will insert the dates, times and location on the Seminar Attendance and Custody Conference Scheduling Order.

(f) The Court Administrator's Office shall file the Order with the Prothonotary and promptly notify the Petitioner(s) or their legal counsel, if represented, that the Petition for Modification, attachments and Seminar Attendance and Custody Conference Scheduling Order are ready for service on the other parties in accordance with the applicable rules of civil procedure.

(g) The Petitioner or their legal counsel, if represented, shall promptly thereafter file a Certificate of Service verifying that they have served the Petition, attachments and Order on all parties with the Prothonotary before the date of the scheduled Seminars and Custody Conference.

(h)] (d) If the parties do not reach an agreement at the Custody Conference (see Local Rule 1915.4-2), the

Conference Officer may recommend an Interim Order and the case will be assigned to a Family Court Judge [**for hearing**].

[(i)] **(e)** As a general rule, if a Family Court Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

Rule [**1915.3.2**] **1915.12**. Petition for Contempt of Custody Orders, Custody Agreement or Parenting Plan.

(a) An original and one copy of a Petition for Contempt shall be filed with the Prothonotary together with the administrative fee of \$150.00.

(b) A Petition for Contempt shall include the following:

1. Seminar Attendance and Custody Conference Scheduling Order in accordance with Local Rule 1915.15(c).

2. Prior Court Involvement Statement in accordance with Local Rule 1931. This is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center

3] 1. A Criminal or Abuse History Verification in accordance with Pa.R.C.P. 1915.3-2. This is available [**at www.dauphincounty.org/government/Court-Departments/Self-Help-Center] at the Dauphin County Website on the Self-Help Center page.**

[**4.] 2.** Self-Represented Party Entry of Appearance if not represented by legal counsel in accordance with Local Rule 1930.8. This is available [**at www.dauphincounty.org/government/Court-Departments/Self-Help-Center] at the Dauphin County Website on the Self-Help Center page.**

[**5.] 3.** Copy of the most recent Custody Order. [**, Custody Agreement or Parenting Plan**].

4. The Confidential Information Form.

(c) The Prothonotary shall promptly forward the original Petition for Contempt with the attachments listed above to the Court Administrator's Office for assignment to a Custody Conference Officer.

[(d) **The Court Administrator's Office shall contact a Custody Conference Officer to establish the date, time and location of the Custody Conference.**

(e) **The Court Administrator's Office will insert the assigned dates, times and location on the Seminar Attendance and Custody Conference Scheduling Order.**

(f) **The Court Administrator's Office shall file the Order with the Prothonotary and promptly notify the Petitioner or their legal counsel, if represented, that the docketed Petition for Contempt, attachments and Seminar Attendance and Custody Conference Scheduling Order are ready for service on all other parties promptly in accordance with the applicable rules of civil procedure.**

(g) **The Petitioner or their counsel, if represented, shall thereafter promptly file a Certificate of Service verifying that they have served the Petition, attachments and Order on all parties with the Prothonotary before the date of the scheduled Custody Conference.**

(h)] **(d)** If the parties do not reach an agreement at the Custody Conference (see Local Rule 1915.4-2), **the**

Conference Officer may recommend an Interim Order and the case will be assigned to a Family Court Judge [**for hearing**].

[(i)] **(e)** As a general rule, if a Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

Rule 1915.4-2. Custody Conference Officers.

(a) Custody Conference Officers shall be appointed by the Court to meet with the parties and their legal counsel in a custody action to conciliate the matter, attempt to resolve issues and reach an agreed Parenting Plan/Custody Order and/or if this cannot be accomplished, to define and narrow the issues to be heard by a Judge.

(b) The compensation of Custody Conference Officers shall be set by order of court by the President Judge.

(c) Custody Conference Officers—Not Witnesses

1. To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in a Custody Trial before the Court.

2. The Custody Conference Officer shall not be a witness for or against any party in a Custody Trial before the Court or in any other proceeding whatsoever absent Court Order.

(d) Agreement of Parties at Conciliation Conference.

(1) If the parties are able to reach an agreement during the Custody Conference, the Custody Conference Officer shall prepare a proposed Parenting Plan and Custody Order memorializing the agreement.

[**(2) At the conclusion of the Conference, even if the parties have reached an agreement, if any of the parties have not attended the Seminar within the past twelve (12) months, the Custody Conference Officer shall serve them with another Order setting forth the new dates for their attendance and direct that they file their Certificates of Completion of the Seminar with the Prothonotary following which the Court will sign their Parenting Plan/Custody Order.**

(3) **The Custody Conference Officer may also recommend that adults who have a strong role in the parenting of the child(ren) should attend the Seminar.**

(4)] **(2)** The Proposed Parenting Plan and Order shall be submitted to a Family Court Judge. If a Family Court Judge has previously handled any of the parties' prior contested family law matters, it will be submitted to that Judge.

[**(5)] (3)** If approved and signed by the Court, **the Court Administrator's Office shall file** the Parenting Plan/Custody Order [**shall be filed by the Court Administrator's Office**] with the Prothonotary and [**copies shall be mailed**] **mail copies** to all parties [**by the Court Administrator's Office**].

(e) No Agreement

1. If the parties are unable to reach an agreement during the Custody Conference, the Custody Conference Officer shall prepare a Conference Summary Report for the Court which shall include the following:

(a) All relevant information gathered by the Custody Conference Officer during the conference.

(b) A summary of the contested issues to be decided by the Court.

[(c) Whether or not the parties have filed the required attachments pursuant to Local Rule 1915.3(b) and if not, the dates within which the parties have to comply and attach a recommended order providing the due date for the following:

- (1) Seminar Attendance Certificates;
- (2) Prior Court Involvement Statement;
- (3) Criminal History and Abuse Verification;
- (4) Proposed Parenting Plan;
- (5) Self-Represented Party Entry of Appearance if not represented by legal counsel.

(d) **[(c) List any criminal or abuse history on the parties' Criminal History and Abuse Verification warranting the Court to immediately order an Evaluation pursuant to 23 Pa.C.S.A. § 5329 or § 5330.**

(e) **[(d) Summarize any mental health or drug or alcohol problems raised at the Conference and recommend whether the Court should order an evaluation pursuant to Pa.R.C.P. 1915.8.**

(f) **Any recommendation that the court order the parties to re-attend the Seminar, even if they have attended the Seminar within twelve (12) months of the Conference.**

(g) **Any recommendation that adults who reside in the household or have a strong role in the parenting of the child(ren) should attend the Seminar**

(h) **[(e) Any agreed Interim Parenting Plan/Custody Order.**

(i) **[(f) A list of the names and relationships of all persons who reside in each parties' household.**

(j) **[(g) Any reports from appropriate agencies/experts.**

(k) **[(h) Whether independent counsel should be appointed for the child(ren).**

(l) **[(i) The present status of the custody of the child(ren).**

(m) **[(j) Any existing Parenting Plan/Custody Order.**

2. The Court Administrator's Office shall file the Conference Summary Report with the Prothonotary and **[copies shall be mailed] mail copies to all parties [by the Court Administrator's Office]**.

3. The Court Administrator's Office shall promptly forward the Conference Summary Report and file to the assigned **[judge] Family Court Judge**.

[4. If the parties do not reach an agreement at the Custody Conference, the case will be assigned to a Family Court Judge.

5.] 4. As a general rule, if a Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

Rule 1915.4-4. Pre-Trial Conferences and Trial.

(a) No later than five (5) days prior to the Pre-Trial Conference with a Judge, all parties **[must] shall** file a Pre-Trial Statement and serve copies on all other parties or their legal counsel. The Pre-Trial Statement must include the following:

- (1) Brief summary of the case including the names and dates of birth of the child(ren) at issue and the current custody arrangement;
- (2) Statement of issues expected to be raised at Trial;
- (3) Admissions from pleadings to be made part of the record;
- (4) Stipulations of parties;
- (5) Statements of objections or unusual evidentiary problems expected to arise at trial;
- (6) Statement of settlement prospects;
- (7) Estimated time needed for Trial;
- (8) Name and address of each expert intended to be called at trial as a witness or a request that an expert custody evaluator or other expert witness be appointed by the Court;
- (9) Name and address of each witness intended to be present at Trial and the relationship of the witness to the parties and child(ren);
- (10) List of proposed exhibits intended to be offered at Trial;
- (11) Proposed Parenting Plan in accordance with the forms found at www.dauphincounty.org/government/court-departments/self-help;
- (12) Updated Criminal or Abuse History Verification of other parties or persons living in the residence;
- (13) Information about Criminal and Abuse History of other parties or persons living in the residence;
- (14) Certificate of Completion of the Seminar if not previously filed;
- (15) Any other relevant matter.

(b) No later than five (5) days prior to a Custody Trial before a Judge, the parties shall file an updated Pre-Trial Statement and serve copies on all other parties or their legal counsel which shall include the items listed above and any additional items as directed by the Judge.

1915.5. Question of Jurisdiction or Venue. No Responsive Pleading Required. Counterclaim.

[(a)] An original and one copy of Preliminary Objections raising a question of jurisdiction or venue shall be filed with the Prothonotary. **[Preliminary Objections to the existence or exercise of jurisdiction or venue in any custody action shall be assigned to the judge who is assigned to oversee custody matters or to the judge who has handled the case on a previous assignment] The Prothonotary shall forward the Preliminary Objections to the Court Administrator's Office for assignment to a Family Court Judge.**

[(b) Counterclaims or cross-claims shall, where possible, be filed prior to the conference.]

1915.7. Agreements.

(a) Agreements filed contemporaneously with the custody complaint:

1. When the parties reach an agreement prior to the filing of the custody complaint, either party shall file the original and one copy of the custody complaint with the Prothonotary and bring the original signed custody agreement to the Court Administrator's Office for assignment to a Family Court Judge. The agreement shall not be filed with the Prothonotary at the same time that the custody complaint is filed. The agreement will be filed with the Prothonotary as an attachment to the Court Order.

2. The agreement shall be signed by all parties and the signatures shall be witnessed or notarized unless the agreement is reached before the Custody Conference Officer or the Court.

3. The agreement shall contain a proposed order of court with a distribution legend.

4. An administrative fee of \$150.00 shall be paid to the Prothonotary in accordance with Rule 1915.3(a) or (b).

5. Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court posted [[at www.dauphincounty.org/government/Court-Departments/Self-Help-Center](http://www.dauphincounty.org/government/Court-Departments/Self-Help-Center)] **at the Dauphin County Website on the Self-Help Center page.**

(b) Agreements to modify existing custody orders:

1. When the parties agree to modify an existing custody order, the original agreement and proposed order shall be taken to the Court Administrator's Office for assignment to a Family Court Judge. The agreement shall not be filed with the Prothonotary but will be filed as an attachment to the Court Order. A Petition for Modification of a Custody Order should not be filed. There shall be no administrative fee paid to the Prothonotary for the modification of an existing custody order when no Petition for Modification of a Custody Order has been filed.

2. The agreement shall be signed by all parties and the signatures shall be witnessed or notarized.

3. The agreement shall contain a proposed order of court with a distribution legend.

4. Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court posted [[at www.dauphincounty.org/government/Court-Departments/Self-Help-Center](http://www.dauphincounty.org/government/Court-Departments/Self-Help-Center)] **at the Dauphin County Website on the Self-Help Center page.**

(c) Agreements reached after the complaint or petition for modification of a custody order is assigned to a Custody Conference Officer:

1. If at any time prior to the Custody Conference the parties are able to agree upon custody, the parties shall take the original signed agreement to the Court Administrator's Office for assignment to a Family Court Judge. The custody agreement shall not be filed with the Prothonotary but will be filed as an attachment to the Court Order. The agreement shall be signed by all parties and the signatures shall be witnessed or notarized. The agreement shall contain a proposed order of court with a distribution legend.

2. Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court posted [[at www.dauphincounty.org/government/Court-Departments/Self-Help-Center](http://www.dauphincounty.org/government/Court-Departments/Self-Help-Center)] **at the Dauphin County Website on the Self-Help Center page.**

(d) Agreements reached after a custody matter has been assigned to a judge:

1. If at any time prior to a conference or hearing before the assigned judge an agreement is reached regarding custody, the parties shall take the original signed agreement to the Court Administrator's Office for assignment to the assigned Family Court Judge. The agreement shall not be filed with the Prothonotary but will be filed as an attachment to the Court order. The agreement shall be signed by all parties and the signatures shall be witnessed or notarized. Upon presentation of the agreement and consent order, the Court may, in its discretion, enter an order without taking testimony.

2. The parties or children need not be present at a scheduled pretrial conference or hearing before a judge when an agreement has been reached prior to the conference or hearing unless the Court so directs.

3. Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court posted [[at www.dauphincounty.org/government/Court-Departments/Self-Help-Center](http://www.dauphincounty.org/government/Court-Departments/Self-Help-Center)] **at the Dauphin County Website on the Self-Help Center page.**

[**1915.8. Physical or Mental Examination of Persons.**

(a) **The Conference Officer shall maintain and, on request, provide counsel and the parties with a list of psychiatrists, psychologists, social workers, counselors, and the like who are available for consultation, evaluation, and testimony in custody matters.**

(b) **Reserved.**

(c) **In the event that either psychological studies or home studies become necessary to a proper disposition of the cause, the cost of such studies may be assessed against the parties.]**

[**Rule 1915.15(c). Educational Seminar Attendance and Custody Conference Scheduling Order—Custody Complaint, Custody Count In Divorce Complaint or Petition for Modification or Petition for Contempt.**

In addition to the information required by Pa.R.C.P. 1915.15(a) or 1915.15(b), each Custody Complaint, Petition for Modification, Petition for Contempt, or custody count in a Divorce action relating to child custody shall include an Educational Seminar Attendance and Custody Conference Scheduling Order in substantially the following form:

Plaintiff

Defendant

: IN THE COURT OF COMMON PLEAS
: DAUPHIN COUNTY, PENNSYLVANIA
:
: CIVIL ACTION
: CUSTODY
:
: NO.

EDUCATIONAL SEMINAR AND CUSTODY CONFERENCE SCHEDULING ORDER

AND NOW, upon consideration of the attached Complaint, Petition for Modification or Petition for Contempt of a Custody Order, it is hereby ordered that the parties and their respective counsel appear before Custody Conference Officer on _____, 20____ at _____ M, Dauphin County Courthouse, 3rd Floor, 101 Market Street, Suite 300, Harrisburg, Pennsylvania for a Custody Conference.

At such Conference, an effort will be made to conciliate and resolve the issues in dispute, or if this cannot be accomplished, to define and narrow the issues to be heard by the Court and to recommend an interim order pending pretrial/trial. Failure to appear may also result in an interim order being entered.

Children should not attend the conference unless requested by the Custody Conference Officer.

All parties are ORDERED to attend a four hour educational seminar (Seminar for Families in Change and Conflict). File with the Prothonotary and bring with you to the Custody Conference your Seminar Certificate of Attendance you will receive at the Seminar. The Plaintiff is scheduled to attend on _____ at _____ M and the Defendant is scheduled to attend on _____ at _____ M. Any requests for rescheduling must be directed to the provider of the Seminar and you will be required to attend the next available Seminar. (See attached information sheet regarding the Seminar).

FAILURE TO ATTEND AND COMPLETE THE SEMINAR WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT OF COURT PUNISHABLE BY FINE AND OTHER APPROPRIATE SANCTIONS.

IF YOU FAIL TO APPEAR AT THE CUSTODY CONFERENCE WITHOUT PROPER CAUSE SHOWN, THE CUSTODY CONFERENCE OFFICER SHALL REFER THE MATTER TO THE COURT FOR A CONTEMPT HEARING WHICH CAN RESULT IN AN INTERIM CUSTODY ORDER, THE IMPOSITION OF SANCTIONS INCLUDING FINES, ATTORNEY FEES AND COSTS.

You must complete and file with the Prothonotary a Criminal or Abuse History Verification regarding you and anyone living in your household on or before _____. The Criminal or Abuse History Verification is attached and is also available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

You must mail a copy of your Criminal or Abuse History Verification to all other parties by _____.

No party may change the child(ren)'s residence which significantly impairs the ability of the other party to exercise custodial rights without first complying with all of the applicable provisions of 23 Pa.C.S. § 5337 and Pa.R.C.P. No. 1915.17 regarding relocation.

If any party to this custody action is incarcerated at any stage of the proceedings, the Custody Conference Officer or Judge will make reasonable efforts to arrange for the incarcerated party to participate by telephone or video conference. If you, as an incarcerated party, do not think such arrangements have been made, please contact the Court Administrator's office at (717) 780-6624 or by mail at 3rd floor, Dauphin County Courthouse, 101 Market Street, Harrisburg, PA 17101.

If any party needs an interpreter at either the custody conference or trial, please contact the Court Administrator's office at (717) 780-6640 or email interpreterrequest@dauphinc.org as soon as possible. It takes a minimum of five days to schedule an interpreter and failure to make a timely request could delay the proceedings.

FOR THE COURT:

Date _____ By _____ Custody Conference Officer

YOU SHOULD TAKE THIS ORDER TO YOUR LAWYER AT ONCE.

IF YOU DO NOT HAVE A LAWYER AND WANT A LAWYER TO REPRESENT YOU, IMMEDIATELY CONTACT MIDPENN LEGAL SERVICES AT (717) 232-0581 TO OBTAIN LEGAL REPRESENTATION OR REFERRAL TO THE DAUPHIN COUNTY BAR ASSOCIATION LAWYER REFERRAL.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Dauphin 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 Court Administrator's Office at (717) 780-6630. All arrangements must be made at least 72 hours prior to any hearing or conference.]

Rule 1915.17. Relocation—Change of Address Which Will Significantly Impair The Ability of a Non-Relocating Party to Exercise Custodial Rights.

(1) A party proposing to relocate must send a Notice of Relocation and Counter-Affidavit to every other person who has custodial rights to the child(ren) pursuant to Pa.R.C.P. 1915.17. The Notice of Relocation and Counter-Affidavit are found in Pa.R.C.P. 1915.17(i) and (j) and also are available [at www.dauphincounty.org/

government/Court-Departments/Self-Help-Center] at the Dauphin County Website on the Self-Help Center page.

(2) If a party, because of the proposed relocation, files a Complaint for Custody or a Petition for Modification, the local rules regarding those actions must be followed. See Local Rule 1915.3 and [1915.3.1] 1915.15.

(3) All Custody Agreements/Parenting Plans must contain a paragraph that states the following: "A party proposing to change the residence of a child which significantly impairs the ability of a non-relocating party to exercise custody rights shall follow the procedures required by 23 Pa.C.S. § 5337 and Rule of Civil Procedure 1915.17 as set forth in Exhibit A attached to this Custody Agreement/Parenting Plan." Exhibit A must be attached to all Custody Agreements/Parenting Plans and is available [at www.dauphincounty.org/government/Court-Departments/Self-Help-Center] at the Dauphin County Website on the Self-Help-Center page.

Rule [1930] 1915.30. Mandatory [Four Hour Educational Seminar] Co-Parenting Video Viewing.

(a) In all Custody actions, [the] all parties shall [complete a four hour educational seminar (Seminar for Families in Change and Conflict) if a party has not attended the Seminar in the prior twelve (12) months and in such other cases as the Court may order] view the co-parenting video found on the Dauphin County website. The link will be noted in the custody conference scheduling order.

[(b) In custody actions, other than Petitions for Special Relief (Emergency Custody Petitions), Petitions for Contempt, or when a stipulation is filed simultaneously with a Custody Complaint, all parties must attend the Seminar before the date of their Custody Conference.

(c) In a Petition for Contempt or a Petition for Special Relief (Emergency Custody) or other similar Custody actions, the parties shall attend the Seminar as ordered by the Court.

(d) The fee for the Seminar must be submitted to the Provider on the date of attendance in accordance with the instructions contained in the information sheet provided to all parties with their Seminar Attendance Order.

(e) If the parties have not attended the Seminar prior to their Custody Conference, the Custody Conference Officer shall provide the party with another date or time to attend the Seminar and such Order will be filed with the Prothonotary's Office.

(f) If the Custody Conference Officer recommends that it would be in the child(ren)'s best interests for an adult who resides in the household or has a strong role in the parenting of the child(ren) to attend the Seminar, the Court may enter an Order requiring their attendance at the Seminar.

(g) Failure to attend the Seminar may be considered as Contempt of Court punishable by fine and other appropriate sanctions.]

(b) Court Administration will receive confirmation when a party has viewed the video in its entirety and will file a Praecipe with the Prothonotary.

(c) If a party fails to view the video prior to the custody conference, Court Administration will notify the Court. Failure to view the video may be considered as Contempt of Court punishable by fine and other appropriate sanctions.

[Rule 1931. Mandatory Prior Court Involvement Statement for All Family Law Matters.

1. For the purposes of this section, Family Law Matters include all Divorce, Custody, Protection from Abuse, Support and Paternity actions and all related motions, petitions or other pleadings.

2. All Family Law Matters that require the assignment of a judge must attach a completed Prior Court Involvement Statement to the front of their pleading. The Prior Court Involvement Statement shall be in the following form and is available at www.dauphincounty.org/government/Court-Departments/Self-Help-Center:

 Plaintiff
 v.

 Defendant

: IN THE COURT OF COMMON PLEAS
 : DAUPHIN COUNTY, PENNSYLVANIA
 :
 : NO. _____
 :
 : CIVIL ACTION - LAW

PRIOR COURT INVOLVEMENT STATEMENT

The following lists all cases involving one or more of the same parties and indicates if a prior matter involved a Conference or a Contested Hearing before a Judge or if an agreed order was entered.

Check all that Apply	Action	Docket Number	Judge	Contested Hearing or Pretrial Conference	Agreement Reached and No Hearing Before a Judge Required
<input type="checkbox"/>	Custody				
<input type="checkbox"/>	Divorce				
<input type="checkbox"/>	Support or APL				
<input type="checkbox"/>	Paternity				

Check all that Apply	Action	Docket Number	Judge	Contested Hearing or Pretrial Conference	Agreement Reached and No Hearing Before a Judge Required
<input type="checkbox"/>	PFA				
<input type="checkbox"/>	This is the first Family Law Matter Filed in Dauphin County involving the above-captioned parties and children.				

Date _____

Signature (Your Signature) _____

Name (Print your Name)] _____

The previously listed amendments shall be published in the *Pennsylvania Bulletin* and will become effective thirty days from the date of publication.

By the Court

JOHN F. CHERRY,
President Judge

[Pa.B. Doc. No. 22-1965. Filed for public inspection December 16, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY Local Adoption Forms; No. 3 of 2022

Administrative Order of Court

And Now, this 29th day of November 2022, *It Is Hereby Ordered* that prior versions of the Westmoreland County Orphans' Court Procedural Forms set forth as follows are rescinded and new forms set forth as follows, appended to this Order as Exhibit "A," are hereby adopted:

- Preliminary Order for Adoption Petition
- Petition to Confirm Consent to Adoption

- Petition for Involuntary Termination of Parental Rights
- Petition to Approve Post-Adoption Contact Agreement
- Report of Intention to Adopt
- Report of Intermediary
- Petition for Voluntary Relinquishment of Parental Rights

This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RITA DONOVAN HATHAWAY,
President Judge

THE COURTS

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF

WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: _____ :
ADOPTION OF _____ :
_____ : No: _____
(Adoptee's name as on birth certificate) : ATTORNEY: _____

PRELIMINARY ORDER FOR ADOPTION PETITION
(23 Pa.C.S. § 2701)

AND NOW this _____ day of _____, 20____ it is
ORDERED AND DECREED that an evidentiary hearing on the Adoption Petition for the adoption of the
above captioned ADOPTEE is set in Courtroom No. _____ for the _____ day of
_____, 20____, at _____ o'clock A.M/P.M.

Notice shall be provided as required by 23 Pa.C.S. § 2721.

Unless excused by the court, the adopting parent(s), ADOPTEE and the intermediary are required to
appear at the evidentiary hearing. [23 Pa.C.S. § 2723]

All reports shall be timely filed and in no case later than 10 days before the evidentiary hearing to
allow the court time to review.

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans' Court is
DIRECTED to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:

ATTEST:

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
 : No: ____
 :
____ :
(Adoptee's name as on birth certificate) : ATTORNEY: ____

ADOPTION PETITION
(23 Pa.C.S. § 2701)

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of _____
[Names of Adopting Parent(s) and Consenting Birth Parent]

1. ADOPTEE:
 - a) Pre-adoptive name as appears on birth certificate:
 - b) Post-adoptive name:
 - c) Age:
 - d) Date of birth:
 - e) Birthplace:
 - f) Sex: Male () Female ()
 - g) Present address:
 - h) Racial background:
 - i) Date and place of initial placement with adopting parent(s):
 - j) Length of residence with adopting parent(s):

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- k) If ADOPTEE is over 12 years of age, is the ADOPTEE's written consent attached?
 - l) Has ADOPTEE's birth certificate or certification of registration of birth been made a part of the record in these proceedings? [See 23 Pa.C.S. § 2701(9)]
 - (1) If no birth certificate or certification of registration of birth can be obtained, a statement of the reasons therefor 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. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(8)]
 - (A) 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.
 - m) List assets possessed or owned by ADOPTEE and the value of these assets:
 - n) Marital status of ADOPTEE:
 - (1) If married, state date of marriage and spouse's name, age and address:
2. PARENT 1: (If you are a birth parent in a step-parent adoption, please leave this blank.)
- a) Name:
 - b) Maiden name:
 - c) Age and date of birth:
 - d) Birthplace:
 - e) Present address:
 - (1) How long have you lived at this present address?
 - (2) List residences during the past five years:

- f) Present marital status:
If married, state:
 - (1) Date:
 - (2) Place:
 - (3) Name of spouse:
 - g) Name(s) and age(s) of person(s) who presently live in your household:
 - h) Religious affiliation:
 - i) Racial background:
 - j) State your employment and approximate annual income:
 - 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) Do you have any communicable or contagious disease?
 - (1) If yes, state what it is:
3. PARENT 2: (If you are a birth parent in a step-parent adoption, please leave this blank.)
- a) Name:
 - b) Age and date of birth:
 - c) Birthplace:
 - d) Present address:
 - (1) How long have you lived at this present address?
 - (2) List residences during the past five years:
 - e) Present marital status:
If married, state:
 - (1) Date:

THE COURTS

- (2) Place:
 - (3) Name of spouse:
 - f) Name(s) and age(s) of person(s) who presently live in your household:

 - g) State your employment and approximate annual income:

 - h) Religious affiliation:
 - i) Racial background:
 - j) Are you related to ADOPTEE?
 - (1) If yes, state relationship:

 - k) Have you ever been convicted of a misdemeanor or a felony?
 - (1) If yes, list crime, date and place of conviction:
 - l) Do you have any communicable or contagious disease?
 - (1) If yes, state what it is:
4. Name, address and phone number of attorney representing petitioner(s):
5. Name, address and phone number of attorney or guardian ad litem who is or has represented ADOPTEE:
6. State whether there any court orders that remain in effect as of the date of the petition's filing and which terminated parental rights of any birth parent, presumptive father, or putative father of the adoptee. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(11)(A)]
7. State whether there any court orders that remain in effect as of the date of the petition's filing establish rights of guardianship or custody of the adoptee in any person or entity other than the birth parent. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(11)(B)]
8. State whether there any court orders that remain in effect as of the date of the petition's filing and

which establish or set forth any special conditions concerning placement, custody guardianship, or adoption of the adoptee. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(11)(C)]

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

10. Name, address of Intermediary, if any:
 - a) Filing date of Intermediary Report:

 - b) Circumstance of placement:

 - c) Did Intermediary make an interim placement pursuant to 23 Pa.C.S. § 2530(c)?
 - 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) If the home study and pre-placement reports were completed, have they been filed?
 - (1) If yes, list filing date:

 - (2) If no, explain:

 - f) Have the adopting parent(s) received the medical history information about the ADOPTEE?
 - (1) If not obtained, explain why: [See 23 Pa.C.S. § 2533(b)(12)]

 - (2) Is/are adopting parent(s) knowledgeable and satisfied with ADOPTEE's mental and physical health?

11. Has the Pennsylvania State Police criminal history report, Federal criminal history record and Pennsylvania child abuse investigation been filed as required by 23 Pa.C.S. § 6344(b) and (d)?
 - (1) If no, explain why:

12. If any of the reports or exhibits listed in subparagraphs 15.13 (a)(6)—(a)(12) have not been filed or are not attached to the petition, explain why such reports have not been filed or exhibits have not been attached and the reasons showing cause why the court may enter a decree of adoption under 23 Pa.C.S. § 2901, notwithstanding the absence of all legal requirements having been met.
[Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(13)]
13. State whether the Prospective Adoptive Parents and the minor adoptee, if required by 23 Pa.C.S. § 2733(c), have been informed of the opportunity to enter into a Contact Agreement with any of the minor adoptee's birth relatives. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(14)]
14. If an agreement for post-adoption contact and communication has been negotiated and executed by the Prospective Adoptive Parents and one or more birth relatives, is an averment of one of the following applicable: [Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(15)]
- a) The date of the order and the name of the court approving the Contact Agreement and that the Contact Agreement and court order are attached as exhibits to the petition; or
 - b) A petition to approve the executed proposed agreement for post-adoption contact and communication has been submitted and is pending before the court or is being filed under a separate petition simultaneously with the filing of this petition.
15. If ADOPTEE's birth parent(s) is/are deceased, list name(s), date(s) of death and attach original or certified death certificate(s):
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: [Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(7)]
- a) BIRTH MOTHER OF ADOPTEE:
 - (1) Name:
 - (2) Maiden name:
 - (3) Age and date of birth:
 - (4) Birthplace:
 - (5) Present Address:

- (6) Marital status as of the time of birth of ADOPTEE:
- (7) Marital status during the year prior to the time of birth of ADOPTEE:
- (8) Racial background:
- (9) Religious affiliation:

b) BIRTH FATHER OF ADOPTEE:

- (1) Name:
- (2) Age and date of birth:
- (3) Birthplace:
- (4) Present Address:
- (5) Marital status as of the time of birth of ADOPTEE:
- (6) Marital status during the year prior to the time of birth of ADOPTEE:
- (7) Racial background:
- (8) Religious affiliation:

17. State whether all consents required by 23 Pa.C.S. § 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. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.13(a)(9)]

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 62 P.S. §§ 761]

19. Have the Petitioner(s) reviewed the "Disclosure of Fees and Cost" form required by Pa. Orphans' Court Rule 15.13(e)(2) 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?

20. For required exhibits, refer to Pennsylvania Supreme Court Orphans' Court Rule No. 15.13 (18)(b).

WHEREFORE, the petitioner(s) pray for an Order of adoption which creates the relationship of parent(s) and child between the petitioner(s) and the ADOPTEE.

[Signature(s) of Petitioner(s)]

ATTORNEY FOR PETITIONER(S):

(Signature)

(Type or Print Name)

(Address)

(Phone Number)

VERIFICATION

I/We the above named petitioner(s) do verify that the statements contained in this Petition to Adopt 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. § 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 have my name changed to _____.

Date _____

(Signature of Adoptee)

WITNESS

ADDRESS OF WITNESS

CONSENT OF BIRTH PARENT:

As birth 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 Birth or Adoptive Parent)

WITNESS

ADDRESS OF WITNESS

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
 : No: ____
 :
____ :
(Adoptee's name as on birth certificate) : ATTORNEY: ____

FINAL ADOPTION ORDER
(23 Pa.C.S. § 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(s) and the ADOPTEE have appeared before this court. (23 Pa.C.S. § 2723)
 - a) If the ADOPTEE is over 12 years of age, the ADOPTEE's consent is necessary.
[23 Pa.C.S. § 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 the following:

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(s) and shall be subject to the duties of such child.
3. In a step-parent adoption, the consenting birth parent shall retain the same parent-child relationship as heretofore existed irrespective of the fact that said consenting birth parent is or is not a petitioner. (23 Pa.C.S. § 2903)

4. Said ADOPTEE shall hereafter be known as _____.

- Within thirty (30) days after conclusion of the appeals period, the agency responsible for having gathered the medical and social history information necessary to complete the “child profile,” shall electronically submit the “child profile” to the Pennsylvania Adoption Information Registry, (PAIR), and shall thereafter file an “Acknowledgment of Submission” in the office of the Register of Wills of Westmoreland County.

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans’ Court is

Directed to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:

_____, J.

ATTEST:

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: of
:
: ATTORNEY: _____

(Child's name as on birth certificate)

NOTICE
(Confirm Consent)
[23 Pa.C.S. § 2513(b)]

TO: _____

A petition has been filed asking the court to put an end to all rights you have to your child _____. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom # _____ on the _____ day of _____, 20_____ at _____ A.M./P.M. YOU ARE WARNED THAT EVEN IF YOU FAIL TO APPEAR AT THE SCHEDULED HEARING, THE HEARING WILL GO ON WITHOUT YOU AND YOUR RIGHTS TO YOUR CHILD MAY BE ENDED BY THE COURT WITHOUT YOUR BEING PRESENT.

YOU ARE ALSO NOTIFIED OF THE ACT 101 OF 2010 WHICH 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 WRITTEN VOLUNTARY AGREEMENT IS APPROVED BY THE COURT.

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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
WESTMORELAND BAR ASSOCIATION
P.O. BOX 565
GREENSBURG, PA 15601
(724) 834-8490
www.westbar.org

(Name of Attorney)

(Address)

(Telephone Number)

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

IN RE:
ADOPTION OF
(Child's name as on birth certificate)
No: OF
ATTORNEY: _____

PETITION TO CONFIRM CONSENT TO ADOPTION

PRELIMINARY ORDER
(23 Pa.C.S. § 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 A.M./P.M. At least ten days written notice, as required by 23 Pa.C.S. § 2503(b), shall be given to the following:

- (1) parent(s) who have consented in attached petition,
(2) parent(s) who have not consented in attached petition,
(3) to 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.R.O.C.P. 5.1 and 15.4.

"Affidavit of Service" relative to all notices shall be filed at least 10 days before the evidentiary hearing to allow the court time to review.

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans' Court is Directed to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:
_____, J.

ATTEST:

cc:

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: OF
: :
(Child's name as on birth certificate) : ATTORNEY: _____

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

CONSENT BY:

"X" those that apply

BIRTH MOTHER

BIRTH FATHER

PUTATIVE FATHER

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of _____
[Adoptive parent(s) or Intermediary]

1. CHILD:

- a) List name as appears on birth certificate:
- b) Age:
- c) Date of birth:
- d) Birthplace:
- e) Sex: Male () Female ()
- f) Present address:
- g) Racial background:
- h) Who has custody of CHILD and since when:

2. BIRTH MOTHER:

- a) Name:

- b) Maiden name:
 - c) Age and date of birth:
 - d) Birthplace:
 - e) Present address:
 - f) Present marital status:
 - If married, state:
 - (1) Date:
 - (2) Place:
 - (3) Name of spouse:
 - g) Were you married when CHILD was born? [Pa.R.O.C.P. 15.9(a)(3)]
 - (1) If yes, name of spouse:
 - h) Were you married one year prior to the birth of CHILD? [Pa.R.O.C.P. 15.9(a)(3)]
 - (1) If yes, name of spouse:
 - (2) If this marriage ended, state how and when:
 - i) The last known address of CHILD's BIRTH FATHER:
 - j) What is your employment?
 - k) Racial background:
 - l) Are you consenting to have your parental rights terminated?
 - (1) Is your consent to the adoption as required by 23 Pa.C.S. § 2504 attached to this petition?
3. BIRTH FATHER:
- a) Name:
 - b) Age and date of birth:
 - c) Birthplace:
 - d) Present address:
 - e) Present marital status:
 - If married, state:

- (1) Date:
 - (2) Place:
 - (3) Name of spouse:
 - f) Were you married when CHILD was born?
 - (1) If yes, name of spouse:
 - g) Were you married one year prior to the birth of CHILD?
 - (1) If yes, name of spouse:
 - (2) If this marriage ended, state how and when:
 - h) The last known address of CHILD's BIRTH MOTHER:
 - i) What is your employment?
 - j) Racial background:
 - k) Are you consenting to have your parental rights terminated?
 - (1) Is your consent to the adoption as required by 23 Pa.C.S. § 2504 attached to this petition?
4. PUTATIVE FATHER:
- a) Name:
 - b) Age and date of birth:
 - c) Birthplace:
 - d) Present address:
 - e) Present marital status:
 - If married, state:
 - (1) Date:
 - (2) Place:
 - (3) Name of spouse:
 - f) Were you married when CHILD was born?
 - (1) If yes, name of spouse:
 - g) Were you married one year prior to the birth of CHILD?

- (1) If yes, name of spouse:
 - (2) If this marriage ended, state how and when:
- h) Was PUTATIVE FATHER ever married to BIRTH MOTHER?
- (1) If yes, state when:
- i) What is your employment?
- j) Racial background:
- k) Are you consenting to have your parental rights terminated?
- (1) Is your consent to the adoption as required by 23 Pa.C.S. § 2504 attached to this petition?
- l) Explain the circumstances that created the status of PUTATIVE FATHER:
- m) 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 OR by giving him NOTICE pursuant to 23 Pa.C.S. § 2504(c). Is the termination of the parental rights of a PUTATIVE FATHER an objective by either method?
- n) If as part of hearing on the petition, the parental rights of a putative father could be terminated pursuant to 23 Pa.C.S. § 2504(c), and if notice of the opportunity to enter into a Contact Agreement was not proved to the subject putative father prior to the petition's filing, then on or before the hearing, the court shall be presented with verified statement from a representative of the agency or intermediary, or counsel representing any other party that written notice was provided to the subject putative father regarding the opportunity of a birth relative to enter into a Contact Agreement, that such notice was provided by hand delivery, by first-class United States mail, postage prepaid, to the last known address, or by electronic transmission in accordance with Rule 15.4(b)(2)(C), and the date(s) that such notice was given, or the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. If notice was given, a copy of the notice shall accompany this verified statement. [Pa.R.O.C.P. 15.9(c)(3)]
- o) If this petition does not identify the father of CHILDL, attach a certification from the Department of Health as to whether a claim of paternity has been filed pursuant to 23 Pa.C.S. § 5103. [23 Pa.C.S. § 2504(c)]
- (1) Has a claim of paternity been filed?

- (2) 23 Pa.C.S. § 2513 requires a copy of notice be given to putative father. It further states a putative father shall include one who has filed a claim of paternity as provided in 23 Pa.C.S. § 5103 (relating to acknowledgements and claim of paternity) prior to the institution of proceedings.
5. State relationship of petitioner(s) to CHILD:
 6. If a consenting parent is under the age of 18 years, state name(s) and address(es) of his/her parent(s) (or guardian).
 7. If parental rights are being terminated to adult(s) intending to adopt, is the identity of the proposed adoptive parent(s) known to the terminating parent(s)?
 - a) If yes, state name(s) and address(es) of proposed adoptive parent(s).
 - b) Are proposed adoptive parents married?
 8. Are any of the CHILD'S birth parent(s) or putative father deceased?
 - a) If yes, state name, relationship to CHILD, date of death and attach an original death certificate as an Exhibit.
 9. No Report of Intention to Adopt is required if 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 adopting parent(s) [23 Pa.C.S. 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. § 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? [23 Pa.C.S. § 2531]
 - b) If yes, when and where was physical custody of CHILD placed with adoptive parent(s)? [Pa.R.O.C.P. 15.9(a)(11)]
 - c) Has the attached consent of the adult(s) accepting custody of CHILD been completed and signed? [Pa.R.O.C.P. 15.9(a)(11)]
 10. Has the attached consent of the adult(s) accepting custody of CHILD been completed and signed? [Pa.R.O.C.P. 15.9(a)(11)]

11. Was the consent to adoption executed by the consenter and if the consent was executed in accordance with 23 Pa.C.S. §§ 2711 and 2712? [Pa.R.O.C.P. 15.9(a)(5)]
 - a) If yes, what date was the consent executed and state the number of days that have elapsed since the consent to adoption was executed by the consenter. [Pa.R.O.C.P. 15.9(a)(6)]
12. Has the petitioner, counsel for the petitioner, or the agency or intermediary in those cases where the agency or intermediary is not the petitioner, received any writing from the consenter revoking or attempting to revoke the previously executed consent to adoption? [Pa.R.O.C.P. 15.9(a)(7)]
13. Has/Have petitioner(s) been informed of the availability of counseling concerning the termination of parental rights and the alternatives thereto?
 - a) Has/Have Petitioners received such counseling from an approved agency or from a qualified counselor? [Pa.R.O.C.P. 15.9(a)(8)]
 - b) If yes, state the name and address of agency or counselor. [Pa.R.O.C.P. 15.9(a)(9)]
14. Has the consenter been informed of the opportunity for a birth relative of the child, including the consenter, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified? [Pa.R.O.C.P. 15.9(a)(10)]
15. Has a consent by the Proposed Adoptive Parents or by the agency to accept custody of the child until such time as the child is adopted is attached to the petition, and if custody is to an individual, whether a Report of Intention to Adopt under 23 Pa.C.S. § 2531 or an adoption petition under Rule 15.13 been filed? [Pa.R.O.C.P. 15.9(a)(11)]
16. Is birth certificate or certification of registration of birth of CHILD attached as an Exhibit? [Pa.R.O.C.P. 15.3(b)]
 - a) If no, see 23 Pa.C.S. § 2701(9) and question 1(m) in Adoption Petition form.

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

[Attorney for Intermediary/Adoptive Parent(s)]

VERIFICATION

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. § 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 CHILD:

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

Date _____

(Signature of CHILD)

WITNESS

ADDRESS OF WITNESS

CONSENT OF BIRTH PARENT:

As birth 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 Birth or Adoptive Parent)

WITNESS

ADDRESS OF WITNESS

THE COURTS

CONSENTS TO ACCEPT CUSTODY

CONSENT BY AGENCY: [Pa.R.O.C.P. 15.9(b)(4)]

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

[CHILD]

has been in our care and custody since _____ and we agree to accept custody of the child/CHILD until such time as the child/CHILD 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.R.O.C.P. 15.9(b)(4)]

I/We _____ [Name(s) of Adoptive Parent(s)]

certify that the within named CHILD 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 CHILD on the _____ day of _____, 20____. My/Our present address is _____.

Date: _____ [Name of Adult Intending to Adopt]

IN RE: Adoption of
[CHILD's Name on Birth Certificate]

CONSENT TO ADOPTION OF BIRTH PARENT OR PUTATIVE FATHER

WHO IS RELINQUISHING PARENTAL RIGHTS
[23 Pa.C.S. § 2711(d)]

1. Name of person consenting to adoption of [CHILD]

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 the place and date of marriage:

5. Relationship to person being adopted (CHILD):
 - a) Name and address of CHILD'S birth mother:

 - b) Name and address of CHILD'S birth father:

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

6. Name of person being adopted (CHILD):

7. CHILD:

Age:

Date of Birth:

Sex:

Read the following carefully:

I HEREBY VOLUNTARILY AND UNCONDITIONALLY CONSENT TO THE ADOPTION OF THE ABOVE NAMED CHILD.

I UNDERSTAND THAT BY SIGNING THIS CONSENT I INDICATE MY INTENT TO PERMANENTLY GIVE UP ALL OF MY RIGHTS TO THE ABOVE NAMED CHILD.

I UNDERSTAND THAT THE ABOVE NAMED CHILD WILL BE PLACED FOR ADOPTION.

I UNDERSTAND I MAY REVOKE THIS CONSENT TO PERMANENTLY GIVE UP ALL OF MY RIGHTS TO THE ABOVE NAMED CHILD BY PLACING THE REVOCATION IN WRITING AND SERVING IT UPON THE AGENCY OR ADULT TO WHOM THE CHILD WAS RELINQUISHED.

IF I AM THE BIRTH FATHER OR PUTATIVE FATHER OF THE CHILD, I UNDERSTAND THAT THIS CONSENT TO AN ADOPTION IS IRREVOCABLE UNLESS I REVOKE IT WITHIN 30 DAYS AFTER EITHER THE BIRTH OF THE CHILD OR MY EXECUTION OF THE CONSENT, WHICHEVER OCCURS LATER, BY DELIVERING A WRITTEN REVOCATION TO

(Name and Address of Agency)

OR

(Attorney's Name and Address Representing the Relinquishing Parents or the Prospective Adoptive Parents)

OR

Judge _____, Westmoreland County Court of Common Pleas, Westmoreland County Courthouse, 2 N. Main Street, Greensburg, PA 15601.

IF I AM THE BIRTH MOTHER OF THE CHILD, I UNDERSTAND THAT THIS CONSENT TO AN ADOPTION IS IRREVOCABLE UNLESS I REVOKE IT WITHIN 30 DAYS AFTER EXECUTING IT BY DELIVERING A WRITTEN REVOCATION TO

(Name and Address of Agency)

OR

(Attorney's Name and Address Representing the Relinquishing Parents or the Prospective Adoptive Parents)

OR

Judge _____, Westmoreland County Court of Common Pleas, Westmoreland County Courthouse, 2 N. Main Street, Greensburg, PA 15601.

I HAVE CAREFULLY READ AND UNDERSTAND 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

(1) _____
[Signature of Witness]

[Print or Type Name of Witness]

[Address]

RELATION TO CONSENTER

(2) _____
[Signature of Witness]

[Print or Type Name of Witness]

[Address]

CONSENT NOT NAMING ADOPTING PARENT¹

I HEREBY VOLUNTARILY AND UNCONDITIONALLY GIVE MY CONSENT TO THE ADOPTION OF CHILD WITHOUT THE DISCLOSURE OF THE NAMES OR OTHER IDENTIFICATION OF THE ADOPTING PARENT(S).

Date: _____

[Signature of Consenter]

¹23 Pa.C.S. § 2712 CONSENT NOT NAMING ADOPTING PARENTS:

"A Consent to a proposed adoption meeting all the requirements of this part but which does not name or otherwise identify the adopting parent or parents shall be valid if it contains a statement that it is voluntarily executed without disclosure of the name or other identification of the adopting parent or parents."

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA
ORPHANS' COURT DIVISION

IN RE: :
ADOPTION OF :
: No:
: :
(CHILD's name as on birth certificate) : ATTORNEY:

TERMINATION ORDER
(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. § 2711 and § 2504.
2. ALL OF THE PARENTAL RIGHTS OF THE CONSENTING PARENT(S) ARE HEREBY FOREVER TERMINATED, and the adoption of the CHILD may proceed without further consent of, or notice to, said consenting parent(s).
3. The custody of CHILD is hereby transferred to the adopting parent(s)
 - a)

OR

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

The adoptive parent(s) is/are directed to file his/her/their Petition for Adoption within sixty (60) days after the conclusion of the appeal period.

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans' Court is DIRECTED to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:

_____, J.

ATTEST:

cc:

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

	* * *
IN RE:	:
ADOPTION OF	:
	: No:
	:
(CHILD's name as on birth certificate)	: ATTORNEY: _____

* * *

AFFIDAVIT OF SERVICE

The petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Post-Adoption Contact Agreement with the Prospective Adoptive Parents, once identified. Notice was provided to the petitioner by hand delivery, first class mail, postage paid, to the petitioner's last known address, or by electronic transmission in accordance with Pa.R.O.C.P. Rule 15.9(b)(2).

A copy of the notice has been attached to the Affidavit of Service.

Representative of the Agency/Counsel

Date

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: of
:
(Adoptee's name as on birth certificate) : ATTORNEY: _____

NOTICE
(Involuntary Termination)
[23 Pa.C.S. § 2513 (b)]

TO: _____

A petition has been filed asking the court to put an end to all rights you have to your child _____. The court has set a hearing to consider ending your rights to your child. That hearing will be held in Courtroom # _____ on the _____ day of _____, 20_____ at _____ A.M./P.M. YOU ARE WARNED THAT EVEN IF YOU FAIL TO APPEAR AT THE SCHEDULED HEARING, THE HEARING WILL GO ON WITHOUT YOU AND YOUR RIGHTS TO YOUR CHILD MAY BE ENDED BY THE COURT WITHOUT YOUR BEING PRESENT.

YOU ARE ALSO NOTIFIED OF THE ACT 101 OF 2010 WHICH 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 WRITTEN VOLUNTARY AGREEMENT IS APPROVED BY THE COURT.

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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
WESTMORELAND BAR ASSOCIATION
P.O. BOX 565
GREENSBURG, PA 15601
(724) 834-8490
www.westbar.org

(Name of Attorney)

(Address)

(Telephone Number)

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

IN RE:
ADOPTION OF
(Adoptee's name as on birth certificate)
No: OF
ATTORNEY: _____

PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

PRELIMINARY ORDER
(23 Pa.C.S. § 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 A.M./P.M.

At least ten days written notice shall be given to the parent(s) and putative father whose rights are to be terminated and to the parent(s) or guardian of a minor parent whose rights are to be terminated. A copy of the notice shall be given to the other parent. Manner of service and contents of notice shall comply with 23 Pa.C.S. § 2513(b). Method of providing said notice shall conform to Pennsylvania Supreme Court Orphans' Court Rule Nos. 5.1 and 15.4.

"Affidavit of Service" relative to all notices shall be filed at least 10 days before the evidentiary hearing to allow the court time to review.

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans' Court is Directed to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:

_____, J.

ATTEST:

cc:

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: OF
: :
(Adoptee's name as on birth certificate) : ATTORNEY: _____

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

PARTIES WHOSE RIGHTS ARE BEING TERMINATED:

"X" those that apply

BIRTH MOTHER

BIRTH FATHER

PUTATIVE FATHER

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of _____
[See 23 Pa.C.S. § 2512(a) for parties who are authorized to be petitioner(s)]

The Petitioner represents that he/she has standing pursuant to 23 Pa.C.S.A § 2512(a), in that

Either parent when termination is sought with respect to the other parent.

An agency.

The individual having custody or standing in loco parentis to the child and who has filed a report of intention to adopt required by section 2531 (relating to report of intention to adopt).

An attorney representing a child or a guardian ad litem representing a child who has been adjudicated depended under 42 Pa.C.S. § 6341(c) (relating to adjudication).

1. ADOPTEE:

a) List name as appears on birth certificate:

b) Age:

c) Date of birth:

- d) Birthplace:
- e) Sex: Male () Female ()
- f) Present address:
- g) Racial background:
- h) Who has custody of ADOPTEE and since when: [Pennsylvania Supreme Court Orphans' Court Rule No. 15.10(a)(7)]
- i) The date when the child was removed from the parent who is the subject of the petition, if different from the date of placement with the petitioner. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.10(a)(8)]

2. BIRTH MOTHER:

- a) Name:
- b) Maiden name:
- c) Age and date of birth:
- d) Birthplace:
- e) Present address:
- f) Present marital status:
If married, state:
 - (1) Date:
 - (2) Place:
 - (3) Name of spouse:
- g) Were you married when ADOPTEE was born? [Pennsylvania Supreme Court Orphans' Court Rule No. 15.10(a)(6)]
 - (1) If yes, name of spouse:
- h) Were you married one year prior to the birth of ADOPTEE? [Pennsylvania Supreme Court Orphans' Court Rule No. 15.10(a)(6)]
 - (1) If yes, name of spouse:
 - (2) If this marriage ended, state how and when:
- i) The last known address of ADOPTEE's BIRTH FATHER:

- j) What is your employment?
 - k) Racial background:
3. BIRTH FATHER:
- a) Name:
 - b) Age and date of birth:
 - c) Birthplace:
 - d) Present address:
 - e) Present marital status:
If married, state:
 - (1) Date:
 - (2) Place:
 - (3) Name of spouse:
 - f) Were you married when ADOPTEE was born?
 - (1) If yes, name of spouse:
 - g) Were you married one year prior to the birth of ADOPTEE?
 - (1) If yes, name of spouse:
 - (2) If this marriage ended, state how and when:
 - h) The last known address of ADOPTEE's BIRTH MOTHER:
 - i) What is your employment?
 - j) Racial background:
4. PUTATIVE FATHER:
- a) Name:
 - b) Age and date of birth:
 - c) Birthplace:
 - d) Present address:
 - e) Present marital status:

If married, state:

(1) Date:

(2) Place:

(3) Name of spouse:

f) Were you married when ADOPTEE was born?

(1) If yes, name of spouse:

g) Were you married one year prior to the birth of ADOPTEE?

(1) If yes, name of spouse:

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

h) Was PUTATIVE FATHER ever married to BIRTH MOTHER?

(1) If yes, state when:

i) What is your employment?

j) Racial background:

k) Explain the circumstances that created the status of PUTATIVE FATHER:

l) 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. § 5103. [23 Pa.C.S. § 2512(c)]

(1) Has a claim of paternity been filed?

(2) 23 Pa.C.S. § 2513 requires a copy of notice be given to putative father. It further states a putative father shall include one who has filed a claim of paternity as provided in 23 Pa.C.S. § 5103 (relating to acknowledgements and claim of paternity) prior to the institution of proceedings.

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

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

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

8. If parental rights are being terminated to adult(s) intending to adopt, is the identity of the proposed adoptive parent(s) known to the terminating parent(s)?

- a) If yes, state name(s) and address(es) of proposed adoptive parent(s).
- b) Are proposed adoptive parents married?
9. Are any of the ADOPTEE'S birth parent(s) 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. 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. § 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. § 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? [(23 Pa.C.S. § 2531]
- b) If yes, when and where was physical custody of ADOPTEE placed with adoptive parent(s)?
- c) Has the attached consent of the adult(s) accepting custody of ADOPTEE been completed and signed?
[Pennsylvania Supreme Court Orphans' Court Rule 15.10(a)(13)]
11. Is birth certificate or certification of registration of birth of ADOPTEE attached as an Exhibit? [Pennsylvania Supreme Court Orphans' Court Rules 15.3(b)]
- a) If no, see 23 Pa.C.S. § 2701(9) and question 1(l) in Adoption Petition form.
12. List the specific facts setting forth why the child was involuntarily placed in the custody of an entity or individual or involuntarily removed from parent who is the subject of the petition. [Pennsylvania Supreme Court Orphans' Court Rules 15.10(a)(9)]
13. 23 Pa.C.S. § 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. § 2511(a) which establish the legal basis for the requested termination(s) and state the alleged facts which justify the requested termination(s). Has this information been attached as Appendix No. 1 to this petition?
[Pennsylvania Supreme Court Orphans' Court Rules 15.10(a)(10)]

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. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.10(a)(11)]
15. Has the parent who is the subject of the petition been provided with written notice regarding the opportunity for a birth relative of the child, including the subject birth parent, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified? [Pennsylvania Supreme Court Orphans' Court Rules 15.10(a)(12)(A)]
16. Has such written notice been given to the subject birth parent prior to the hearing by the agency, intermediary or counsel representing a party? [Pennsylvania Supreme Court Orphans' Court Rules 15.10(a)(12)(B)]
- a) If not, state the reason(s) why such notice cannot be given, including efforts made to identify or locate the subject person. [Pennsylvania Supreme Court Orphans' Court Rules 15.10(a)(12)(C)]
17. Does each petitioner understand the petition and believes its filing to best serve the developmental, physical and emotional needs and welfare of the child. [Pennsylvania Supreme Court Orphans' Court Rules 15.10(a)(14)]
18. As soon as petitioner(s) or attorney(s) has/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. § 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 requested herein and further award custody of the ADOPTEE to the petitioner(s), and, further decree that ADOPTEE may be adopted without further consent of, or notice to those individual(s) 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
_____, 20_____

(Signature of Notary)

(SEAL OF NOTARY)

VERIFICATION

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. § 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

THE COURTS

CONSENTS TO ACCEPT CUSTODY

CONSENT BY AGENCY: [Pennsylvania Supreme Court Orphans' Court Rule No. 15.10(b)(2)]

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): [Pennsylvania Supreme Court Orphans' Court Rule 15.10(b)(2)]

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]

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: OF
: :
(Adoptee's name as on birth certificate) : ATTORNEY: _____

ORDER OF TERMINATION

(Involuntary Termination)

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. Petitioner(s) has established a legal basis for terminating the parental rights of

_____ [Hereinafter referred to as Respondent(s)]

2. The following subsection(s) of 23 Pa.C.S. § 2511 establish the basis for terminating parental rights of Respondent(s):

"X" the applicable subsections

a) The parent(s) 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 a child or has refused or failed to perform parental duties. [§ 2511(a)(1)]

b) The repeated and continued incapacity, abuse, neglect or refusal of the parent(s) 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(s). [§ 2511(a)(2)]

c) The parent is the presumptive but not the birth father of the child. [§ 2511(a)(3)]

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

- e) The child has been removed from the care of the parent(s) 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 continued to exist, the parent(s) cannot or will not remedy those conditions within a reasonable period of time, the service or assistance reasonably available to the parent(s) are not likely to remedy the condition 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. (§ 2511(a)(5))
- f) 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. [§ 2511(a)(6)]
- g) The parent is the father of a child who was conceived as a result of a rape or incest. [§ 2511(a)(7)]
- h) 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 [§ 2511(a)(8)]
- 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 in 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)
- [§ 2511(a)(9)]
- j) The parent has been found by a court of competent jurisdiction to have committed sexual abuse against the child or another child of the parent based on a judicial adjudication as set forth in paragraph (1)(i), (ii), (iii) or (iv) or (4) of the definition of “founded report” in Section 6303(a) (relating to definitions) where the judicial adjudication is based on a finding of “sexual abuse or exploitation” as defined in Section 6303(a). [§ 2511(a)(10)]
- k) The parent is required to register as a sexual offender under 42 Pa.C.S. Chapter 97 Subchapter H (relating to registration of sexual offenders) or I (relating to continued registration of sexual offenders) or to register with a sexual offender registry in another jurisdiction or foreign country. [§ 2511(a)(11)]
- l) Other Considerations—The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the

control of the parent. With respect to any petition filed pursuant to subsection (a)(1), (6) or (8), the court shall not consider any efforts by the parent to remedy the conditions described therein which are first initiated subsequent to the giving of notice of the filing of the petition. [§ 2511(b)]

- 3. Specific findings have been placed on the record at the end of the evidentiary hearing.
- 4. IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT THE PARENTAL RIGHTS OF THE ABOVE MENTIONED RESPONDENT(S) TO ADOPTEE ARE FOREVER TERMINATED.
- 5. The adoption of ADOPTEE may continue without further notice to or consent of the above mentioned Respondent(s).
- 6. The custody of ADOPTEE is hereby transferred to
 - a) _____
 - OR
 - b) _____
 an approved Agency and such Agency is hereby authorized to give consent to the adoption of ADOPTEE.

The Petitioner(s) is/are directed to file his/her/their Petition for Adoption within sixty (60) days after the conclusion of the appeal period.

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans' Court is *Directed* to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:

_____, J.

ATTEST:

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

	* * *
IN RE:	:
ADOPTION OF	:
	: No:
	:
(Adoptee's name as on birth certificate)	: ATTORNEY: _____

* * *

AFFIDAVIT OF SERVICE

The petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Post-Adoption Contact Agreement with the Prospective Adoptive Parents, once identified. Notice was provided to the petitioner by hand delivery, first class mail, postage paid, to the petitioner's last known address, or by electronic transmission in accordance with [Pennsylvania Supreme Court Orphans' Court Rule 15.10(b)(1)].

A copy of the notice has been attached to the Affidavit of Service.

Representative of the Agency/Counsel

Date

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: OF
:
(Adoptee's name as on birth certificate) : ATTORNEY: _____

NOTICE
(Post-Adoption Contact Agreement)
23 Pa.C.S. § 2735

TO: _____
(All parties to the agreement; custodian of the child; consenting child or child's attorney/child's guardian ad litem; child's consenting sibling or consenting sibling's attorney/guardian ad litem)

A petition has been filed asking the court to review and approve the proposed Post-Adoption Contact Agreement regarding the above-referenced child.

YOU HAVE 10 DAYS FROM THE DATE OF THIS NOTICE TO FILE A RESPONSIVE PLEADING IN OPPOSITION TO THE PETITION. FAILURE TO DO SO MAY RESULT IN THE COURT ISSUING AN ORDER WITHOUT FURTHER HEARING.

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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
WESTMORELAND BAR ASSOCIATION
P.O. BOX 565
GREENSBURG, PA 15601
(724) 834-8490
www.westbar.org

(Name of Attorney)

(Address)

(Telephone Number)

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: OF
:
(Adoptee's name as on birth certificate) : ATTORNEY: _____

PETITION TO APPROVE POST-ADOPTION CONTACT AGREEMENT
(23 Pa.C.S. § 2735)

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of _____
[See Pa.R.O.C.P. 15.12(a)(3) for parties who are authorized to be petitioners]
respectfully avers the following:

- 1.) Age and date of birth of ADOPTEE:
 - a. If ADOPTEE is age 12 years or older, is the ADOPTEE's written consent attached?
- 2.) Name, address and phone number of attorney or guardian ad litem who is or has represented ADOPTEE:
 - a.) A guardian ad litem was required to be appointed under 23 Pa.C.S. § 2733(b):
 - b.) If yes, was such guardian ad litem also appointed for any of the ADOPTEES minor siblings?
- 3.) Length of time ADOPTEE has been under the care, custody and control of an individual other than a birth parent, even if such individual is other than the Prospective Adoptive Parent(s):
- 4.) If petition and proposed agreement are not being presented to the same court that terminated parental rights, name of judge and date of court order terminating parental rights:
- 5.) Length of time ADOPTEE has been under the care and custody of the Prospective Adoptive Parent(s):

- 6.) Will the proposed agreement impact the ADOPTEE's adjustment to the home, school and community of the Prospective Adoptive Parent(s)?
- 7.) List the names of any other persons not a party to the proposed agreement, who routinely would be present when the birth relative who is a party to the proposed agreement have contact or communication with the ADOPTEE, and the ADOPTEE's interaction and relationship with such other person:
- 8.) Has/have the signatory birth relative(s) indicated their willingness and ability to respect and appreciate the bond between the ADOPTEE and the Prospective Adoptive Parent(s)?
- a. Name(s) of birth relative(s) who is/are a party to the proposed agreement:
- 9.) Has/have the Prospective Adoptive Parent(s) indicated their willingness and ability to respect and appreciate the bond between the ADOPTEE and the birth relative who is a party to the proposed agreement?
- a. Name(s) of Prospective Adoptive Parent(s) who are a party to the proposed agreement:
- 10.) Is petitioner aware of any evidence or substantiated allegation that the ADOPTEE has been abused or neglected by the birth relative(s) who is/are a party/parties to the proposed agreement?
- 11.) Is the signed proposed agreement (pursuant to Act 101 of 2010, 23 Pa.C.S. §§ 2731—2741) attached as an Exhibit hereto?
- a. Date of proposed agreement:
- 12.) Petitioner(s) has/have read and understands the petition and believes that its filing and the proposed Post-Adoption Contact Agreement is in the best interest of the ADOPTEE:

WHEREFORE, the petitioner(s) pray for an Order to Approve the Post-Adoption Contact Agreement.

Signature(s) of Petitioner(s)

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: OF
:
(Adoptee's name as on birth certificate) : ATTORNEY: _____

ORDER TO APPROVE POST-ADOPTION CONTACT AGREEMENT

AND NOW, this _____ day of _____, 20____, after review of the petition and exhibits, or evidentiary hearing, pursuant to Pa.C.S. § 2735, the Court makes the following findings.

- 1. The Post-Adoption Contact Agreement is dated .
2. The parties to the Post-Adoption Contact Agreement are .
3. The ADOPTEE age 12 years or older consents to the Post-Adoption Contact Agreement.
4. The agreement has been entered into knowingly and voluntarily by all parties.
5. The Post-Adoption Contact Agreement is in the best interest of ADOPTEE.

This Agreement shall be legally enforceable under 23 Pa.C.S. §§ 2735(c), 2738(c)(2).

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans' Court is DIRECTED to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:
_____, J.

ATTEST:

cc:

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA

IN RE: :
ADOPTION OF :
: No:
:
(Adoptee's name as on birth certificate) : ATTORNEY: _____

CERTIFICATE OF SERVICE

I, , hereby certify that a copy of the attached Petition to Approve Post-Adoption Contact Agreement was served upon the following parties or their counsel (to include birth relatives; proposed adoptive parents; individual or entity having custody of the child at the time of the filing of this petition; the child whose written consent is required; the child's guardian ad litem, if appointed; a minor sibling of the child whose written consent is required, and their guardian ad litem, if appointed; or an attorney representing any of these parties), on the _____ day of _____, 20____, by first class United States mail:

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: OF
:
:
(Adoptee's name as on birth certificate) : ATTORNEY:

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

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The report of the proposed adoptive parents, respectfully represents:

1. That the proposed adoptive parents, , are residents of County, and their address is .
2. Their religious affiliation is .
3. The proposed adoptive parents have possession or physical care of , a minor child, for the purpose and with the intention of adopting such child.
4. The child proposed to be adopted is:
 Sex: Male () Female () Born at:
 Age: Born on :
 Religious Affiliation: Race:
5. The name and address of the Intermediary (if any) from which the proposed adoptive parents received the child is:
 Name
 Address

6. If the child was not received through an Intermediary:
The birth father of the child proposed to be adopted is:
Name
Address
Religious Affiliation
The birth mother of the child proposed to be adopted is:
Name
Address
Religious Affiliation
7. An itemized accounting of all monies and consideration paid or to be paid to the Intermediary is as follows:
8. The parent(s) whose parental rights are to be terminated (have) (have not) received counseling with respect to the termination and the alternatives thereto. If counseling was received, it was provided on the following dates:

and the name and address of the counselor or agency which provided the counseling is:
Name
Address
9. The date and circumstances surrounding the proposed adoptive parents receiving or retaining custody or physical care of the child proposed to be adopted are:
10. The date on which the pre-placement investigation was concluded is .
11. A copy of the pre-placement report is attached hereto.

I ACKNOWLEDGE THAT I HAVE BEEN ADVISED OR KNOW AND UNDERSTAND THAT THE BIRTH FATHER OR PUTATIVE FATHER MAY REVOKE THE CONSENT TO THE ADOPTION OF THIS CHILD WITHIN 30 DAYS AFTER THE LATER OF THE BIRTH OF THE CHILD OR THE DATE HE HAS EXECUTED THE CONSENT TO AN ADOPTION AND THAT THE BIRTH MOTHER MAY REVOKE THE CONSENT TO AN ADOPTION OF THIS CHILD WITHIN 30 DAYS AFTER THE DATE SHE HAS EXECUTED THE CONSENT.

Date: _____

Adoptive Parents

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: OF
:
:
(Adoptee's name as on birth certificate) : ATTORNEY:

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

The INTERMEDIARY is required to file a report within six months after filing the Report of Intent to Adopt and shall forthwith notify adopting parents of the report and filing thereof, in writing. [An INTERMEDIARY is any person or persons or agency acting between the parent or parents and the proposed adoptive parent or parents in arranging an adoption placement. (23 Pa.C.S. § 2102)]

1. List name and address of INTERMEDIARY:

2. The child proposed to be adopted (ADOPTEE) is:
 - a) Name:
 - b) Age, place and date of birth:

- c) Sex: Male () Female ()
 - d) Religious affiliation:
 - e) Racial background:
3. Placement of ADOPTEE with adopting parent(s):
- a) When:
 - b) Where:
4. Parents of ADOPTEE:
- a) BIRTH MOTHER:
 - (1) Name:
 - (2) Age and date of birth:
 - (3) Racial background:
 - (4) Marital status as of the time of birth of ADOPTEE:
 - (A) If married, state name of husband:
 - (5) Marital status during one year prior to the birth of ADOPTEE:
 - (6) Religious affiliation:
 - b) BIRTH FATHER:
 - (1) Name:
 - (2) Age and date of birth:
 - (3) Racial background:
 - (4) Marital status as of the time of birth of ADOPTEE:
 - (A) If married, state name of wife:
 - (5) Marital status during one year prior to the birth of ADOPTEE:
 - (6) Religious affiliation:

5. Identify all proceedings wherein any of ADOPTEE's parents' (or putative father's) parental rights and/or duties were terminated. [If termination occurred in a court other than the court in which the petition for adoption will be filed, attach a certified copy of the ORDER (23 Pa.C.S. § 2534 (3))].
6. List residence of parent(s) of ADOPTEE if their parental rights have not been terminated:
7. Explain what consents required by 23 Pa.C.S. § 2711 are applicable in this Adoption. Attach the applicable consents as Exhibits to this report. (If the original consent is required as a part of another report or petition, a copy may be attached in lieu of the original.) [23 Pa.C.S. § 2534 (2)]
8. List an itemized accounting of monies and consideration paid or to be paid to 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:
9. List full description and statement of value of all property owned or possessed by the ADOPTEE:
10. Has any provision of any statute regulating the interstate placement of children been violated with respect to the placement of the child?

11. Attach a birth certificate or certification of registration of birth. [23 Pa. C.S.A. § 2534 (1)]
If no birth certificate or certification of registration of birth can be obtained, state why. [See 23 Pa.C.S.A. § 2701(9)]
12. Has the attending physician delivered the medical history information to the intermediary or has the physician delivered the medical history information directly to the adopting parents?
(See 23 Pa.C.S. § 2102 and § 2909)
- a) If not delivered, state why?
 - b) If it was delivered, was the information edited to remove identifying information about ADOPTEE's birth family?

Intermediary

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF WESTMORELAND : SS
:

The above named INTERMEDIARY, being duly sworn according to law deposes and says that the facts set forth in the above Intermediary Report are true and correct to the best of his/her knowledge, information and belief.

[Signature of Intermediary]

Sworn to and subscribed

before me this _____ day
_____, 20_____

(Signature of Notary)

(SEAL OF NOTARY)

(Alternative Method for Verification)

I the above named Intermediary do verify that the statements contained in the Intermediary's Report are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S. § 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 _____

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: of
:
(Adoptee's name as on birth certificate) : ATTORNEY: _____

NOTICE
(Voluntary Relinquishment)
23 Pa.C.S. § 2503(b)

TO: _____

A petition has been filed asking the court to put an end to all rights you have to your child
_____. The court has set a hearing to consider ending your rights to your child. That hearing
will be held in Courtroom # _____ on the _____ day of _____, 20 _____ at
_____ A.M./P.M. YOUR PRESENCE IS REQUIRED AT THE HEARING.

YOU ARE ALSO NOTIFIED OF THE ACT 101 OF 2010 WHICH 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 WRITTEN
VOLUNTARY AGREEMENT IS APPROVED BY THE COURT.

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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION
ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE
YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE
PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
WESTMORELAND BAR ASSOCIATION
P.O. BOX 565
GREENSBURG, PA 15601
(724) 834-8490
www.westbar.org

(Name of Attorney)

(Address)

(Telephone Number)

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
: No: of
: :
(Adoptee's name as on birth certificate) : ATTORNEY: _____

PETITION FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS

PRELIMINARY ORDER
(23 Pa.C.S. § 2501 and § 2502)

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 A.M/P.M. At least ten days written notice of the hearing shall be given to the petitioner and a copy of the notice as specifically set forth in 23 Pa.C.S. § 2503(b) shall be served upon the parent(s) or guardian of the petitioner who has not reached 18 years of age. If only one birth parent is the petitioner, such notice shall be given upon the other parent. If the petition seeks to terminate parental rights of putative father pursuant to 23 Pa.C.S. § 2503(d), such notice as specifically set forth therein shall be provided to putative father. Method of providing notice shall conform to Pa.R.O.C.P. 15.4.

"Affidavit of Service" relative to all notices shall be filed at least **10** days before the evidentiary hearing to allow the court time to review.

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans' Court is Directed to note in the docket that the individual(s) listed below have been given notice of this Order.

BY THE COURT:

ATTEST: _____ J.

cc:

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF
WESTMORELAND COUNTY, PENNSYLVANIA

IN RE: :
ADOPTION OF :
 : No: of
 :
(ADOPTEE's name as on birth certificate) : Attorney: _____

PETITION FOR VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS
(23 Pa.C.S. § 2501 and § 2502)

RELINQUISHMENT TO:

"X" the one that applies.

- To Agency (23 Pa.C.S. § 2501)
- To Adult(s) intending to adopt (23 Pa.C.S. § 2502)

RELINQUISHMENT BY:

"X" those that apply.

- BIRTH MOTHER.
- BIRTH FATHER.
- PUTATIVE FATHER.

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of

[Names of Relinquishing Parent(s)]

- 1. ADOPTEE:
 - a) List name as appears on birth certificate:
 - b) Age:
 - c) Date of birth:
 - d) Birthplace:

- e) Sex: Male () Female ()
 - f) Present address:
 - g) Racial background:
 - h) Who has custody of ADOPTEE and since when:
2. BIRTH MOTHER:
- a) Name:
 - b) Maiden name:
 - c) Age and date of birth:
 - d) Birthplace:
 - e) Present address:
 - f) Present marital status:
If married, state:
 - (1) Date:
 - (2) Place:
 - (3) Name of spouse:
 - g) Were you married when ADOPTEE was born? [Pa.R.O.C.P. 15.7(a)(3) and 15.8(a)(3)]
 - (1) If yes, name of spouse:
 - h) Were you married one year prior to the birth of ADOPTEE? [Pa.R.O.C.P. 15.7(a)(3) and 15.8(a)(3)]
 - (1) If yes, name of spouse:
 - (2) If this marriage ended, state how and when:
 - i) The last known address of ADOPTEE's BIRTH FATHER:
 - j) What is your employment?
 - k) Racial background:

- l) Are you voluntarily relinquishing your parental rights?
- (1) If yes, state reasons for seeking relinquishment: [Pa.R.O.C.P. 15.7(a)(7) and 15.8(a)(7)]
- (2) Is your consent to the adoption attached?
- (3) THE PARENT RELINQUISHING PARENTAL RIGHTS MUST PERSONALLY APPEAR IN COURT AT THE VOLUNTARY RELINQUISHMENT HEARING. [23 Pa.C.S. § 2503]
- (4) The BIRTH MOTHER understands the petition, has considered the alternatives, and has executed the petition voluntarily. [Pa.R.O.C.P. 15.7(a)(12) and 15.8(a)(13)]

3. BIRTH FATHER:

- a) Name:
- b) Age and date of birth:
- c) Birthplace:
- d) Present address:
- e) Present marital status:
- If married, state:
- (1) Date:
- (2) Place:
- (3) Name of spouse:
- f) Were you married when ADOPTEE was born?
- (1) If yes, name of spouse:
- g) Were you married one year prior to the birth of ADOPTEE?
- (1) If yes, name of spouse:
- (2) If this marriage ended, state how and when:
- h) The last known address of ADOPTEE's BIRTH MOTHER:

- i) What is your employment?
- j) Racial background:
- k) Are you voluntarily relinquishing your parental rights?
 - (1) If yes, state reasons for seeking relinquishment: [Pa.R.O.C.P. 15.7(a)(7) and 15.8(a)(7)]
 - (2) Is your consent to the adoption attached?
 - (3) THE PARENT RELINQUISHING PARENTAL RIGHTS MUST PERSONALLY APPEAR IN COURT AT THE VOLUNTARY RELINQUISHMENT HEARING. [23 Pa.C.S. § 2503]
 - (4) The BIRTH FATHER understands the petition, has considered the alternatives, and has executed the petition voluntarily. [Pa.R.O.C.P. 15.7(a)(12) and 15.8(a)(13)]

4. PUTATIVE FATHER:

- a) Name:
- b) Age and date of birth:
- c) Birthplace:
- d) Present address:
- e) Present marital status:
 - If married, state:
 - (1) Date:
 - (2) Place:
 - (3) Name of spouse:
- f) Were you married when ADOPTEE was born?
 - (1) If yes, name of spouse:
- g) Were you married one year prior to the birth of ADOPTEE?

- (1) If yes, name of spouse:
 - (2) If this marriage ended, state how and when:
- h) Was PUTATIVE FATHER ever married to BIRTH MOTHER?
- (1) If yes, state when:
- i) What is your employment?
- j) Racial background:
- k) Are you voluntarily relinquishing your parental rights?
- (1) If yes, state reasons for seeking relinquishment: [Pa.R.O.C.P. 15.7(a)(7) and 15.8(a)(7)]
 - (2) Is your consent to the adoption attached?
 - (3) THE PARENT RELINQUISHING PARENTAL RIGHTS MUST PERSONALLY APPEAR IN COURT AT THE VOLUNTARY RELINQUISHMENT HEARING. [23 Pa.C.S. § 2503]
 - (4) The PUTATIVE FATHER understands the petition, has considered the alternatives, and has executed the petition voluntarily. [Pa.R.O.C.P. 15.7(a)(12) and 15.8(a)(13)]
- l) Explain the circumstances that created the status of PUTATIVE FATHER:
- m) 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. § 2503(d). Is the termination of the parental rights of a PUTATIVE FATHER an objective by either method?

- n) 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. § 5103. [23 Pa.C.S. § 2503(d)]
- (1) Has a claim of paternity been filed?
 - (2) 23 Pa.C.S. § 2503(b) requires a copy of notice be given to putative father. It further states a putative father shall include one who has filed a claim of paternity as provided in 23 Pa.C.S. § 5103 (relating to acknowledgements and claim of paternity) prior to the institution of proceedings.
5. State relationship of petitioner(s) to ADOPTEE:
6. If parental rights are being relinquished to an approved Agency, state name and address of the Agency. [P Orphans' Court Rule 15.7(a)(5)]
- a) Pa.R.O.C.P. 15.7(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?
 - b) The date the ADOPTEE was placed with the Agency. [Pa.R.O.C.P. 15.7(a)(6)]
7. If a relinquishing parent is under the age of 18 years, state name(s) and address(es) of his/her parent(s) (or guardian).
8. 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?
9. Are any of the ADOPTEE'S birth parent(s) 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. 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. § 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. § 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? [23 Pa.C.S. § 2531]
- b) If yes, when and where was physical custody of ADOPTEE placed with adoptive parent(s)? [Pa.R.O.C.P. 15.8(a)(5)]
- c) Has the attached consent of the adult(s) accepting custody of ADOPTEE been completed and signed? [Pa.R.O.C.P. 15.8(a)(12)]
11. Is birth certificate or certification of registration of birth of ADOPTEE attached as an Exhibit? [Pa.R.O.C.P. 15.3(b)]
- a) If no, see 23 Pa.C.S. § 2701(9).
12. 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? [Pa.R.O.C.P. 15.7(a)(8) and 15.8(a)(8)]
- a) If yes, state the name and address of agency or counselor. [Pa.R.O.C.P. 15.7(a)(9) and 15.8(a)(9)]
13. Has the petitioner been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Contact Agreement with the Prospective Adoptive Parents, once identified? [Pa.R.O.C.P. 15.7(a)(10) and 15.8(a)(10)]

WHEREFORE, your petitioner(s) pray for Order(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(s) of Petitioner(s)]

VERIFICATION

I/We the above named petitioner(s) do verify that the statements contained in this Petition for Voluntary Relinquishment 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. § 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. R.O.C.P. 15.7(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/ADOPTTEE until such time as the child/ADOPTTEE 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. R.O.C.P. 15.8(b)(3)]

I/We

[Name(s) of Adoptive Parent(s)]

certify that the within named ADOPTTEE 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 ADOPTTEE on the _____ day of _____, 20____. My/Our present address is _____.

Date: _____

[Name of Adult Intending to Adopt]

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PA
ORPHANS' COURT DIVISION

IN RE: :
ADOPTION OF :
: No:
: :
(Adoptee's name as on birth certificate) : ATTORNEY: _____

TERMINATION ORDER
(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 determination.

1. The Petitioner(s) is/are _____ .
2. The Petitioner(s) is/are the natural parent(s) of the above captioned ADOPTEE.
3. The Petitioner(s) has/have knowingly, deliberately and voluntarily relinquished all of his/her/their parental rights to the ADOPTEE.
4. ALL OF THE PETITIONER(S) PARENTAL RIGHTS TO THE 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)

OR

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

The adoptive parent(s) is/are directed to file his/her/their Petition for Adoption within sixty (60) days after the conclusion of the appeal period.

FURTHER, in accordance with Pa.R.O.C.P. No. 4.6(b), the Clerk of the Orphans' Court is DIRECTED to note in the docket that the individual(s) listed below have been given notice of this Order.

THE COURTS

BY THE COURT:

_____, J.

ATTEST:

IN THE COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

	* * *
IN RE:	:
ADOPTION OF	:
	: No:
	:
(Adoptee's name as on birth certificate)	: ATTORNEY: _____

* * *

AFFIDAVIT OF SERVICE

The petitioner has been informed of the opportunity for a birth relative of the child, including the petitioner, to enter into a Post-Adoption Contact Agreement with the Prospective Adoptive Parents, once identified. Notice was provided to the petitioner by hand delivery, first class mail, postage paid, to the petitioner's last known address, or by electronic transmission in accordance with Pa.R.O.C.P. 15.7(b)(2) and 15.8(b)(1).

A copy of the notice has been attached to the Affidavit of Service.

Representative of the Agency/Counsel

Date

Title 255—LOCAL COURT RULES

YORK COUNTY

In the Matter of: Increasing the Schedule of Fees for the Prothonotary, a Third Class County; 2022-MI-000330 Misc. Civil

Amended Administrative Order and Approval

And Now, To Wit, This 3rd day of November 2022, *The Court* pursuant to Act # 98-164 of the Pennsylvania Legislature, hereby approves the increase of fees effective January 1, 2023.

The Prothonotary of York County shall provide a certified copy of this order to the York County District Court Administrator and shall keep a copy constantly available for public inspection and copying. Upon request and payment of reasonable fees for production and mailing, the Prothonotary shall furnish a copy to any person requesting one.

The York County District Administrator shall publish this order as may be required.

By the Court

MARIA MUSTI COOK,
President Judge

ACKNOWLEDGMENT OF SHERIFF DEED \$14.00

ADD OR SUBSTITUTE A PARTY* \$21.00

APPEALS

Commonwealth and Superior Court Appeals

If filed to FC #: 2 separate checks required

Prothonotary Fee \$103.00

Appellate Court Fee \$90.25

If filed to SU #* \$198.25

District Justice \$238.00

ARBITRATION*

Appointment of Arbitrator* \$55.00

Arbitration Appeal*

Less than \$10,000 in controversy* \$445.00

\$10,000 to/including \$25,000 in controversy* .. \$545.00

Greater than \$25,000 in controversy* \$745.00

ASSIGNMENTS* \$21.00

BENCH WARRANTS \$27.00

CERTIFICATION \$8.00

CHECKS RETURNED AS NON-NEGOTIABLE .. \$35.00

COMPLAINT—CIVIL* \$258.00

COMPLAINT—CUSTODY \$235.00

When filed with a divorce action \$9.50

COMPLAINT—DIVORCE \$317.00

(ADD \$40.25 MORE FOR EACH ADDITIONAL COUNT AND \$49.75 FOR CUSTODY COUNT)

CONCILIATOR APPOINTMENT \$155.00

COPIES

Public printer, per page \$0.25

Staff printer, per page \$1.00

CUSTODY

Discontinuance or withdrawal \$16.00

Reactivation of Custody Case made inactive per Rule 230.3 \$27.00

Register out-of-state custody order \$25.00

DIVORCE DECREE CERTIFIED COPY \$15.00

DIVORCE

Appointment of Hearing Officer

For Fault divorce, Equitable Distribution or Alimony (first 12 hours) \$350.00

Modification of Alimony (first 8 hours) \$250.00

Interim Relief (first 4 hours) \$150.00

Additional proceedings (each block up to 6 hours) \$250.00

Discontinuance or withdrawal \$16.00

EXECUTIONS

Attachment proceedings (each garnishee)* \$1.00

Reissuance or Amendments* \$20.00

Interrogatories and Answers* \$15.00

Attachment Dissolution* \$21.00

Sheriff's Determination of Ownership \$13.00

EXEMPLIFIED RECORDS

Incoming Exemplified Records* \$65.00

Outgoing Exemplified Records \$34.00

(Specify in-state or out-of-state)

EXHIBITS—oversize (documents larger than 11" × 17")

Per page \$3.75

INTENTION TO PROCEED

If filed to an FC # \$16.00

If filed to an SU #* \$21.00

JUDGMENTS*

Amended* \$23.00

Broker's Lien* \$65.00

Bond Forfeiture* \$65.00

By Transcript (District Justice)* \$65.00

Complaint with Confession* \$75.00

Default* \$37.00

Deficiency* \$37.00

Marked to the use of* \$21.00

LICENSE SUSPENSION APPEAL \$238.00

LIENS*

Commonwealth, Federal, Municipal* \$63.00

Mechanics*

Claim (commencement of new action)* \$258.00

Stipulation or Waiver* \$49.00

MISCELLANEOUS FILING \$25.00

MORTGAGE FORECLOSURE* \$258.00

MOTION TO STAY EXECUTION* \$15.00

NAME CHANGE

Resume maiden name after divorce \$20.00

Not divorce related \$104.00

NOTARY PUBLIC

Acknowledgment/Registration of Signature \$5.50

PATERNITY ACTION..... \$238.00

PETITION TO OPEN OR STRIKE JUDGMENTS

If filed from an NO #* \$258.00

If filed to an SU #* NO FEE

PETITION TO REASSESS DAMAGES*..... \$21.00

PLEADINGS FILED TO AN NO OR MT CASE*.. \$15.00

POWERS OF ATTORNEY

Registration of first name\$6.00

PRAECIPE TO SATISFY, DISCONTINUE, WITHDRAW CASE

If case filed prior to 1/2/97* \$21.00

If case filed on or after 1/2/97*..... NO FEE

Satisfy less than all parties or judgment only*.. \$21.00

Commonwealth Satisfaction (filed prior to 1997)* \$16.00

PROTECTION FROM ABUSE..... \$252.00

Crossfiling \$207.00

Refiling of expired PFA over 2 years \$252.00

Refiling of expired PFA under 2 years..... \$207.00

Full hearing held (state surcharge) \$100.00

Issuance of a Bench Warrant \$27.00

Modification of PFA..... \$30.00

RELEASE, POSTPONEMENT, SUBORDINATION*..... \$21.00

REPORTS..... \$10.00

REVIVALS*

Adverse Proceedings* \$83.00

Amicable Proceedings* \$63.00

Commonwealth Tax Lien* \$63.00

SUBPOENAS*—must be completed before submitted for signature and seal

If filed to an FC #\$5.50

If filed to an SU, NO, MT, ML #* \$10.50

TAX UPSET/JUDICIAL SALE

Objections/exception..... \$25.00

TRANSFER OR REMOVAL OF RECORD TO ANOTHER COURT..... \$43.00

WRIT OF ATTACHMENT* \$60.00

Notice of intent to attach wages* \$15.00

WRIT OF EXECUTION* \$54.00

WRIT OF EXECUTION—REISSUE*..... \$20.00

WRIT OF SCIRE FACIAS* \$83.00

WRIT OF SUMMONS (New case)*..... \$258.00

Anything with an ASTERISK must be filed electronically

The Prothonotary shall not be required to enter on the docket any suit or action nor order of court or enter any judgment thereon or perform any services whatsoever for any person or political subdivision of the Commonwealth until the requisite fee is paid.

Payment should be made by cash, money order, credit and debit card, certified bank check or business check. Personal checks are not accepted.

Failure to provide all required paperwork may result in returned filings.

All filings should be one-sided.

Judgments must be accompanied by the Rule 236 notice. Envelopes do not need to be included. The Prothonotary assumes the expense for envelopes and postage for service of judgments.

A self-addressed, stamped envelope must be included with any documents to be returned.

For more information about electronic filing and for forms visit: www.yorkcountypa.gov/prothonotary

The York County Court Self-Help and Law Resource Center is located at
45 N George Street
4th Floor
York, PA 17401
Courtselfhelp@yorkcountypa.gov

Looking for an attorney?
Contact York Attorney Connection
www.yorkbar.com
717-854-8755

FEES EFFECTIVE JANUARY 1, 2023

OFFICE OF THE PROTHONOTARY
YORK COUNTY JUDICIAL CENTER
45 N. GEORGE STREET
YORK, PA 17401
717-771-9611

www.yorkcountypa.gov/prothonotary

[Pa.B. Doc. No. 22-1967. Filed for public inspection December 16, 2022, 9:00 a.m.]

