

Rules of the

ORPHANS' COURT DIVISION

of the

Court of Common Pleas of Lehigh County

Integrated with

Supreme Court Orphans' Court Rules

Adoption Rules

Adopted April 24, 1989

Effective June 12, 1989

LEHIGH COUNTY ADOPTION RULES

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

IN RE: ADMINISTRATIVE ORDER

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) File No. 35397-A
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ORDER

AND NOW, this 24th day of April, 1989, IT IS ORDERED AND DECREED that the following are adopted as the Local Adoption Rules of the Orphans' Court Division of the Court of Common Pleas of Lehigh County, Pennsylvania, be and the same, it is promulgated herewith, to become effective thirty (30) days after publication in the Pennsylvania Bulletin; that a copy of this order and the attached material be published once in the Lehigh Law Journal; that seven (7) certified copies shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies shall be filed with the Legislative Reference Bureau for publication in the Pennsylvania Bulletin; that one (1) certified copy shall be filed with the Orphans' Court Rules Committee; that one (1) copy shall be filed with the Clerk of Orphans' Courts in the Court of Common Pleas of Lehigh County; and one (1) copy with the Court Administrator of Lehigh County and one (1) copy with each Judge of this Court; and that all rules inconsistent herewith shall be revoked upon the effective date of the aforementioned rule.

BY THE COURT:

John E. Backenstoe, P.J.

James Knoll Gardner, J.
Orphans' Court

Robert K. Young, J.
Orphans' Court

LEHIGH COUNTY ADOPTION RULES

RULE 15

ADOPTIONS

15.1. *Local Rules.*

The practice and procedure with respect to adoptions shall be as provided by Act of Assembly and to the extent not inconsistent therewith shall conform either with the pertinent general rule or special order of the local orphans' court, or, in the absence thereof, with this Rule 15.

15.1-1. *Local Practice and Procedure.*

Practice and procedure with respect to all proceedings under the Adoption Act, 23 Pa.C.S.A.2301-2910 shall be as provided by this local Rule 15 pending issuance of Supreme Court Rules which reflect the repeal of the Adoption Act of 1970, July 24, P.L. 60, No. 208,101-603, as amended, and the adoption of the current Adoption Act, 23 Pa.C.S.A.2101-2910.

15.1-2. *Exhibits.*

Appended to all petitions for voluntary relinquishment, involuntary termination and adoption shall be the following:

(1) A birth certificate or certificate of registration of birth of the subject child which contains the child's name, sex, date of birth and parents' names.

(a) Whenever a birth certificate has been filed with the Clerk in a companion proceeding, reference to the companion case term and number shall be sufficient.

(b) A notice of birth registration is not an acceptable substitute for a certified copy of a birth certificate or a certification of registration of birth.

(2) In appropriate cases, certified copies of marriage licenses regarding the biological parent or parents of the subject child and the proposed adoptive parents, as proof of the following:

(a) The marital status of the biological mother at the birth of the subject child and for one year prior thereto.

(b) The marriage of the proposed adoptive parents to each other.

15.2-1. *Voluntary Relinquishment to Agency.*

(A) *Petition.*

A petition under section 2501 of the Adoption Act to relinquish parental rights and duties with respect to a child who has been in the care of an Agency shall be in a form approved by the court, or shall conform substantially to the form attached hereto (Appendix I), and shall include the following allegations:

(1) The name, address, age, racial background and religious affiliation of each petitioner.

(2) The information required in subparagraph (1) as to any parent who is not a petitioner, or the reason why such information is unavailable.

(3) The marital status of the mother as of the time of the birth of the child and during one year prior thereto, and, if the mother was married, the name of her husband or husbands, and her maiden name.

(4) The name, age, date of birth, racial background, sex and religious affiliation of the child.

(5) The name and address of the Agency having care of the child.

(6) The date when the child was placed with the Agency and the circumstances surrounding the placement.

(7) When the child's parents are not married to each other, whether they intend to marry each other.

(8) The reason for seeking relinquishment.

(9) That each petitioner understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in the petitioner's and the child's best interests.

(10) Whether either natural parent of the child is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A.501, et. seq.)

(B) Exhibits.

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1-2:

(1) The joinder of a parent who is not a petitioner, if obtainable.

(2) If the other parent is deceased, a certified copy of the death certificate.

(3) 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.

(a) The joinder of the Agency shall be executed and acknowledged by an official authorized to do so, and proof of such authority shall be kept on file with the court (see Rule 15.8-1, infra).

(4) A proposed decree in a form approved by the court or that conforms substantially to the form attached hereto (Appendix I-A).

(C) Disposition of Petition.

(1) The petition shall be filed with the Clerk, who shall place the matter on the next available hearing list, unless otherwise directed by the court.

(2) Absent exceptional circumstances, or unless the other parent is deceased, the court will not entertain a petition by one parent where the rights of the other parent

have not been previously terminated or cannot be terminated at the hearing.

(3) Information concerning any proposed adoption of the child who is the subject of the petition shall be made available to the court at the hearing.

(D) Notice and Hearing.

(1) If a parent has not relinquished his or her rights and duties in and to the child, or joined in the other parent's petition hereunder, then notice of the hearing, together with a copy of the petition, shall be served upon the non-petitioning/non-joining parent in accordance with Rule 15.6-1.

(2) Unless excused by the court, at or prior to the hearing, each petitioner and each person whose consent or joinder is attached to the petition shall be examined under oath at the hearing.

15.3-1. *Voluntary Relinquishment to Adult Intending to Adopt Child.*

(A) Petition.

A petition under section 2502 of the Adoption Act to relinquish parental rights with respect to a child who has been in the exclusive care of an adult or adults who have filed a report of Intention to Adopt shall be in a form approved by the court, or shall conform substantially to the form attached hereto (Appendix II), and shall include the allegations required under subparagraphs (1), (2), (3), (4), (7), (8), (9) and (10) of Rule 15.2-1(a), and

(1) The date when the Report of Intention to Adopt was filed.

(2) The date when the child was placed with the adult or adults and the circumstances surrounding the placement.

(B) Exhibits.

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1-2:

(1) The joinder of a parent who is not a petitioner, if obtainable.

(2) If the other parent is deceased, a certified copy of the death certificate.

(3) The separate consent of the adult or adults to accept custody of the child.

(4) A proposed decree in a form approved by the court or that conforms substantially to the form attached hereto (Appendix II-A).

(C) Disposition of the Petition.

(1) The petition shall be filed with the Clerk, who shall place the matter on the next available hearing list, unless otherwise directed by the court.

(2) Absent exceptional circumstances, or unless the other parent is deceased, the court will not entertain a petition by one parent where the rights of the other parent have not been previously terminated or cannot be terminated at the hearing.

(3) Absent exceptional circumstances, a petition for voluntary relinquishment to an adult intending to adopt will not be entertained by the court unless a petition for adoption under section 2701 of the Adoption Act with respect to the subject child has also been filed.

(D) Notice and Hearing.

(1) If a parent has not relinquished his or her rights in the child or joined in the petition hereunder, then notice of the hearing on a parent's petition to voluntarily relinquish rights, together with a copy of the petition, shall be served

upon such non-petitioning/non-joining parent in accordance with Rule 15.6-1.

(2) Absent exceptional circumstances, the hearing on the petition to voluntarily relinquish rights to an adult intending to adopt shall be conducted on the same date as the hearing on the petition for adoption of the subject child under section 2701, filed pursuant to Rule 15.5-1.

(3) Each petitioner and each person whose joinder or consent is attached to the petition shall be examined under oath at the hearing unless excused by the court.

15.3-2. *Alternative Procedure for Relinquishment.*

(A) **Petition to Confirm Consent.**

A petition under section 2504(a) of the Adoption Act shall be in a form approved by the court, or shall conform substantially to the form attached hereto (Appendix III), and shall include the following allegations:

(1) The name, address and standing of the petitioner or petitioners, and the date on which the report of intention to adopt and/or the petition for adoption was filed.

(2) The name, age, address and current marital status of the natural parent or parents.

(3) The name, sex, date of birth of the child proposed to be adopted, and the date on which the child was placed with the proposed adoptive parents.

(4) The date on which the petition or petitions for voluntary relinquishment were filed.

(5) The date of the execution of the consent or consents to the adoption by the natural parent or parents.

(6) That a period of forty (40) days has elapsed since the execution of the consent to the adoption and that the consenting parent has not filed or proceeded with a petition

for voluntary relinquishment of parental rights as provided for in sections 2501 and 2502 of the Adoption Act.

(7) Whether either natural parent of the child is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A.501, et. seq.)

(B) Exhibits to Petition to Confirm Consent.

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1-2:

(1) The original consent of the natural parent in the form prescribed by section 2711(d)(1) and (2) of the Adoption Act.

(2) A proposed decree in a form approved by the court or that conforms substantially to the form attached hereto (Appendix III-A).

(C) Petition for Termination of Parental Rights of Non-Consenting Putative Father.

A petition under section 2504(c) of the Adoption Act shall be in a form approved by the court, or shall conform substantially to the form attached hereto (Appendix IV), and shall include the following allegations:

(1) The name, address and standing of the petitioner or petitioners, and the dates on which the report of intention to adopt and/or the petition for adoption was filed.

(2) The name, age, address and marital status of the biological parents as of the birth of the child and during one year prior thereto.

(3) The name, sex, date of birth of the proposed adoptee and the date on which the child was placed with the proposed adoptive parents.

(4) That the biological mother of the adoptee was unmarried at the child's birth.

(5) That the putative father has refused to execute a written consent to the adoption of the proposed adoptee and has not filed an acknowledgement of paternity pursuant to 23 Pa.C.S.A.8302, or a claim of paternity pursuant to 23 Pa.C.S.A.8303 regarding the proposed adoptee.

(6) Whether the putative father is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A.501, et. seq.)

(D) Exhibits to Petition for Termination of Parental Rights of Non-Consenting Putative Father.

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1-2:

(1) A birth certificate of the proposed adoptee which indicates that no acknowledgement or claim of paternity has been filed.

(2) A proposed decree in a form approved by the court or that conforms substantially to the form attached hereto (Appendix IV-A).

(E) Disposition of Petitions Under Section 2504.

(1) The petition shall be filed with the Clerk, who shall place the matter on the next available hearing list, unless otherwise directed by the court.

(2) Absent exceptional circumstances, or

(a) unless the other parent is the petitioner or the spouse of a petitioner in an adoption pending in this court; or

(b) unless the other parent is a putative father who

(i) has refused to execute consent; and

(ii) has not filed an acknowledgement of paternity under 23 Pa.C.S.A.8302 or a claim of paternity under 23 Pa.C.S.A.8303, or

(iii) is deceased

the court will not entertain a petition to confirm the consent of only one natural parent.

(3) Absent exceptional circumstances, a petition to confirm consent will not be entertained by the court unless a petition for adoption under section 2701 of the Adoption Act has been filed with this court.

(F) Notice and Hearing.

(1) Notice of the hearing on a petition to confirm consent, in the form prescribed by section 2513(b) of the Adoption Act, together with a copy of the petition omitting all references to the proposed adoptive parents, shall be served upon the natural parent or parents whose consent is sought to be confirmed, the other parent, a putative father whose rights are sought to be terminated, and to the parents or guardian of a consenting parent who has not reached 18 years of age in accordance with rule 15.6-1.

(2) Each petitioner shall be examined under oath at the hearing.

15.4-1. *Involuntary Termination of Parental Rights.*

(A) Petition

A petition for involuntary termination of parental rights under sections 2511 and 2512 of the Adoption Act shall be in a form approved by the court or shall conform substantially to the form attached hereto (Appendices V and VI), and shall include the following allegations:

(1) The name and address of the petitioner and his or her standing.

(2) The name, sex, date of birth, racial background and religious affiliation of the child.

(3) The name, age, address, racial background and religious affiliation of the parent or parents of the child.

(4) The marital status of the mother as of the time of the birth of the child and during one year prior thereto and, if the mother was married during that time, the name of her husband or husbands, and her maiden name.

(5) The date when the child was placed in the care of the petitioner.

(6) Facts constituting grounds for the involuntary termination under section 2511 of the Adoption Act, and a reference to the applicable subsection or subsections.

(7) Whether either natural parent of the child is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A.501, et. seq.)

(8) That the petitioner will assume custody of the child until such time as the child is adopted.

(B) Exhibits.

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1-2:

(1) 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. The joinder shall satisfy the requirements of Rule 15.2-1(B)(3)(a).

(2) A proposed decree in a form approved by the court or that conforms substantially to the form attached hereto (Appendices V-A and VI-A).

(C) Disposition of Petition.

(1) The petition shall be filed with the Clerk, and a copy thereof shall be served upon the respondent in accordance with Rule 15.6-1. This shall be in addition to the notice of hearing required by Rule 15.4-1(E).

(2) At the time when the petition is filed with the Clerk, the matter shall be placed on the next available hearing list by the Clerk. However, the matter shall not be heard before the time for filing responsive pleadings has elapsed (O.C. Rule 3.2). Notice thereof shall be given by the Clerk to counsel and by counsel to the respondent as required by Rule 15.4-1(E).

(3) Absent exceptional circumstances, or unless the other parent is deceased, the court will not entertain a petition for involuntary termination of parental rights filed by an agency or an adult intending to adopt where the parental rights of the other parent have not been previously terminated, or cannot be terminated at the hearing.

(4) If the court is satisfied that, after reasonable investigation, the identity of a natural parent is unknown, no petition under this rule will be necessary with respect to such parent.

(a) To establish a "reasonable investigation" a "Petition for Leave to Forego Involuntary Termination Proceedings Regarding the Unknown Parent of (Name of Child)" shall be presented at any Orphans' Court Motion Court and shall contain the following allegations:

(i) the circumstances surrounding the conception of the child including the approximate date and location;

(ii) all of the information regarding the unknown parent that is known by the other natural parent or petitioner; and

(iii) the efforts made by the identified natural parent or petitioner, by anyone acting on behalf of the identified parent, by petitioning adoptive parents and/or anyone acting on their behalf, to attempt to identify, locate, or contact the unknown natural parent based on the information provided in subsections (i) and (ii) above; or

(iv) the reasons why any of the above information cannot be provided.

(b) If a natural parent is not the petitioner there shall be attached to the petition as an exhibit:

(i) the consent and joinder of the identified natural parent;

(ii) a certified copy of the death certificate of the identified natural parent; or

(iii) the affidavit of the identified natural parent that the allegations in the petition are true and correct and that the identity and whereabouts of the other natural parent are unknown to the affiant.

(c) If the requirements of subsection (b) above cannot be satisfied, the petition shall contain an allegation explaining the reasons therefor.

(D) Representation for Minors.

(1) Counsel.

When a petition for involuntary termination is being contested by one or both parents, counsel for the petitioners shall file with the petition or present, during any Orphans' Court Motion Court prior to the scheduled hearing, a motion for the appointment of counsel to represent the minor child or children, together with a proposed order in a form approved by the court or that conforms substantially to the form attached hereto (Appendices VII and VII-A).

(2) Guardian Ad Litem.

When the termination of the parental rights of a minor parent is sought, the court, if it finds that the minor parent is not adequately represented, may appoint a guardian ad litem to represent the interests of the minor parent.

(E) Notice and Hearing.

(1) Notice of the hearing on the petition for involuntary termination of parental rights, in the form and manner prescribed by section 2513 of the Adoption Act, shall be served in accordance with Rule 15.6-1 upon the following persons:

(a) the parent or parents whose rights are sought to be terminated; and

(b) the parent or parents and the guardian ad litem, if any, of a natural parent who is under the age of 18 years.

(2) Each petitioner shall be examined under oath at the hearing unless excused by the court.

(3) The notice of hearing required in this rule shall be in addition to the requirement of service of the petition in accordance with Rule 15.4-1(C)(1).

(F) Decrees of Termination of Parental Rights; Form

(1) Uncontested Involuntary Terminations.

(a) When a petition for involuntary termination of parental rights is uncontested by the respondent, the court, after hearing, shall issue an order setting forth its findings regarding the grounds for involuntary termination of parental rights and either granting or denying the termination. All such decrees of termination of parental rights in uncontested matters shall be final orders.

(2) Contested Involuntary Terminations.

(a) When a petition for involuntary termination of parental rights is contested by the respondent, at the conclusion of the hearing all parties shall present closing arguments succinctly stating their respective positions together with supporting facts and legal authority.

(b) Within twenty (20) days after such hearing and argument, petitioner may file a brief in support of the petition for involuntary termination. A responsive brief may be filed within ten (10) days thereafter. Counsel for the child may file a brief either in support of, or in opposition to, the petition for involuntary termination; the briefing schedule to be the same as above as determined by the legal position taken.

(c) The court shall issue an opinion in support of its findings relating to the grounds for involuntary termination, and an accompanying decree, either granting or denying the termination of parental rights. All decrees of termination of parental rights in contested proceedings shall be final orders.

15.5-1. *Adoption.*

(A) Petitions of Intermediaries for Leave to Pay Expenses.

(1) Whenever an intermediary participates in or is aware of arrangements or proposals to make payments in cash or in kind (from any source), to or for the benefit of the biological mother of a prospective adoptee prior to the birth of the child, the intermediary shall promptly file a petition with the Clerk of this court which:

(a) discloses the nature of the arrangements, including the amount and source of proposed payments to or on behalf of the biological mother; and

(b) requests advance court approval of the proposed payments.

No payments of any type to or for the benefit of the biological mother of a proposed adoptee shall be made without prior disclosure to and approval by the Orphans' Court Division.

(B) Investigation -- Report of Intention to Adopt.

(1) Investigations under this rule shall be conducted by an individual designated by the court or an agency approved by the court. In the former case, the fee for such private investigation shall be paid to the Clerk at the time of the filing of the report of intention to adopt.* Where the court has determined for cause shown, that the court-appointed local investigator need not interview both the biological parents and the adopting parents, the fee shall be reduced to an amount determined by the court.

(2) In appropriate cases, the court, upon request at the time of filing the Report of Intention to Adopt, may appoint as the investigator, the agency that has supervised the foster care placement of the proposed adoptee.

(C) Reports of Intermediaries.

(1) The reports of the intermediaries, if required under section 2533 of the Adoption Act, shall be in a form approved by the court, or shall conform substantially to the form attached hereto (Appendix VIII), and shall contain all declarations and information required by section 2533 of the Adoption Act, and

(a) the location of the placement of the child with the prospective adoptive parents; and

(b) a brief narrative providing the details of the intermediary's involvement in the adoption placement.

(2) The report of intermediary shall be filed with the Clerk within six months after the report of intention to adopt has been filed.

*A pre-printed form, "Report of Intention to Adopt" is available at the office of the Clerk of the Orphans' Court Division.

(D) Petition.

The petition for adoption shall be in a form approved by the court, or shall conform substantially to the form attached hereto (Appendix IX), and shall contain all declarations and information required by section 2701 of the Adoption Act, and

(1) the date of the petitioners' marriage to each other;

(2) whether the petitioners have received medical history information regarding the proposed adoptee and, if so, when and from whom it was received;

(3) the date when the petitioners were notified of the filing of the intermediary's report;

(4) whether the petitioners have paid or plan to pay any fees and costs, other than reasonable legal fees and costs, to anyone by reason of the adoption placement, and if so, the nature and amount of such payments;

(5) whether the petitioners have made any promises to induce any person whose consent is required to consent to the adoption;

(6) where the proposed adoptee's natural parent is the spouse of the petitioner, whether the other natural parent is required to pay support for the child, whether such payments are made voluntarily or pursuant to court order, the amount of such payments, whether such payments are current, and if not, the amount of arrearages; and

(7) that all provisions of the Interstate Compact on the Placement of Children, 62 P.S.761-765 have been complied with or are not applicable.

(E) Exhibits.

The petition shall have attached to it the following exhibits, in addition to those specified in Rule 15.1-2:

(1) The consent or consents required by section 2711 of the Adoption Act. (See Rule 15.5-1(F)(2) regarding procedure for "consensual adoption").

(2) If a natural parent is deceased, a certified copy of the death certificate.

(3) The intermediary's report if required by section 2533 of the Adoption Act and if not previously filed.

* (4) If the proposed adoptee is an adult who desires to change his or her surname, evidence of compliance with the law relating to change of name (53 Pa.C.S.A.701-702) in the form of

* (a) Proof of publication of the notice of name change.

* (b) Proof of searches of the proper offices of the county where the proposed adoptee currently resides and any other county where he or she may have resided in the five years immediately prior to the filing of the adoption petition, showing that there are no judgments, liens, mortgages or decrees of record or any other matter of like character against the proposed adoptee.

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(5) In all adoptions in which a Report of Intention to Adopt must be filed pursuant to section 2531(c) of the Adoption Act, a copy of an "Application for Child Abuse History", verified by the Department of Public Welfare evidencing the fact that neither of the petitioners is listed in the Department of Public Welfare's files as a perpetrator of child abuse.

(6) Verification of compliance with the requirements of the Interstate Compact on the Placement of Children, 62 P.S.761-765, where applicable.

(F) Disposition of Petition.

(1) Filing.

The petition shall be filed with the Clerk, who shall place the matter on the next available hearing list, unless otherwise directed by the court.

(2) Consensual Adoptions.

Unless otherwise directed by the court, in cases where the natural parents of the proposed adoptee consent to the proposed adoption but have not instituted proceedings to voluntarily relinquish their rights to an adult or adults intending to adopt (pursuant to section 2502 of the Adoption Act), the court will entertain a petition for adoption without a prior proceeding to confirm consent under Rule 15.3-2 if

(a) the natural parent or parents attend the hearing on the petition for adoption and place their consent on the record; or

(b) the natural parent or parents have executed consents to the adoption which have been filed with the Clerk.

(i) The consents shall comply with the formalities of execution* and contain the information and declarations prescribed by section 2711(d)(1) and (2) of the Adoption Act.

(ii) The consents may contain a waiver of the consenting parent's right to attend the hearing on the petition for adoption.

*A notarization of the consent is not an acceptable substitute for the signatures of two persons who witnessed its execution.

(G) Notice.

(1) Notice of the hearing on a petition for adoption shall be served upon each natural parent of the proposed adoptee (whether or not the adoptee is over the age of 18) in accordance with Rule 15.6-1, unless:

(a) such parent is the spouse of the petitioner and has joined or consented to the petition for adoption;

(b) such parents' parental rights have been terminated as a result of proceedings under Rules 15.2-1, 15.3-1, 15.3-2 or 15.4-1; or

(c) such parent is deceased.

(2) Notwithstanding the execution by a natural parent of a consent which waives the right to receive notice of the hearing on the petition for adoption, notice of the hearing shall be given to such parent in a form which clearly apprises the consenting party of the date, place, and time of the hearing and of his or her right to attend, in a form approved by the court or that conforms substantially to the form attached hereto (Appendix X). Such notice shall be served as provided by Rule 15.6-1.

(H) Hearing.

(1) The presence at the hearing of the proposed adoptee is not required unless the proposed adoptee is twelve (12) years of age or older.

(2) All petitioners and intermediaries, if any, shall be examined under oath at the hearing.

(3) The natural parents of the proposed adoptee shall be examined under oath at the hearing unless:

(a) a valid and properly executed consent which contains a waiver of the right to attend the hearing and an affidavit of service evidencing proper notice of the

hearing to the consenting parent have been filed with the court;

(b) his or her consent is not required by the Adoption Act; or

(c) his or her attendance at the hearing is excused by the court, for good cause shown.

(4) Notwithstanding the foregoing, the court may require the appearance and testimony of all persons whose consents are required and representatives of agencies or individuals who have acted as an intermediary. (See 23 Pa.C.S.A. 2723).

(5) At the hearing the court, pursuant to Pa. O.C. Rule 155(d), will require a written disclosure of all fees, costs and expenses paid or to be paid to counsel. In addition the writing shall disclose the nature and amount of any other fees, costs and expenses paid or to be paid to an intermediary, or to any other person or institution in connection with the adoption of which counsel or petitioner is aware. The written disclosure shall be certified by counsel for petitioner and shall be filed with the Clerk at or prior to the hearing.

156:11. *Notice.*

(A) *Method.*

(1) Notice to every person to be notified shall be by personal service, service at his or her residence on an adult member of the household, or by certified mail to his or her last known address.

(2) In cases where a pleading is served upon an individual not represented by counsel, it shall be accompanied by a letter from counsel stating in simple language the consequences which will follow the failure to file an answer or other response to the pleading, unless the form of notice is prescribed by statute, in which case the notice shall conform to the statutory requirement.



(B) Petition for Substitute Service or Waiver of Service.

(1) If service is unobtainable and the certified mail is returned undelivered then:

(a) no further notice shall be required in proceedings under Rules 15.2-1, 15.3-1 and 15.3-2; and



(b) further notice by publication or otherwise shall be given as ordered by the court upon petition for substituted service or for leave to waive service in accordance with subsection (c) below.

(c) Petitions for substituted service or for leave to waive service shall be presented at any Orphans' Court Motion Court and shall contain the following allegations:

(i) the nature of and frequency of any and all efforts to locate the person to be served;

(ii) the persons who made each of the efforts described in (i) above;

(iii) whether inquiry regarding the whereabouts of the person to be served was made of any past or present employers of that person, and, if so, the response to such inquiry;

(iv) whether inquiry regarding the whereabouts of the person to be served was made of that person's family, friends, and/or co-workers, and, if so, the response to such inquiry;

(v) whether inquiry regarding the whereabouts of the person to be served was made of the Bureau of Motor Vehicles, the Social Security Administration, the Department of Public Welfare, or any Police Department and, if so, the response to such inquiries;

(vi) if the person to be served is subject to a court order for support, whether the department or agency responsible for its enforcement has been contacted regarding the whereabouts of the person to be served, and if so, the response received from such contact;

(vii) the relief sought from the court.

(C) Proof of Service.

(1) An affidavit of service, in a form approved by the court or that conforms substantially to the form attached hereto (Appendix XI), together with a copy of all documents served, and the Sheriff's return, return receipt cards (signed by the addressee or an adult member of the household), and/or proof of publication, as applicable, shall be filed with the Clerk.

(2) If notice is to be accomplished by certified mail to the last known address of the person to be notified, evidence must be produced at the hearing to satisfy the court that it was the last known address.

(3) If a return receipt card purports to be signed by the addressee, evidence must be produced at the hearing to satisfy the court that the signature is that of the addressee.

(4) If a return receipt card is signed by someone other than the addressee, evidence must be produced at the hearing to satisfy the court that the signatory is an adult member of the addressee's household.

15.7-1. *Impounding of Proceedings.*

(A) Impoundment.

All petitions, exhibits, reports, notes of testimony, decrees and other papers pertaining to any proceeding under the present or prior Adoption Acts shall be impounded. Such documents shall be withheld from inspection, except upon Order of Court granted upon cause shown.

(B) Docket Entries and Certificates of Adoption.

(1) Upon entry of a decree of termination and/or adoption, the Clerk shall enter same on the docket showing the date of the decree, but without identifying the natural parents.

(2) Upon entry of a decree of adoption the Clerk shall issue to the petitioners a certificate of adoption reciting that the court has granted the adoption, the date of the decree, the names of the adoptive parents and the new name of the adoptee. The certificate shall not reveal the name of any natural parent or prior name of the adoptee.

15.7-2. Access to Records.**(A) Petition for Limited Information.**

(1) A petition by an adoptee, or on his or her behalf, for limited information (concerning his/her natural parents, but which will not endanger the anonymity of the natural parents), pursuant to section 2905(b) of the Adoption Act, shall be in a form approved by the court or shall conform substantially to the form attached hereto (Appendix XII), and shall contain the following allegations:

(a) The name, age, address and standing of the petitioner.

(b) The name, sex and date of birth of the adoptee.

(c) The date of the entry of a decree of adoption regarding the adoptee.

(d) The categories of information being sought.

(e) A proposed order in a form approved by the court or that conforms substantially to the form attached hereto (Appendix XII-A).

(2) Exhibits.

(a) A certified copy of the birth certificate or certification of birth registration which discloses the adoptee's name, sex, date of birth and adoptive parents; or

(b) a certified copy of the certificate of adoption reciting that the court granted the adoption of the adoptee; and

(c) a certified copy of the marriage license of the adoptee, if by reason of such marriage the adoptee's last name is different from the name on the birth and adoption certificates; and

(d) the consent and joinder of a minor adoptee who is twelve (12) years of age or older.

(3) Disposition of the Petition.

(a) The petition for limited information shall be presented to the court at any Orphans' Court Motion Court.

(b) Upon a determination by the court that information regarding the adoptee's natural parents can be furnished to the petitioner without endangering the anonymity of the natural parents, such information shall be furnished to the petitioner.

(4) Notice.

(a) Unless otherwise directed by the court, no notice of the presentation of a petition for limited information shall be required.

(B) Petition for Access to Identity of Natural Parents.

(1) Petition; Form.

A petition by an adoptee, or on his or her behalf, for access to the identity of natural parents, pursuant to section 2905(c) of the Adoption Act, shall be in a form approved by the court or shall conform substantially to the form attached hereto (Appendix XIII), and shall contain the following allegations:

(a) The name, age, address and standing of the petitioner.

(b) The name, sex, and date of birth of the adoptee.

(c) The date of the entry of the decree of adoption regarding the adoptee.

(d) The reason or reasons why the petitioner desires to contact the natural parents of the adoptee.

(2) Petition; Exhibits.

(a) A certified copy of the adoptee's birth certificate or certification of birth registration which discloses adoptee's name, sex, date of birth and adoptive parents; or

(b) a certified copy of the certificate of adoption reciting that the court granted the adoption of the adoptee; and

(c) a certified copy of the marriage license of the adoptee, if by reason of such marriage the adoptee's last name is different from the name on the birth and adoption certificates.

(3) Disposition of Petition.

(a) The petition for access to identity of natural parents shall be presented to the court at any Orphans' Court Motion Court.

(b) Upon consideration of the circumstances of the case, if the court finds that there does not exist a substantial risk that persons other than the natural parents would learn of the adoptee's existence and relationship to the natural parents, the court, through its designated agent, shall attempt to contact the adoptee's natural parents to obtain their consent to the release of their identity and present place of residence to the petitioners.

(c) The court shall release to the petitioners the identity and present place of residence of the adoptee's natural parents only as provided by section 2905(c) of the Adoption Act.

(4) Notice.

(a) Unless otherwise directed by the court no notice of the filing of a petition for access to identity of natural parents shall be required.

15.8-1. *Registration With the Court of Authorized Persons.*

Any agency licensed by the Department of Public Welfare which proposes to accept custody of any child for purposes of relinquishment or adoption under these rules, shall file with the Clerk a copy of the resolution, certified by the secretary of the agency, setting forth the names and titles of all persons authorized to act or testify on behalf of the Agency in any proceeding before the court. Such documents shall be filed annually.