

**RULE 15. ADOPTIONS<sup>1</sup>**

- Rule  
 15.1. Local rules.  
 15.2. Voluntary relinquishment to agency.  
 15.3. Voluntary relinquishment to adult intending to adopt child.  
 15.4. Involuntary termination of parental rights.  
 15.5. Adoption.  
 15.6. Notice; method and time.  
 15.7. Impounding; docket entries; reports; privacy.  
 15.8. Foreign adoption registration.

<sup>1</sup>See the Adoption Act of 1970, P.L. 620, 1 P.S. 101 et seq. as to adoption jurisdiction in the Orphans' Court Division in all counties other than Philadelphia, see §§ 711(7) and 713, PEF Code, 20 Pa.C.S. §§ 711(7) and 713.

**Rule 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.

**Rule 15.2. Voluntary relinquishment to agency.<sup>1</sup>**

## (a) Petition.

A petition under Section 301 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 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, including the father of a child born out of wedlock, if he has been identified, unless the court, for cause shown, determines such information is not essential;
- (3) the marital status of the mother as of the time of birth of the child and during one year prior thereto and, if the mother has ever been 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;
- (7) when the child is born out of wedlock, whether the mother and the father of the child intend to marry;
- (8) the reasons for seeking relinquishment;

<sup>1</sup> For the rights of a father of a child born out of wedlock, see *Stanley v. Illinois*, 405 U.S. 645 (1972).

(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 petitioner's and the child's best interests.

(b) Exhibits.

The petition shall have attached to it the following exhibits:

(1) the joinder of a parent who is not a petitioner or his or her waiver of all interest in the child, if either is obtainable;

(2) a birth certificate or certification of registration of birth of the child;

(3) the written consent of a parent or guardian of a petitioner who has not reached 18 years of age;

(4) 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.

(c) Notice and hearing.

If a parent, including the parent of a child born out of wedlock, 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 on the petition to relinquish rights and duties shall be given to the first referred to parent as provided in Rule 15.6. A parent may waive in writing the right to such notice. 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.

**Rule 15.3. Voluntary relinquishment to adult intending to adopt child.**

(a) Petition.

A petition under Section 302 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 include the allegations required under subparagraphs (1), (2), (3), (4) and (7), (8) and (9) of Rule 15.2(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;

(b) Exhibits.

The petition shall have attached to it the first three exhibits specified in Rule 15.2(b) and

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

(c) Notice and Hearing.

If a parent, including the parent of a child born out of wedlock, 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 relinquish rights shall be given to the first referred to parent as provided in Rule 15.6. A parent may waive in writing the right to such notice. 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.

**Rule 15.4. Involuntary termination of parental rights.<sup>1</sup>**

## (a) Petition.

A petition for involuntary termination of parental rights under Sections 311 and 312 of the Adoption Act shall include the following allegations:

- (1) the name and address of the petitioner and his or her standing;
- (2) the name, age, date of birth, racial background, sex and religious affiliation of the child;
- (3) the name, address, age, racial background and religious affiliation of the parent or parents, including the father of a child born out of wedlock, if he has been identified;
- (4) the marital status of the mother as of the time of birth of the child and during one year prior thereto and, if the mother has ever been married, 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 311 of the Adoption Act, and a reference to the applicable subsection or subsections;
- (7) whether either 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:

- (1) a birth certificate or certification of registration of birth of the child;
- (2) the joinder of a parent of a petitioner who is under the age of 18, unless excused by the court.

## (c) Guardian ad litem.

(1) When the termination of the parental rights of a parent who has not attained the age of 18 years is sought, unless the court finds the parent is already adequately represented, the court shall appoint a guardian ad litem to represent the parent. The appointment of a guardian ad litem may be provided for in the preliminary order attached to the petition for involuntary termination of parental rights.

(2) The decree appointing a guardian ad litem shall give the name, date of birth and address (if known) of the individual whom the guardian ad litem is to represent and the proceedings and period of time for which the guardian ad litem shall act.

## (d) Notice and hearing.

<sup>1</sup> For the rights of a father of a child born out of wedlock, see *Stanley v. Illinois*, 405 U. S. 645 (1972).

Notice of the hearing on the petition shall be given, in accordance with Rule 15.6 hereof, to the parent or parents whose rights are sought to be terminated, including the parent of a child born out of wedlock, to any intermediary named in a Report of Intention to Adopt, if one has been filed, and to the guardian of the person or guardian ad litem of any parent or parents who is or are under the age of 18 years. Each petitioner, each person whose joinder or consent is attached to the petition and any intermediary named in a Report of Intention to Adopt shall be examined under oath at the hearing unless they are excused by the court.

**Rule 15.5. Adoption.<sup>1</sup>**

(a) *Petition.* The petition shall contain all declarations and information required by Section 401 of the Adoption Act and any additional information required by local rules.

(b) *Notice or Consent—Parents of Child.* Notice as provided by Rule 15.6 shall be given to each parent unless

(1) he or she has consented in writing to the adoption and waived notice of hearing, or

(2) he or she has voluntarily relinquished his or her parental rights in a proceeding under Rule 15.2 or Rule 15.3, or

(3) his or her parental rights have been involuntarily terminated in a proceeding under Rule 15.4.

(c) *Investigation.* A petition for adoption shall be subject to investigation as prescribed by local rules. The investigation report shall cover the matters alleged in the petition, any other matters that may affect the welfare of the child, and the information required by Sections 335 and 424 of the Adoption Act.

(d) *Disclosure of fees and costs.* At the hearing there shall be offered in evidence a report, certified by counsel for the petitioner, setting forth the amount of fees and expenses paid or to be paid to counsel, and any other fees, costs and expenses paid or to be paid to an intermediary or any other person or institution, in connection with the adoption.

(e) *Adult—Change of Name.* When the person to be adopted is over the age of 18 years and desires to assume the surname of the adopting parent or parents, evidence showing compliance with the law relating to change of name must be introduced before a decree will be made.<sup>2</sup>

**Rule 15.6. Notice; method and time.**

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 registered or certified mail to his or her last known address. If such service is unobtainable and the registered mail is returned undelivered, then:

<sup>1</sup> For the rights of a father of a child born out of wedlock, see *Stanley v. Illinois*, 405 U. S. 645 (1972).

<sup>2</sup> Act of April 18, 1923, P. L. 75, as amended, 54 P. S. 1 et seq.

- (1) no further notice shall be required in proceedings under Rules 15.2 or 15.3, and
- (2) in proceedings under Rules 15.4 and 15.5, further notice by publication or otherwise shall be given if required by general rule or special order of the local Orphans' Court. If, after reasonable investigation, the identity of a person to be notified is unknown, notice to him or her shall not be required.

**Rule 15.7. Impounding; docket entries; reports; privacy.**

- (a) All proceedings shall be impounded, docket entries made, reports made to the Department of Public Welfare, and certificates of adoption issued as provided in Sections 505, 506, 507 and 508, respectively, of the Adoption Act, 23 Pa.C.S. § 2101, et seq.
- (b) The name of names of the natural parents and the name or names of the child before adoption shall not be entered on any docket which is subject to public inspection.
- (c) No decision under the Adoption Act of any hearing judge or appellate court publicly reported or in any other way made available to the public by the court shall disclose the identity of the individual parties.

**Source**

The provisions of this Rule 15.7 amended March 3, 1999, effective immediately, 29 Pa.B. 1494. Immediately preceding text appears at serial page (197039).

**Rule 15.8. Foreign adoption registration.**

- (a) Adoptive parent(s) may petition the court of common pleas in the county of residence to register a foreign adoption decree so that it will be given full and final effect in this Commonwealth. The petition shall be in the form approved by the Supreme Court.
- (b) If the court of common pleas determines that the foreign adoption decree cannot be registered, the adoptive parent(s) may proceed under the Adoption Act and local rules of court to obtain a full and final decree of adoption.

*Explanatory Note:* Pursuant to 23 Pa.C.S. § 2908(b), as amended by Act 96 of 2006, a set of forms consisting of a petition for registration of a foreign adoption decree, decrees approving and denying the petition, and detailed instructions for pro se petitioners, have been created and are set forth in the Appendix to these rules. The petition should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where it should be filed with the Clerk of the Family Court Division. The Clerk shall make the necessary Department of Health forms available to petitioners. If the foreign adoption is determined not to be a full and final adoption, the adoptive parent(s) may proceed under the Adoption Act and local rules to seek a decree of adoption in this Commonwealth.

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: FOREIGN ADOPTION OF \_\_\_\_\_

FILE NO. \_\_\_\_\_

PETITION TO REGISTER FOREIGN  
ADOPTION DECREE

PURSUANT TO 23 Pa.C.S. § 2908

1. Petitioner(s), the Adopting Parent(s) of the above-named adopted child,  
is/are \_\_\_\_\_  
\_\_\_\_\_

2. Petitioner(s) reside(s) in \_\_\_\_\_ County, Pennsylvania, at

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, Zip)

3. The full name of the adopted child at birth was \_\_\_\_\_

4. The full name by which the adopted child is to be known is \_\_\_\_\_

5. The date of birth of the adopted child is \_\_\_\_\_

6. The date of the foreign adoption decree is \_\_\_\_\_

7. The type of visa issued to the adopted child is \_\_\_\_\_

- 8. The following documents are attached to this Petition:
  - a. Certified copy of child's birth certificate or other birth identification issued by country of birth; if none, an Affidavit of Parent(s) stating why none is available.
  - b. Certified copy of Decree of Adoption issued by foreign government; if Decree is not in English, an English translation certified by the translator to be correct is attached.
  - c. Copy of adopted child's United States visa.

d. Pennsylvania Department of Health Form H105.091 (Vital Records Form) with Parts I and II (and Part III, if applicable) completed.

e. Pennsylvania Department of Health Statement of Citizenship and Residence.

WHEREFORE, Petitioner(s) request(s) that this Court enter a Decree authorizing the registration and docketing of the attached Foreign Adoption Decree with the Clerk of the Orphans' Court and decreeing that \_\_\_\_\_

\_\_\_\_\_  
*(Birth Name of Adopted Child)*

shall henceforth be known as \_\_\_\_\_

\_\_\_\_\_  
*(Name of Child After Adoption)*

and shall have all the rights of a child and heir of the Petitioner(s).

\_\_\_\_\_  
Adopting Parent

\_\_\_\_\_  
Adopting Parent

**VERIFICATION**

I/We verify that we have read and understand the information set forth in the Instructions to the Petition to Register Foreign Adoption Decree.

I/We verify that the facts set forth in the foregoing Petition are true and correct to the best of my/our knowledge, information and belief.

I/We understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Adopting Parent

\_\_\_\_\_  
Adopting Parent

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: ADOPTION OF \_\_\_\_\_

ADOPTION NO. \_\_\_\_\_

FINAL DECREE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, it is hereby ORDERED AND DECREED that the Petition of \_\_\_\_\_

(Adopting Parent(s))

to Register Foreign Adoption Decree is GRANTED and that this Court authorizes the registration and docketing of the Foreign Adoption Decree entered on \_\_\_\_\_ by

(Date of Foreign Decree)

\_\_\_\_\_ in \_\_\_\_\_

(Name of Foreign Court) (Foreign Country)

It is FURTHER ORDERED and DECREED that the above Foreign Adoption Decree shall be enforceable as if this Court had entered the Decree and that henceforth \_\_\_\_\_ shall be known as

(Birth Name of Adopted Child)

\_\_\_\_\_ and shall have all the rights of a child (Child's Name After Adoption)

and heir of \_\_\_\_\_ .

(Adopting Parent(s))

BY THE COURT:

\_\_\_\_\_  
J.

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

IN RE: ADOPTION OF \_\_\_\_\_

ADOPTION NO. \_\_\_\_\_

FINAL DECREE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, it is hereby ORDERED and DECREED that the Petition of \_\_\_\_\_

(Adopting Parent(s))

to Register Foreign Adoption Decree is DENIED.

BY THE COURT:

\_\_\_\_\_  
J.

**INSTRUCTIONS FOR FILING PETITION TO REGISTER FOREIGN  
ADOPTION DECREE PURSUANT TO 23 Pa.C.S. § 2908**

When a child is adopted in conformity with the laws of a foreign country, the adopting parent(s) may register the foreign adoption so that the Foreign Adoption Decree is considered to be a full and final decree, enforceable as if entered pursuant to the Pennsylvania Adoption Act, and a Pennsylvania birth certificate can be obtained.

Adopting parent(s) seeking to register the Foreign Adoption Decree must:

1. Complete, sign and date the Petition to Register Foreign Adoption Decree and Verification. *If a Foreign Adoption Decree shows that there are two adopting parents, both parents must execute the Petition to Register Foreign Adoption Decree.*

2. Attach the following documents to the Petition:

- A certified copy of the Foreign Adoption Decree;
- A certified copy of the child's birth certificate. If no birth certificate was issued, a certified copy of any other birth identification issued by the country of birth should be attached. If no birth certificate or birth identification can be obtained, an Affidavit stating the reason should be submitted;
- A copy of the child's United States visa;
- An English translation of all documents not in English, certified by the translator to be true and correct;
- Form H105.091 (Pennsylvania Department of Health, Vital Records, Certificate of Adoption) with Parts I and II (and Part III if applicable) completed;
- Pennsylvania Department of Health Statement of Citizenship and Residency Form.

3. The Petition to Register with the attachments should be filed with the Clerk of the Orphans' Court Division of the Court of Common Pleas in which the adopting parent(s) reside(s), except for Philadelphia County resident(s), who must file with the Family Court Division. A filing fee will be charged in accordance with the fee schedule of the county court.

After the Petition to Register is filed, it will be submitted to the Court for review. If the Petition to Register and accompanying documents establish that the foreign adoption of the child is full and final, the Court will enter a Decree directing the registration of the Foreign Adoption Decree. The Clerk of the appropriate court will then issue a certificate of adoption and transmit form H105.091 and the Statement of Citizenship and Residency Form to the Department of Health, Division of Vital Records.

If the Court cannot determine that the foreign adoption is full and final, it will enter a Decree denying the petition. In that case, it will be necessary to proceed under the Adoption Act and any local rules of court to obtain a full and final Pennsylvania adoption decree.

Some of the following are reasons why a foreign adoption may not be a full and final adoption eligible for registration:

- both adopting parents were not present for the adoption hearing in the foreign country; or

**231 Rule 15.8**

ORPHANS COURT RULES

- the sole adopting parent was not present at the adoption hearing in the foreign country; or
- the foreign court did not enter a final adoption Decree or Order or its equivalent; or
- the child's United States visa is not the type that would afford the child full United States citizenship.

**Source**

The provisions of this Rule 15.8 adopted August 30, 2006, effective September 5, 2006, 36 Pa.B. 5777.

[Next page is 16-1.]