

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

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

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 COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

IN RE: _____ :
ADOPTION OF _____ :
_____ No: OF _____ :
_____ :
(Child's name as on birth certificate) : 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. 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 COURT OF COMMON PLEAS OF WESTMORELAND COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

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" one that applies

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) Gender: 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) If yes, 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) If yes, 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) If yes, 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 the 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 a 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 the CHILD, 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)]

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 was the consent 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 been 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

_____	_____
_____	_____
_____	_____

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 until such time as the 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(s) 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, PENNSYLVANIA
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 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 ARE HEREBY FOREVER TERMINATED**, and the adoption of the CHILD may proceed without further consent of, or notice to, said consenting parent.
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