

NEWS RELEASE

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Foreign adoption rules streamlined Under new Orphans' Court procedural rules

HARRISBURG, January 3, 2011 — The Supreme Court of Pennsylvania has approved a new rule aimed at streamlining the foreign adoption process by establishing guidelines to be used when the child's adoption was not "full and final" in the foreign country.

"Adopting a child from a foreign jurisdiction can be daunting and complicated. By these rule changes prospective parents in Pennsylvania can complete the adoption process in a less burdensome manner assuring the legality of a new child and his or her new parents," Chief Justice of Pennsylvania Ronald D. Castille stated.

Newly enacted Orphans' Court Procedural Rule 15.9 provides a relatively easy and inexpensive procedure for finalizing an adoption when, for immigration purposes, the child's adoption in the foreign country was deemed not to be "full and final." This situation can arise, for example, when both parents were not present in the foreign country at the time of the adoption hearing.

The action complements a related rule (Rule 15.8) adopted previously by the Supreme Court in response to Act 96 of 2006, whose aim was to simplify, expedite and standardize on a statewide basis the registration of foreign adoption decrees. New Rule 15.9, along with the registration procedure in Rule 15.8, will allow the foreign-born child to obtain a Pennsylvania birth certificate.

New Rule 15.9 requires less information than what might otherwise be required in completing a domestic adoption because the courts may rely on information the parents have already provided to the Department of Public Welfare to ensure that Pennsylvania's pre-adoption requirements have been met, and information already obtained by the U.S. Citizenship and Immigration Services to ensure that the child is orphaned. Adopting parents may proceed in any county in the Commonwealth by filing the form petition and several required documents with the Clerk of the Orphans' Court, except in Philadelphia County, where the form petition and documents are filed in the Family Court Division. Adopting parents and the foreign-born child must be present at the hearing.

The Supreme Court also has amended Rule 15.8 to permit name changes during the registration process for children who are younger than twelve years of age. Also, for a foreign adoption decree that cannot be registered, Rule 15.8 now refers the petitioning adoptive parents to newly enacted Rule 15.9.

Forms for Rule 15.9, including the uniform statewide petition, proposed decrees, intermediary's report, and translator's verification will be available for downloading on the Pennsylvania Judiciary's Web site, www.pacourts.us.