

**Supreme Court of Pennsylvania
Orphans' Court Procedural Rules Committee**

Adoption Report

**Amendment of Pa. O.C. Rule 1.5; Rescission of Pa. O.C. Rules 15.1 – 15.9,
Orphans' Court Forms 15.6, 15.8, and 15.9, and Paragraph (F) of the Appendix of
Forms; Adoption of New Pa. O.C. Rules 15.1– 15.22, Orphans' Court Forms A-05
through A-09, and Paragraph (F) of the Appendix of Forms**

On July 22, 2021, the Supreme Court of Pennsylvania adopted a comprehensive rewrite of the Pennsylvania Orphans' Court Rules related to adoption proceedings pursuant to the Adoption Act, 23 Pa.C.S. §§ 2101 – 2938. The Rules were published for comment at 46 Pa.B. 332 (January 16, 2016); earlier versions of the Rules were published at 41 Pa.B. 2932 (June 11, 2011) and 43 Pa.B. 6321 (October 26, 2013.)

This is the Orphans' Court Procedural Rules Committee's Adoption Report related to the new rules. Please note that the Court does not adopt the Committee's Report.

Rule 1.5 Local Rules

Through amendment of Rule 1.5 and operation of Order, No. 874 Supreme Court Rules Docket (July 22, 2021), all previously promulgated local rules concerning adoption proceedings are vacated, effective July 1, 2022. For a local rule of procedure to be effective on July 1, 2022, it must be deemed necessary by the judicial district in light of the new statewide rules and be submitted to the Orphans' Court Procedural Rules Committee no later than February 1, 2022. This deadline is intended to afford the Committee sufficient time to review the local rules, respond to the judicial district, and permit publication in the *Pennsylvania Bulletin* pursuant to Pa.R.J.A. No. 103(d). Submissions after February 1, 2022 will be accepted; however, the Committee may not be able to give late submissions sufficient priority to clear the review process before July 1, 2022. The effective date of the new local rules and new Chapter XV rules should coincide, *i.e.*, July 1, 2022.

Rule 15.1 Local Adoption Rules

Rule 15.1 is derived from former Rule 15.1 but with substantial amendments. Unlike the former Rule, new Rule 15.1 elevates statewide rules over local rules and provides parity between statewide rules and the statutory provisions of the Adoption Act. By having the Adoption Act and the statewide rules under Chapter XV govern the practice of adoptions in the first instance, adoption practice throughout the Commonwealth is standardized. Any judicial district seeking to promulgate local rules must follow Pa. O.C. Rule 1.5, which in turn cross-references Pa.R.J.A. 103.

Rule 15.2 Definitions

Rule 15.2 is an entirely new rule, defining terms thereafter used throughout Chapter XV. If a term is defined in the Adoption Act, then the definition in Rule 15.2 cross-references the statutory provision.

Rule 15.3 Prerequisites for any Petition to Terminate Parental Rights or Petition to Adopt

Rule 15.3 is an entirely new rule; it has no counterpart in the former Adoption Rules. Paragraph (a) of Rule 15.3 requires the filing of a separate adoption petition for each child or any adult adoptee as well as separate parental rights termination petitions for each child whose birth parent, presumptive father, or putative father is the subject of the petition. While there are efficiencies in preparing one petition listing multiple children, other concerns and issues outweigh this benefit, such as more accurate data collection of children involved in dependency proceedings, enhanced privacy and confidentiality, and facilitating appeals. The one child/one petition rule may result in increased filing fees as additional petitions will need to be filed in cases involving siblings or half-siblings. A county agency unduly burdened by the costs of filing separate petitions for a group of siblings may petition the court for relief from the filing costs. It is anticipated that such petitions for relief would be made when the costs are burdensome.

Rule 15.4 Notice of Hearing to Terminate Parental Rights; Method and Time

Rule 15.4 establishes notice procedures for petitions seeking to terminate parental rights. Although Rule 15.4 is derived from former Rule 15.6(a), new Rule 15.4 reorganizes and augments the notice procedures in proceedings to terminate parental rights. Rule 15.4 is organized into three concepts: (i) who is to receive notice of the hearing to terminate parental rights and the form of notice; (ii) how the notice is transmitted; and (iii) when the notice is provided.

Notably, Rule 15.4(b)(3) includes an additional requirement for a proceeding pursuant to Rule 15.10 (Involuntary Termination of Parental Rights). If the identity and location of the person whose parental rights are sought to be involuntarily terminated are known or can be determined after reasonable investigation, a copy of the petition for involuntary termination of parental rights shall be attached to the notice required by 23 Pa.C.S. § 2513(b).

Rule 15.5 Certification Filed with the Clerk Maintaining the Dependency Docket

Rule 15.5 is identical to former Rule 15.6(b). Pursuant to Rule 15.5 and former Rule 15.6(b), when pursuing termination of parental rights for a child who has been declared dependent by the juvenile court or when filing an adoption petition for such a

child, the county agency must file *praecipes* with the clerk of the juvenile court so the juvenile court docket shows the status of the case in Orphans' Court.

Rule 15.6 Filing of Termination Petitions when an Agency is Not Involved

Rule 15.6 is an entirely new rule. It is intended to implement the long-standing precedent of the Court, namely that a parent cannot petition to terminate the parental rights of the other parent unless there is a present plan for the child's adoption either by a step-parent or another person. *In re Adoption of M.R.D.*, 145 A.3d 1117, 1120 (Pa. 2016); *In re T.R.*, 465 A.2d 642, 644 n.10 (Pa. 1983); *In re B.E.*, 377 A.2d 153 (Pa. 1977). See also 23 Pa.C.S. § 2512(b) ("If the petitioner is an agency it shall not be required to aver that an adoption is presently contemplated nor that a person with a present intent to adopt exists."). However, pursuant to Act 95 of 2020, a parent seeking the involuntary termination of the parental rights of the other parent pursuant to 23 Pa.C.S. § 2511(a)(7) (relating to grounds for termination of the basis of a child conceived as a result of rape or incest) may proceed without identifying an adoptive parent. See 23 Pa.C.S. §§ 2512(b)(2) and 2514.

Rule 15.7 Voluntary Relinquishment to Agency

Rule 15.7 is derived from former Rule 15.2 and addresses terminating parental rights by a petition to voluntarily relinquish the child to the care and custody of an agency. Rule 15.7, like the other rules covering termination petitions, is structured in the following manner: paragraph (a) sets forth the petition averments; paragraph (b) lists the exhibits that must be attached to the petition; and paragraph (c) addresses the hearing and serving notice of the hearing.

With respect to the required averments in Rule 15.7(a), a number of averments are substantially similar to averments in former Rule 15.2. Three averments were not carried over from former Rule 15.2: (1) the religious affiliation of the petitioning birth parent, the other known or alleged birth parent, and the child; (2) the names of the birth mother's former husbands (except when the birth mother was married at the time of the child's birth or during the one year prior to the child's birth); and (3) whether the child was born out of wedlock, and if so, whether the parents intend to marry. Three new averments were added to Rule 15.7(a) on the subjects of counseling services, contact agreements, and consents.

Rule 15.7(b) lists exhibits to a petition to voluntarily relinquish a child to an agency. It retains one of the exhibits required by former Rule 15.2(b), eliminates three exhibits previously required, and adds three new exhibits. Both rules require the petition to include the joinder or consent of the agency having care of the child, including its consent to accept custody until the child is adopted. See 23 Pa.C.S. § 2501(b).

With respect to the child's birth certificate or a certification of registration of the child's birth, required by former Rule 15.2(b)(2), it is relevant and should be part of the court's file. However, the child's birth certificate or a certification of registration of the child's birth does not need to be attached to every parental termination rights petition presented to the court. It is sufficient that the birth certificate or a certification of registration of the child's birth be filed once and made a part of the court's file, as reflected by Rule 15.3(b).

The exhibit required by former Rule 15.2(b), written consent of the parent or guardian of a minor petitioning birth parent, was eliminated because requiring its attachment is directly contrary to Section 2501(b) of the Adoption Act.

Three new exhibits are required to be attached to the voluntary relinquishment petition. First, the parent relinquishing care and custody of the child to an agency must sign a document indicating his or her present intent to transfer custody of the child to the agency. Next, to ensure that the petitioning birth parent received a notice regarding post-adoption contact and communication agreements ("PACA-notice"), a verified statement from the person who provided the notice, attesting that the PACA-notice was provided to the petitioning birth parent and the manner and date it was presented to this birth parent must be attached as an exhibit. The statement also requires that the PACA-notice be in writing and attached to the verification statement. Lastly, if there is a putative father and his rights may be terminated as part of the hearing on the voluntary relinquishment petition, a verification statement and the PACA-notice directed to the putative father must be attached as an exhibit to the petition. See Rule 15.7(b)(3).

Rule 15.7(c) addresses notice of the hearing and what must be presented at the hearing. Rule 15.7(c)(1) cross-references the statutory provisions setting forth the time for serving notice and those entitled to receive notice of the hearing on the voluntary relinquishment petition, as well as cross-referencing Rule 15.4 regarding permitted means of service. Rule 15.7(c) requires a certificate of service to be presented to the court at the hearing, attesting that notice was given to everyone entitled to notice under 23 Pa.C.S. § 2503 and in a manner permitted under Rule 15.4(b)(1). Paragraph (c)(3) is derived from former Rule 15.2(c), requiring the petitioning birth parent to appear at the hearing and be available to testify.

The requirement in former Rule 15.2(c) that anyone who filed a joinder or consent to the petition must be present at the hearing was eliminated from Rule 15.7. It is implicit that when a joinder is filed by the other birth parent or putative father, then that individual is a petitioner and likewise needs to be present at the hearing.

The PACA-notice may not have been provided to a putative father at the time of the petition's filing. Regardless of the reason, when the rights of an alleged father may be terminated as part of the hearing on the birth mother's voluntary relinquishment petition

and the PACA-notice was not previously sent to the putative father, then Rule 15.7(c) requires a verified statement to be presented to the court at the hearing indicating that an agency representative or counsel sent a PACA-notice to the putative father. As required by Rule 15.7(b)(3), a copy of the written PACA-notice must be attached to the verified statement.

Rule 15.8 Voluntary Relinquishment to Adult Intending to Adopt Child

Rule 15.8 is derived from former Rule 15.3 and addresses terminating parental rights by a petition to voluntarily relinquish the child to the care and custody of an adult who has, by a filing with a court, indicated his or her intent to adopt the child. Similar to Rule 15.7, Rule 15.8 is structured in the following manner: paragraph (a) sets forth the petition averments; paragraph (b) lists the exhibits that must be attached to the petition; and paragraph (c) addresses the hearing and service of notice of the hearing. Given that Rules 15.7 and 15.8 concern voluntary relinquishments, there is substantial overlap and duplication between the two rules.

Rule 15.9 Alternative Procedure for Relinquishment by Confirmation of Consent to Adoption

Rule 15.9 is an entirely new rule; however, it is structured in the same manner as Rules 15.7 and 15.8. The new rule implements an alternative procedure whereby parental rights can be voluntarily relinquished through the court's confirmation of a consent to adoption. Pursuant to Act 174 of 1982, this procedure became a third option for voluntary relinquishments.

Unlike the previously discussed voluntary relinquishment petitions, the alternative procedure for relinquishment by confirmation of consent to adoption does not require the birth parent to be either the petitioner or present at the hearing. After the birth parent signs a consent agreeing to relinquish parental rights and have the child adopted, the agency coordinating the adoption or the adopting parents, through counsel, files a petition seeking to have the court confirm the birth parent's previously executed consent to adoption, thereby terminating the parent's parental rights to the child. The contents and language of the consent are statutorily mandated by Section 2711(d) of the Adoption Act and must include the date and location of its execution as well as the names, addresses and signatures of two witnesses and an explanation of their relationship to the consenter.

Rule 15.9(a) sets forth the averments that must be contained in the petition to confirm the consent. Paragraphs (a)(1)–(4) are modeled after the averments required in the voluntary relinquishment petitions; however, the terminology is changed because the petitioner will not be the consenter, *i.e.*, person who signed the consent to adopt. Paragraphs (a)(5) and (6) establish the consent was signed by the consenter in accordance with the statutory requirements under Sections 2711(c) and 2712 of the

Adoption Act as well as informing the court that the requisite number of days has elapsed so that the previously executed consent to adoption is now irrevocable. Similarly, trying to establish that the consenter has not revoked the consent, paragraph (a)(7) asks whether the petitioner, counsel for the petitioner, the agency, or intermediary has received any revocation or attempt to revoke the previously executed consent to adoption. Paragraphs (a)(8)–(10) address counseling services, contact agreements, and consent.

Rule 15.9(b) lists the exhibits that must be attached to the petition to confirm consent and mirrors the exhibits required by Rules 15.7(b) and 15.8(b). Specifically, Rule 15.9(b)(1) requires that the original consent to adoption be attached to the petition, as mandated by Section 2504(a) of the Adoption Act. Rule 15.9(b)(2) and (b)(3) requires attachment of verified statements from an agency representative or counsel indicating that the PACA-notice was given first to the consenter and then also to the putative father, if there is a putative father and if the PACA-notice was provided to him prior to the filing of the petition to confirm consent. If a PACA-notice cannot be given to a putative father, Rule 15.9(b)(3) allows the agency representative or counsel to set forth in a verified statement why the PACA-notice could not be given to the putative father and the efforts that were made to identify or locate the subject person. Lastly, Rule 15.9(b)(4) requires that the consent of the agency or the Prospective Adoptive Parents be attached to the petition as the final exhibit, which shall provide that the agency or individuals agree to accept custody of the child until the adoption is completed.

Rule 15.9(c) addresses the hearing and what must be presented at the hearing. Rule 15.9(c)(1) cross-references statutory provisions regarding who must be served with notice, when service shall occur, and the form of notice about the hearing's scheduling. It also cross-references Rule 15.4 regarding how service is accomplished. Rule 15.9(c)(2) requires a certificate of service presented to the court at the hearing, attesting that notice of the hearing was given to everyone entitled to notice under Section 2504(b) of the Adoption Act and in a manner permitted under Rule 15.4(b)(2).

If there is an alleged father and his rights may be terminated as part of the hearing to confirm the consent executed by the consenting birth parent, and if the putative father did not receive a written PACA-notice prior to the petition's filing, Rule 15.9(c)(3) requires that a verified statement must be presented to the court during the hearing attesting that the written PACA-notice was provided to the putative father.

Rule 15.10 Involuntary Termination of Parental Rights

Rule 15.10 is modeled after former Rule 15.4 and establishes the petition averments, exhibits, and procedures for conducting a hearing to involuntarily terminate parental rights.

In Rule 15.10(a), the first eleven averments are substantially similar to the averments required under former Rule 15.4. Because standing is crucial in involuntary termination proceedings, the basis for the petitioner's standing is set forth as a distinct averment. Pursuant to Section 2512 of the Adoption Act, a petition to involuntarily terminate a person's parental rights may only be filed by (i) the other birth parent; (ii) an agency; (iii) an individual having custody of the child or standing in *loco parentis* to the child and who also has filed a report of intention to adopt; or (iv) an attorney or guardian of a child who has been adjudicated dependent. Rule 15.4(a)(1) was slightly reworded to require the petitioner to provide the basis of his, her, or its standing under one of the four categories listed above.

The averments required by paragraph (a)(3) and paragraph (a)(4) are substantially similar to the second and third averments under former Rule 15.4, except the requirement to provide an averment as to the religious affiliation of the child or the subject birth parent was eliminated as discussed earlier in this Report with respect to Rules 15.7 and 15.8.

Paragraph (a)(5) is new and satisfies Section 2512(c) of the Adoption Act, which provides that the petition shall state whether a claim of paternity has been filed if the petition otherwise does not identify the child's father.

Rule 15.10(a)(6) is modeled after former Rule 15.4(a)(4); however, for the reasons previously set forth in this Report, the need to present an averment as to the names of the birth mother's former husbands was eliminated.

Rule 15.10(a)(7) is identical to former Rule 15.4(a)(5). Rule 15.10(a)(8) is new and relates to the date the child was removed from the parent who is the subject of the petition, if different than the date of placement with the petitioner. It seeks information that may not be provided to the court if the petitioner does not have custody of the child, such as the attorney or guardian *ad litem* representing a dependent child, and or if someone else had custody of the child before the petitioner obtained custody. Even though the date when the child is removed from the parent is rarely different from the date when the child is placed with the petitioner, it is important for this information to be conveyed to the court. This new pleading averment will provide the court with information as to why the child did not remain with his or her custodial parent. This information may be different than the information sought in paragraph (a)(10), which requires specificity in pleading facts to support the termination.

Rule 15.10(a)(10) is substantially similar to former Rule 15.4(a)(6). Likewise, Rule 15.10(a)(11) is identical to former Rule 15.14 (a)(7), except that the name of the federal legislation has been changed to reflect its current title.

As previously discussed in the context of Rule 15.7(a)(10), Rule 15.10(a)(12) addresses whether the petitioner has or will provide the PACA-notice, required by Section

2733(c) of the Adoption Act, to the birth parent who is the subject of the petition. This paragraph varies from its counterparts under Rules 15.7, 15.8, and 15.9 regarding whether the PACA-notice has been provided. (See *e.g.*, Rules 15.7(a)(10), 15.8(a)(10), and 15.9(a)(10)). The averment under this paragraph permits the petitioner to explain why the PACA-notice cannot be given to the subject birth parent and the requirement waived by the court.

Rule 15.10(a)(13) is derived from former Rule 15.4(a)(8). Rather than an averment in the petition that the petitioner will accept custody of the child until the child is adopted, this paragraph is reworded to require that a consent to this affect be attached as an exhibit to the petition. Paragraph (a)(13) also requires an additional averment, namely that a Report of Intention to Adopt or an adoption petition has been filed if it is an individual who is assuming custody of the child. This additional averment ensures compliance with Section 2512(b) of the Adoption Act and Rule 15.6. The averment is not required when the petition has been filed by a parent seeking to involuntarily terminate the parental rights of the other parent pursuant to 23 Pa.C.S. § 2511(a)(7)(relating to a child conceived as a result of a rape or incest). See 23 Pa.C.S. § 2514.

Lastly, Rule 15.10(a)(14) requires an averment that the petitioner has read the petition and believes its filing to be in the child's best interests. Because the court must consider and determine the child's best interests before involuntarily terminating parental rights, the petitioner should represent to the court whether he, she or it believes the child's best interests are served by a termination.

Rule 15.10(b) lists the exhibits that need to be attached to a petition to involuntarily terminate parental rights. Paragraph (b) eliminates the exhibits previously required by former Rule 15.4(b) and adds two new exhibits. To ensure the PACA-notice is provided to the parent who is the subject of the involuntary termination petition, a verified statement from the person who provided the notice, attesting that the PACA-notice was provided to the subject birth parent, together with how and when it was presented, must be attached as an exhibit. Rule 15.10(b)(1) also requires the written PACA-notice delivered to the subject birth parent be attached to the verification statement that is submitted with the petition as an exhibit. Requiring the PACA-notice in writing further ensures the birth parent is informed of the opportunity for post-adoption contact or communication, and is intended to minimize possible disputes between the birth parent and the representative providing the PACA-notice as to whether the notice was effectively given. If a PACA-notice is not provided, then paragraph (b)(1) requires the verified statement to attest to the efforts made to locate or identify the subject birth parent.

Lastly, in order to implement the requirement under Section 2512(b) of the Adoption Act, the signed consent of the petitioner, person, or agency that is accepting custody of the child until the child's adoption must be attached as an exhibit to the petition. Former Rule 15.4 required this consent to accept custody to be an averment set forth in

the petition. Because consents are usually submitted as exhibits, the requirement was moved from the averments to the exhibits. It is not required when the petition has been filed by a parent seeking to involuntarily terminate the parental rights of the other parent pursuant to 23 Pa.C.S. § 2511(a)(7)(relating to a child conceived as a result of a rape or incest). See 23 Pa.C.S. § 2514.

Rule 15.10(c) addresses service of the hearing notice upon the appropriate individuals and other documents that must be presented at the hearing. This paragraph is modeled on former Rule 15.4(d). By cross-referencing Section 2513(b) of the Adoption Act and Rule 15.3(b)(3), Rule 15.10(c) requires the involuntary termination petition to be served 10 days in advance of the hearing on the parent who is the subject of the petition and for a copy given to the other parent, putative father, or parent or guardian of a minor parent whose rights are being involuntarily terminated. Rule 15.10(d)(2) requires a certificate of service to be presented to the court at the hearing, attesting that notice was given to everyone entitled to notice under Section 2513(b) of the Adoption Act and in a manner permitted under Rule 15.3(b)(3).

If the PACA-notice was not provided to the subject birth parent before the time of the petition's filing, then, pursuant Rule 15.10(c)(3), a verified statement must be presented to the court at the hearing indicating that counsel or a representative of the agency or intermediary sent a written PACA-notice to the subject birth parent. Similar to Rule 15.10(b)(2) when the verified statement is attached to the petition, Rule 15.10(c)(3) requires the written PACA-notice to be attached to the verified statement. Finally, if a PACA-notice is not being provided, then the verified statement from counsel or the representative of the agency or intermediary needs to attest to the efforts made to identify or locate the subject birth parent.

Rule 15.10(d)(1) addresses the appointment of counsel for the child in a contested proceeding. If the court determines the child requires counsel to represent both the best interests and legal interests of the child, the court shall determine on the record whether counsel can represent both interests without conflict before appointing an individual to serve as both guardian *ad litem* and counsel for the child. See *In re: Adoption of K.M.G.*, 240 A.3d 1218 (Pa. 2020). The court may appoint counsel for a parent whose rights are subject to termination if it determines that the parent is unable to pay for counsel or that payment would result in substantial financial hardship.

Rule 15.11 Notice of Right to File Statement of Medical, Personal, or Social History Information

Rule 15.11 is new and implements requirements under Sections 2503(e), 2504(d), and 2511(c) of the Adoption Act. Pursuant to each of these statutory sections, at the time of issuing the decree terminating parental rights, the court shall advise the parent, in

writing, of the parent’s continuing right to provide and update medical, personal, or social history information with the court and with the Department of Human Services.

In order to inform birth parents of their rights post-termination, Rule 15.11 sets forth information that should be provided to a birth parent in the mailing with the termination decree. It directs the clerk to include a reference to information and instructions for the parent to file medical, personal, or social history information with the clerk and the Department. Rule 15.11 also requires the clerk to include information and instructions to redact the birth parent’s name from the child’s original birth certificate.

A new form was developed to provide information about: (i) providing and updating medical, personal, or social history information; (ii) the right to file forms with the court and the Department authorizing or not authorizing the release of identifying information; and (iii) the need to separately file a redaction request with the Department of Health to prevent the release of the original birth certificate to the child once the adopted child reaches adulthood. The form is titled “Notice to Provide Medical Information and Determine Access to Identifying Information (A-05).”

Rule 15.12 Court Review and Approval of Contact Agreement

Rule 15.12 is an entirely new rule designed to implement the provisions of 23 Pa.C.S. §§ 2731–2742, providing for voluntary post-adoption agreements for continuing contact or communication. Statutory sections 2731–2742 set forth various requirements and considerations; however, these provisions do not specify how a written agreement for post-adoption contact or communication (“Contact Agreement”) is presented to the court, when it is to be presented to the court, and by whom. Rule 15.12(a) addresses these matters.

A proposed written Contact Agreement may be presented to the same court that has or will conduct the parental termination hearing if prospective adoptive parents have been identified by the time of the termination hearing. If the prospective adoptive parents are not identified until after a birth parent’s parental rights have been terminated, then the Rule provides that the proposed written Contact Agreement be presented to the court that will be presented with the adoption petition.

The Rule does not dictate which party is responsible for filing the petition to have a proposed written Contact Agreement reviewed and approved by the court. The Rule provides that any party to the proposed written Contact Agreement, the agency or intermediary, or the guardian representing the child, may file the necessary petition depending upon which of these parties can do so most efficiently and expeditiously.

Rule 15.12(b) sets forth averments that must be contained in the petition to approve a proposed written Contact Agreement. The first four averments set forth

information about the child who will be the subject of the proposed written Contact Agreement, whether the child is represented by a guardian *ad litem*, and whether the child has minor siblings who also should be represented by a guardian *ad litem*, pursuant to Section 2733 (b) of the Adoption Act. Seven of the remaining averments are derived from the factors set forth in Section 2735 (b)(2) that the court must consider in determining whether the Contact Agreement is in the best interest of the child. The averments set forth in Rule 15.12(b)(7), namely the length of time the child has been in the care and custody of the prospective adoptive parents, is relevant to a determination of the child's best interest. Finally, the petitioner is required to aver to the court that it is the petitioner's belief that the proposed written Contact Agreement is in the best interest of the child.

Rule 15.12(c) sets forth the exhibits that must be attached to the petition. A copy of the fully-executed proposed written Contact Agreement must be attached to the petition. This paragraph also requires the child's signed consent be attached to the petition if consent is required by Section 2734 of the Adoption Act (*i.e.*, a child who is 12 years of age or older must provide his or her consent to the proposed written Contact Agreement). Finally, the last required exhibit is the affidavit of all parties to the proposed Contact Agreement; these affidavits are required pursuant to Section 2735(b) of the Adoption Act.

Rule 15.12(d) provides the petition must be both filed with the court and served upon various individuals and entities set forth in paragraphs (d)(1)(A) through (d)(1)(E). This requirement provides notice of the filing of a petition to have the court approve a proposed written Contact Agreement to any person or entity that may have an interest in being heard before the court on the petition. The time to file a responsive pleading is within 10 days of the date on the petition or notice letter, which is consistent with the 10-day notice provided for holding a parental termination hearing.

Rule 15.12(e) provides for the appointment of a guardian *ad litem* for the child who is the subject of the proposed written Contact Agreement and any minor siblings entitled to representation pursuant to 23 Pa.C.S. § 2733(b). Finally, Rule 15.12(f) provides for court review, and if necessary, the holding of a hearing on the petition with notice to those who receive service of the petition. If the court is unable to make a determination based solely upon the pleading and exhibits, then it can schedule a hearing to determine if the proposed written Contact Agreement is in the child's best interest.

The Explanatory Comment to this Rule suggests that the court conduct a hearing any time a child has signed the proposed written Contact Agreement or signed a separate consent agreeing to the proposed written Contact Agreement. In such instances, or where minor siblings are parties to the Agreements, the court is encouraged to conduct an evidentiary hearing to observe and question the minor participants. The court must also conduct a hearing if a responsive pleading opposing the petition has been filed.

Rule 15.13 Adoption

Rule 15.13 is modeled after former Rule 15.5. However, instead of merely cross-referencing the statutory section as in former Rule 15.5(a), new Rule 15.13(a) sets forth each averment statutorily required under Section 2701 of the Adoption Act. In addition to the required averments, this rule requires additional information and averments in order to implement other statutory sections. Rule 15.13(a)(2) contains a new averment; it requires the adoption petition to state the adoptee's name as it appears on the birth certificate, rather than the full name of the adoptee per Section 2701 of the Adoption Act. In all other respects, paragraphs (a)(1)–(a)(9) and paragraph (a)(16) track the statutory requirements under Section 2701 for an adoption petition.

In addition to the averments required by Section 2701 of the Adoption Act, there are additional averments contained in paragraphs (a)(10)–(a)(15) of Rule 15.13. These additional averments are explained briefly below.

Paragraph (a)(10) requires an affirmative averment that criminal history records and child abuse clearance certificates for each prospective adoptive parent are attached to the adoption petition as exhibits. Paragraph (a)(11) requires the petitioner to inform the court if there are any previously issued court orders impacting the ability of the court to grant the adoption petition. The existence of court orders establishing guardianship or custody of the adoptee in a person or entity other than the birth parent or court orders concerning placement, custody, guardianship or adoption of the adoptee also are pertinent to the court because previously issued orders might impede the court's ability to grant the adoption petition pending before it. In those situations where the adoptee was born in a state other than Pennsylvania, paragraph (a)(12) informs the court whether there has been compliance with the Interstate Compact on the Placement of Children if 62 P.S. §§ 761 *et seq.* applies to the placement.

Paragraph (a)(13) of the rule, implements the Court's holding in *In re Adoption of R.B.F. and R.C.F.*, 803 A.2d 1195 (Pa. 2002). If a particular report or exhibit cannot be attached to the adoption petition for any reason, the petitioner should have the opportunity to explain to the court why the report or exhibit is not attached and request that the court waive the required attachment in the particular instance.

Paragraph (a)(14) requires the court to be advised as to whether the prospective adoptive parents received the PACA-notice, and if required by Section 2733(c) of the Adoption Act, whether the adoptee received the same information.

Paragraph (a)(15) applies when the prospective adoptive parents and one or more birth relatives have negotiated a Contact Agreement. If an agreement exists, paragraph (a)(15) requires that the court before which the adoption petition is pending either be informed and given a copy of the order and Contact Agreement or be advised that a

petition to approve the proposed Contact Agreement has been submitted and is pending before the court.

Rule 15.13(b) lists all exhibits that must be attached to the adoption petition. The exhibits include the adoptee's birth certificate if not previously filed with the court before which the adoption petition is pending, the consents required under Section 2711 of the Adoption Act, where necessary a report of the intermediary unless previously filed, criminal history background checks and child abuse clearance certificates, copies of court orders terminating parental rights and other court's orders involving the guardianship, custody, placement or adoption of the adoptee, written approval by the Interstate Compact on the Placement of Children if 62 P.S. §§ 761 *et seq.* applies to the placement, a verified statement that the PACA-notice was provided to the prospective adoptive parents and the adoptee, if required by Section 2733(c) of the Adoption Act along with a copy of the PACA-notice attached to the verified statement, and if previously approved, the Contact Agreement and the court order approving the Contact Agreement.

Rule 15.13(c)(1) is modeled after former Rule 15.5(b). Notice of the hearing on the adoption petition must be given to any birth parent, putative father and presumptive father whose parental rights have not been terminated in earlier proceedings. If the parental rights of these individuals have been terminated, then there is no need to provide notice of the adoption hearing to such birth parent, putative father, or presumptive father. Paragraph (c)(2) is new and applies when the petitioners, as part of the adoption hearing, are seeking court approval of a proposed executed Contact Agreement. In that situation, by cross-referencing the applicable provisions of Rule 15.12, paragraph (c)(2) requires the necessary parties to receive notice of the filing of the petition to approve a Contact Agreement and notice of the date of the adoption hearing when the petition will be considered by the court.

Rule 15.13(d) is identical to former Rule 15.5(c) except that cross-references to the Adoption Act have been revised and updated.

Rule 15.13(e) is derived from former Rule 15.5(d) and cross-references applicable statutory provisions regarding the adoption hearing. Section 2721 of the Adoption Act requires a hearing on the adoption petition, and Section 2723 requires the adopting parents and the adoptee to attend.

Paragraph (e)(1) establishes that the petitioner shall have the opportunity at the hearing to present evidence to the court if for any reason one or more of the statutory requirements have not been satisfied or one or more reports and exhibits is not attached to the adoption petition. Paragraph (e)(2) is modeled after former Rule 15.5(d), requiring disclosure of all fees and costs incurred in connection with the adoption. Unlike former Rule 15.5(d) (requiring the disclosure statement to be verified by petitioner's counsel), paragraph (e)(2) provides that the report disclosing fees and costs may be verified by the

petitioner or petitioner's counsel. The disclosure of fees and costs must be verified if the petitioners are proceeding without representation by counsel.

Rule 15.13(f) is identical to former Rule 15.5(e).

Rule 15.14 Registration of Foreign Adoption Decree

With a few exceptions, Rule 15.14 is identical to former Rule 15.8. Changes generally reflect style, use of defined terms, and an effort to achieve consistency across the Orphans' Court Rules.

With respect to the Explanatory Comment, a new paragraph was added expressly indicating that it need not be shown that the birth parents of the foreign born child were given the PACA-notice pursuant to Section 2733(c) of the Adoption Act, because the adoption was completed in the native country of the foreign-born adopted child, pursuant to the laws and rules of that country.

In addition to changes to Rule 15.8, minor revisions were made to the form Petition to Register Foreign Adoption Decree Pursuant to 23 Pa.C.S. § 2908 and the accompanying instructions. An additional change was made relative to providing a certified English translation of adoption decrees issued by a foreign government that are not in English. The documentation for the foreign born child issued by the foreign government often contains an English translation, with a stamp or separate page certifying the translation to be true and correct. It is not required to obtain a new and separate verification signed under oath by one residing in the United States who is certified to translate the language appearing on the birth certificate or adoption decree.

Rule 15.15 Petition for Adoption of a Foreign Born Child

With a few exceptions to be noted below, Rule 15.15 is nearly identical to former Rule 15.9. Changes generally reflect style, use of defined terms, and an effort to achieve consistency across the Orphans' Court Rules.

Former Rule 15.9(b)(1) (requiring standalone verifications by petitioners, intermediary, and translators) was eliminated in favor of verification requirements embedded in filings, *e.g.*, Petition for Adoption of a Foreign Born Child and the Report of the Intermediary. See Rule 15.15(b)(3) and (9). Similarly, Rule 15.15(b)(6) and (7) (regarding documents translated into English) requires the certification of the translator filed with the documents. This change will eliminate the need for separate verifications and certifications.

Rule 15.16 Notice and Service in Subsequent Petitions Regarding Contact Agreements

As previously discussed, Rule 15.12 addresses how and when Contact Agreements are presented to the court, how interested parties are informed an agreement has been submitted to and is being considered by the court, and how the court should proceed when presented with an agreement. Rules 15.16 – 15.19 establish procedures for proceedings that can arise with respect to the Contact Agreement after the adoption is finalized, *i.e.*, petitions to modify, enforce, or discontinue. Rule 15.16 is an entirely new rule and establishes means for notifying all interested parties of the commencement of a proceeding to modify, enforce, or discontinue a Contact Agreement. Pursuant to Rules 15.17, 15.18, and 15.19, any one of these three proceedings must be commenced by a petition filed with the court.

Rule 15.16(a)(1) provides that the party filing the petition must mail the petition along with a copy of a notice to plead to (i) every person who is a party to the Contact Agreement; (ii) the adopted child if he or she has attained age 12 by the time of the petition's filing; (iii) any sibling of the adopted child who has continuing contact or communication with the adopted child under the terms of the Contact Agreement; and (iv) the counsel who represented or is presently representing any such party, including any guardian *ad litem* who previously represented the adopted child. The service requirements of Rule 15.16(a)(1) are modeled after Pa. O.C. Rules 2.5 and 3.5(b). Rule 15.16(a)(2) requires the petitioner to file a certificate of service with the court indicating when the petition and notice to plead was mailed to the individuals entitled to service.

Rule 15.16(b) establishes a procedure for notifying interested parties of the date when the court will conduct a hearing on the petition. Paragraph (b) requires the petitioner to provide notice of the hearing to the individuals who received service of the petition pursuant to paragraph (a)(1) regardless of whether any individual filed an objection or responsive pleading. Normally, notice would be provided only to those who filed an objection or responsive pleading; however, all interested parties should be notified of the date of the court hearing because the individuals involved likely will not be represented, even if they were represented when the Contact Agreement was negotiated, and if they attend the hearing, may have information for the court to consider. The evidentiary standard to modify, enforce, or discontinue the Contact Agreement is clear and convincing evidence that the requested relief will serve the needs, welfare, and best interest of the child.

Rule 15.16(b)(2) allows the petitioner to send the hearing notice by United States mail, electronic transmission, or any other means that will effectively inform the recipient of the date, time and place of the hearing. Pursuant to paragraph (b)(3), a certificate of service shall be presented at the start of the hearing indicating who received notice of the

hearing date, how notice was transmitted to the recipient, and attaching a copy of the notice.

Rule 15.17 Petition to Modify a Contact Agreement

Rule 15.17 is an entirely new rule and implements Section 2737 of the Adoption Act, which provides for the modification of a Contact Agreement. Rule 15.17(a) establishes who may file a petition to modify the Contact Agreement and where the modification petition must be filed.

Paragraph (b) sets forth the averments that must be contained in a petition to modify a Contact Agreement. The averment required by paragraph (b)(1) identifies adopted child's present age. Through the averments required by paragraphs (b)(2) and (b)(4), the court can confirm that the subject Contact Agreement was approved as provided by Sections 2734 and 2735 of the Adoption Act. Paragraph (b)(3) will assist the court in determining whether any guardian *ad litem* who may have represented the adopted child at the time the court approved the Contact Agreement should receive notice of the petition to modify the Contact Agreement. Similarly, paragraph (b)(5) informs the court whether any siblings of the adopted child have continuing contact or communication with the adopted child pursuant to the Contact Agreement, and whether the siblings were represented by any guardians *ad litem* who should also receive notice of the petition's filing. Finally, paragraphs (b)(6) and (b)(7) require the petitioner to describe the proposed modification and explain why modification will serve the needs, welfare, and best interest of the adopted child. Pursuant to Section 2737(b) of the Adoption Act, the court may modify the Contact Agreement only if it finds by clear and convincing evidence that the modification will serve "the needs, welfare and best interest of the child."

Rule 15.17(c) requires the Contact Agreement to be attached to the petition as an exhibit. This requirement reflects Pa. O.C. Rule 3.3(j) and ensures all individuals receiving the modification petition will have a copy of the Contact Agreement that is sought to be modified.

Paragraph (d) implements the service requirements of Rule 15.16. Rule 15.17(e) requires a hearing in order for the court to determine whether the evidence presented meets the standard of clear and convincing evidence that the modification serves the needs, welfare and best interest of the child.

Rule 15.18 Petition to Enforce a Contact Agreement

Rule 15.18, another entirely new rule, implements Section 2738 of the Adoption Act, which addresses enforcement of a Contact Agreement. As provided in Section 2738(a) of the Adoption Act, Rule 15.18(a) establishes who may file a petition to modify the Contact Agreement. Unlike Rules 15.17(a) and 15.19(a), Rule 15.18(a) does not

indicate where such enforcement petition must be filed because Section 2738(a) provides that an action to enforce the Contact Agreement is to be brought “in the court that finalized the adoption”; however, Section 2738(e)(2) provides that “[t]he court issuing final approval of an agreement shall have continuing jurisdiction over enforcement of the agreement until the child turns 18 years of age, unless the agreement otherwise stipulates or is modified by the court.” The Explanatory Comment advises the practitioner of this statutory conflict.

Rule 15.18(b) sets forth the averments in a petition seeking to enforce a Contact Agreement. The averment in paragraph (b)(1) indicates whether the adopted child should receive notice of the filing of the enforcement petition and an opportunity to be heard before the court. The information sought by paragraphs (b)(2) and (b)(4) enables the court to confirm the subject Contact Agreement was approved as provided by Section 2735 of the Adoption Act and, where applicable, that the adopted child consented to the agreement pursuant to Section 2734 of the Adoption Act. Similar to paragraph (b)(1), the averments required by paragraphs (b)(3) and (b)(5) assist the court in determining whether certain individuals should receive notice of the enforcement petition and an opportunity to be heard, specifically any guardian *ad litem* who may have represented the adopted child at the time the court approved the Contact Agreement, any siblings of the adopted child who have continuing contact or communication with the adopted child pursuant to the Contact Agreement, and in this latter instance, any guardians *ad litem* representing minor siblings. Paragraph (b)(6) requires the petitioner to affirm that he or she is in substantial compliance with the Contact Agreement. Finally, paragraphs (b)(7) and (b)(8) require the petitioner to identify the party who is breaching the Contact Agreement, describe breach, and explain why enforcement will serve the needs, welfare, and best interest of the adopted child. Section 2738(d) of the Adoption Act provides that the court may enforce the Contact Agreement only if the court makes two findings: first, that the petitioning party is in substantial compliance with the terms of the Contact Agreement, and second, by clear and convincing evidence that enforcement will serve “the needs, welfare and best interest of the child.”

Rule 15.18(c) requires the Contact Agreement to be an exhibit to the petition. Requiring the Contact Agreement as an exhibit to the petition implements Pa. O.C. Rule 3.3(j) and ensures that all individuals receiving the petition have a copy of the Contact Agreement sought to be enforced. Paragraph (d) implements the service requirements of Rule 15.16.

Lastly, paragraph (e) requires a hearing so the court can receive evidence as to whether the petitioning party is in substantial compliance with the terms of the Contact Agreement and how enforcement will serve “the needs, welfare and best interest of the child.” See 23 Pa.C.S. § 2738(d). This latter finding must be established by clear and convincing evidence.

Rule 15.19 Petition to Discontinue a Contact Agreement

Rule 15.19 is an entirely new rule and implements Section 2739 of the Adoption Act, which provides for discontinuing a Contact Agreement. In accordance with Section 2739(a) of the Adoption Act, paragraph (a) establishes who may file a petition seeking to discontinue a Contact Agreement and where the petition must be filed.

Paragraph (b) lists the averments for a petition seeking to discontinue a Contact Agreement. The purpose of paragraph (b)(1) is three-fold: first, to determine if the adopted child needed to consent to the Contact Agreement at the time it was approved by the court; second, to determine if the adopted child could be a petitioner in the present action; and third, in the discretion of the court, whether the adopted child should testify at the hearing. Paragraphs (b)(2) and (b)(4) enable the court to confirm the Contact Agreement was approved in accordance with Sections 2734 and 2735 of the Adoption Act. The averments required by paragraphs (b)(3), and (b)(5) assist the court in determining whether other individuals should receive notice of the petition to discontinue and an opportunity to be heard at the hearing, specifically any guardian *ad litem* who may have represented the adopted child at the time the court approved the Contact Agreement, any siblings of the adopted child who have continuing contact with the adopted child pursuant to the Contact Agreement, and in this latter instance, any guardians *ad litem* who represented the minor siblings during the negotiation and court approval of the Contact Agreement. Finally, paragraphs (b)(6) and (b)(7) require the petitioner to describe the reasons for requesting the Contact Agreement be discontinued and why the action will serve the needs, welfare and best interest of the adopted child. Section 2739(b) of the Adoption Act provides that the court may discontinue the Contact Agreement only if the court finds by clear and convincing evidence that discontinuing the Contact Agreement will serve “the needs, welfare and best interest of the child.”

Rule 15.19(c) requires the Contact Agreement to be an exhibit to the petition. As explained above with respect to Rule 15.17, requiring the Contact Agreement as an exhibit to the petition implements Pa. O.C. Rule 3.3(j) and ensures all individuals receiving the petition will have a copy of the Contact Agreement that the petitioner is seeking to discontinue.

Paragraph (d) implements the service requirements of Rule 15.16.

Finally, paragraph (e) of Rule 15.19 requires a hearing so the court can determine whether the evidence clearly and convincingly establishes that discontinuing the Contact Agreement will serve the needs, welfare, and best interest of the adopted child.

Rule 15.20 Collection of Documents and Maintenance of Court File

Rule 15.20 is an entirely new rule, designed to implement in part the provisions of 23 Pa.C.S. §§ 2911–2916, 2931–2938, governing the collection and dissemination of information about birth parents, the adopted child, and siblings of the adopted child. If the adopting parents reside in the same county as the birth parent(s) or if the termination of parental right proceeding and the adoption proceeding were brought in the county where the agency maintained its office, then only one clerk is involved and the file of both proceedings is maintained together. However, it is commonplace for the adopting parents and the birth parent(s) to reside in different counties, in which case one clerk is maintaining the files pertaining to the termination of parental rights and the clerk in another county is maintaining court records pertaining to the adoption. Also, it is possible that the birth parents reside in different counties, and proceedings to terminate the parental rights of each parent were conducted in the county of the parent’s residence.

Rule 15.20(a) requires the clerk where parental rights were terminated and the clerk where the adoption decree is entered to maintain the court records as part of a permanent court file. “Court records” is defined in Section 2911 of the Adoption Act as the “petition, exhibits, reports, notes of testimony, decrees, and other papers pertaining to a proceeding.” 23 Pa.C.S. § 2911. Rule 15.20 uses the term “court file” because, as explained below, the clerk could receive additional papers and information after the proceeding terminating parental rights is concluded or the adoption finalized. Thus, court records are only some of the documents that may be part of the court file. Paragraphs (b) and (c) lists the other documents the clerk must accept and make part of the court file.

Rule 15.20(b) lists documents that must be accepted by both the clerk where parental rights were terminated and the clerk where the adoption was finalized, depending on where the documents are presented. Paragraphs (b)(1)–(b)(4) are the same documents referenced in Rule 15.11; they include (i) a statement by the birth parent of his or her medical, personal, or social history information, regardless of whether this information is provided in the official form promulgated by the Department or explained in an informal letter or other writing; (ii) any updated statement about the birth parent’s medical, personal, or social history information; (iii) a birth parent’s signed authorization or consent permitting the release of identifying information, regardless of whether the birth parent provides a written statement or uses forms promulgated by the Department or the Department of Health; and (iv) an informal statement or an official form signed by birth parent withholding the release of identifying information or revoking a previously given consent or authorization.

Rule 15.20(c) lists additional documents that must be accepted and maintained as part of the court file by the clerk of the county where the adoption was finalized. As provided in Rule 15.20(c)(2), the clerk should accept and file any request for non-identifying or identifying information only if the adoption was completed in the county. If

an adopted individual wishes to place in the court file an official form or an informal statement authorizing the release of his or her identifying information, withholding the release of identifying information, or revoking a previously given consent or authorization, any statement or completed forms signed by the adopted individual should be accepted only by the clerk in the county where the adoption was finalized.

Section 2916 of the Adoption Act allows an attorney who represented any party to the adoption proceeding or acted as counsel or guardian *ad litem* for a child in the adoption proceeding to forward to the court that finalized the adoption the attorney's records and information pertaining to the child, birth family, or the adopting parents. Rule 15.20(c)(3) implements this provision, requiring the clerk where the adoption was finalized to accept records and information provided the remitting attorney submits the documents in the format dictated by local rule and pays any filing fee.

Rule 15.20(d) addresses situations when the proceedings to terminate parental rights and the adoption proceeding occurred in more than one county. Rule 15.20(d) directs the clerk where the parental rights were terminated to copy and forward the forms and information to both the Department of Human Services and to the clerk of the court where the adoption was finalized if the court is known or reasonably can be ascertained from information appearing in the clerk's court file.

Finally, with one exception, Rule 15.20(e) directs the clerk receiving documents to time-stamp the documents before placing them in the court file and to send an acknowledgement of receipt to the filing party or remitting clerk. The one exception is written requests for non-identifying and identifying information because these requests will be handled pursuant to Rule 15.22, as discussed below.

Rule 15.21 Privacy; Withholding the Court File from Inspection

Rule 15.21 is derived from former Rule 15.7, but has been revised in light of amendments to the Adoption Act and the Supreme Court's promulgation of the *Public Access Policy*, which took effect on January 1, 2018.

Rule 15.21(a) provides for the impounding of all proceedings, dockets, Intermediary reports, and certificates of adoption. However, as explained in the discussion concerning Rule 15.20, the court file may contain documents in addition to these items. Thus, Rule 15.21(a) updates the description of documents withheld from inspection and the statutory cross-references. Rule 15.21(a) expressly mandates that all items in the court file shall be withheld from inspection unless disclosure is permitted by 20 Pa.C.S. §§ 2931–2937 of the Adoption Act, and the implementing procedural rule, Rule 15.22.

Rule 15.22 Dissemination and Release of Information in the Court File

Rule 15.22 is a new rule designed to implement 23 Pa.C.S. §§ 2931–2938, regarding who can request non-identifying or identifying information about other parties in an adoption process.

Rule 15.22(a)(2) requires one requesting information from the court file to establish that he or she is an adult individual permitted to make a request under Section 2931 of the Adoption Act and in certain situations, that other preconditions have been satisfied. Rule 15.22(a)(3) requires one requesting information to describe the relationship between the requester and the individual who is the subject of the request, and in certain instances, that age requirements and other preconditions have been met.

Pursuant to Section 2933(a) of the Adoption Act, only an “Authorized Representative” can handle a request for identifying information; thus, the court must appoint an Authorized Representative whenever a request is received for identifying information. As defined in Section 2911, an Authorized Representative is an individual who has completed a standardized training program developed by the Department of Human Services.

In accordance with Section 2931(a) of the Adoption Act, Rule 15.22(a) provides that one seeking non-identifying or identifying information shall file a written request with the clerk where the adoption decree was entered. Pursuant Rule to 15.22(h), the local court may develop a reasonable fee schedule for these requests.

By local rule, a judicial district may require a particular format for these requests, develop a standardized form, or require the filing of a petition. Except in the case of birth parents, there is additional information that needs to be provided by the requester in order to determine if the requester is allowed to make his or her request for information. See Rule 15.22(a)(2)(A)–(a)(2)(F).

The written request must state who is the subject of the request. Section 2931(b) provides that the following individuals may be the subject of a request for information: (i) an adopted individual if the adopted individual has attained 21 years of age; (ii) the birth parent of an adopted individual; (iii) the parent of a birth parent if the birth parent consents, has been adjudicated incapacitated, or is deceased; and (iv) the birth sibling of an adopted individual if both the adopted individual and the birth sibling have attained 21 years of age, and if the birth sibling, remained in the custody of the birth parent, then the birth parent must consent to the request for information or contact, have been adjudicated incapacitated, or have died. Paragraphs (a)(3)(A) – (a)(3)(C) identifies individuals who may be the subject of a request for information and other special conditions that apply when the request pertains to an adopted individual, parent of a birth parent, or birth sibling of an adopted individual.

Rule 15.22(b) provides that the clerk shall accept and date stamp the written request before forwarding it to the court for review. The judge or court personnel experienced in adoptions is able to address requests for non-identifying information; only an Authorized Representative will address requests for identifying information.

As provided in Rule 15.22(c), upon receiving the request, the judge or other court personnel shall review the request, determining: (i) if it is the appropriate court to handle the request; (ii) if the requester is permitted by the statute to proceed with his or her requested inquiry; and (iii) if the person about whom information is sought or with whom contact is requested can be the subject of a request pursuant to 23 Pa.C.S. § 2931(b). If the answer to any one of these questions is “no”, then the court should inform the requester that his or her request is being denied and the reasons thereof. The response to the requester can be a letter and need not be a court order as it is not an appealable decision of the court. If the answer to all of the three above questions is “yes”, then, if the request seeks only non-identifying information, the request shall be handled in accordance with Rule 15.22(d), and if the request seeks identifying information or contact with an individual, it shall be assigned to an Authorized Representative who shall proceed as provided in Rule 15.22(e).

While Section 2932 of the Adoption Act imposes deadlines for acknowledging and responding to requests, such deadlines are not incorporated in Rule 15.22. The deadlines are aspirational or directory, but not mandatory.

Finally, Section 2934 of the Adoption Act concerns the filing of a statement of medical, personal, or social history information, acknowledging receipt of the filing to the person who filed the statement, and disseminating the statement to others. Once filed, the statement of medical, personal, or social history information becomes part of the court file subject to impounding and confidentiality; this information should not be disseminated by the clerk absent a later filed request for such information approved by the court.

Pursuant to Rule 15.22(g) if a statement of medical, personal, or social history is filed, updated, or sent from the clerk of the court where parental rights were terminated because a birth parent recently filed a statement with that clerk, then the clerk of the court finalizing the adoption shall include the statement as part of the court file. The Rule sets establishes provisions for processing the statement, including contact with persons who have previously filed requests for information.