

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

IN RE:

ADOPTION OF: _____ NO: _____ OF _____

(Adoptee's Name on Birth Certificate:
_____)

Attorney: _____

NOTICE
(Involuntary Termination)

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 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
LACKAWANNABAR ASSOCIATION
NORTH WASHINGTON AVENUE
SCRANTON PA 18503**

(Name of Attorney)

(Address)

(Telephone)

IN THE ORPHANS' COURT DIVISION OF THE COURT OF COMMON PLEAS OF

LACKAWANNA COUNTY, PENNSYLVANIA

IN RE:

ADOPTION OF: _____ NO: _____ OF _____

(Adoptee's Name on Birth Certificate: _____)

Attorney: _____

PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS

PRELIMINARY ORDER

(23 Pa.C.S.A. § 2511)

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 ____M.

At least ten days written notice shall be given to the parent(s) and putative father whose rights are to be terminated and to the parent(s) or guardian of a minor parent whose rights are to be terminated. A copy of the notice shall be given to the other parent. Manner of service and contents of notice shall comply with 23 Pa.C.S.A. § 2513(b). Method of providing said notice shall conform to Pennsylvania Supreme Court Orphans' Court Rule Nos. 5.1 and 15.6.

"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.

BY THE COURT:

_____, J.

ATTEST:

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

IN RE:
ADOPTION OF: _____ NO: _____ OF _____

(Adoptee's Name on Birth Certificate: _____ Attorney: _____
_____)

PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS
(23 Pa.C.S.A. § 2511)

PARTIES WHOSE RIGHTS ARE BEING TERMINATED:

"X" those that apply

BIRTH MOTHER _____

BIRTH FATHER _____

PUTATIVE FATHER _____

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Petition of _____
[See 23 Pa.C.S.A. § 2512(a) for parties who are authorized to be petitioner(s)]

1. **ADOPTEE:**

- a) List name as appears on birth certificate: _____
- b) Age: _____
- c) Date of birth: _____
- d) Birthplace: _____
- e) Sex: Male (___) Female (___)
- f) Present address: _____
- g) Religious affiliation: _____
- h) Racial background: _____

i) Who has custody of ADOPTEE 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 ADOPTEE was born? [*Pennsylvania Supreme Court Orphans' Court Rule No. 15.3(a)*] _____

(1) If yes, name of spouse: _____

h) If ADOPTEE was born out of wedlock, do you intend to marry the birth father? [*Pennsylvania Supreme Court Orphans' Court Rules 15.2(a)(7) and 15.3(a)*] _____

i) Were you married one year prior to the birth of ADOPTEE? [*Pennsylvania Supreme Court Orphans' Court Rule No. 15.3(a)*] _____

(1) If yes, name of spouse: _____

(2) If this marriage ended, state how and when: _____

j) The last known address of ADOPTEE's BIRTH FATHER: _____

k) List the names of all other husbands of BIRTH MOTHER: [*PA Orphans' Court Rule 15.3(a)*] _____

l) What is your employment? _____

m) Religious background: _____

n) Racial background: _____

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 ADOPTEE was born? [Pennsylvania Supreme Court Orphans' Court Rule No. 15.3(a)] _____

(1) If yes, name of spouse: _____

g) If ADOPTEE was born out of wedlock, do you intend to marry the birth mother? [Pennsylvania Supreme Court Orphans' Court Rules 15.2(a)(7) and 15.3(a)] _____

h) Were you married one year prior to the birth of ADOPTEE? [Pennsylvania Supreme Court Orphans' Court Rule No. 15.3(a)] _____

(1) If yes, name of spouse: _____

(2) If this marriage ended, state how and when: _____

i) The last known address of ADOPTEE's BIRTH MOTHER: _____

j) What is your employment? _____

k) Religious background: _____

l) Racial background: _____

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 ADOPTEE was born? [*Pennsylvania Supreme Court Orphans' Court Rule No. 15.3(a)*] _____

(1) If yes, name of spouse: _____

g) If ADOPTEE was born out of wedlock, do you intend to marry the birth mother? [*Pennsylvania Supreme Court Orphans' Court Rules 15.2(a)(7) and 15.3(a)*] _____

h) Were you married one year prior to the birth of ADOPTEE? [*Pennsylvania Supreme Court Orphans' Court Rule No. 15.3(a)*] _____

(1) If yes, name of spouse: _____

(2) If this marriage ended, state how and when: _____

i) Was PUTATIVE FATHER ever married to BIRTH MOTHER? _____

(1) If yes, state when: _____

j) What is your employment? _____

k) Religious background: _____

- l) *Racial background:* _____
- m) *Explain the circumstances that created the status of PUTATIVE FATHER:* _____

- n) *If this petition does not identify the father of ADOPTEE, attach a certification from the Department of Health as to whether a claim of paternity has been filed pursuant to 23 Pa.C.S.A. § 5103. [23 Pa.C.S.A. § 2512(c)]* _____
- (1) *Has a claim of paternity been filed?* _____
- (2) *23 Pa.C.S.A. § 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.A. § 5103 (relating to acknowledgements and claim of paternity) prior to the institution of proceedings.* _____
5. *State relationship of petitioner(s) to ADOPTEE:* _____
6. *If petitioner is an approved AGENCY or INSTITUTION, state complete name and address:* _____

7. *If a consenting parent is under the age of 18 years, state name(s) and address(es) of his/her parent(s) (or guardian).* _____

8. *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?* _____
9. *Are any of the ADOPTEE'S birth parent(s) or putative father deceased?* _____
- a) *If yes, state name, relationship to ADOPTEE, date of death and attach an original death certificate as an Exhibit.* _____
10. *No Report of Intention to Adopt is required if the ADOPTEE 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.A. 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.A. § 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? [Pennsylvania Supreme Court Orphans' Court Rule 15.3(a)(1)]* _____

b) *If yes, when and where was physical custody of ADOPTEE placed with adoptive parent(s)? [Pennsylvania Supreme Court Orphans' Court Rule 15.3(a)(2)]* _____

c) *Has the attached consent of the adult(s) accepting custody of ADOPTEE been completed and signed? [Pennsylvania Supreme Court Orphans' Court Rule 15.3(b)]* _____

11. *Is birth certificate or certification of registration of birth of ADOPTEE attached as an Exhibit? [Pennsylvania Supreme Court Orphans' Court Rules 15.4(b)(1)]* _____

a) *If no, see 23 Pa.C.S.A. § 2701(9) and question 1(m) in Adoption Petition form.*

12. *23 Pa.C.S.A. § 2512(b) mandates that the Petition for Involuntary Termination of Parental Rights "shall set forth specifically those grounds and facts alleged as the basis for terminating parental rights". Therefore, cite the specific subsections of 23 Pa.C.S.A. § 2511 which establish the legal basis for the requested termination(s) and state the alleged facts which justify the requested termination(s). Has this information been attached as Appendix No. 1 to this petition?* _____

13. *List the name(s) of person(s) whose parental rights may be terminated by these proceedings, who is a member of the United States armed services and thereby entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, 50 U.S.C.A § 501 et. seq. [Pennsylvania Supreme Court Orphans' Court Rule No. 15.4(a)(7)]* _____

14. *As soon as petitioner(s) or attorney(s) has/have reason to believe these proceedings will be contested, the court must be notified IMMEDIATELY so that an attorney may be appointed for ADOPTEE as required by 23 Pa.C.S.A. § 2313 and thus avoid needless delay.*

WHEREFORE, petitioner(s) pray your Honorable Court to set an evidentiary hearing and thereafter judicially decree the termination of the parental rights as requested herein and further award custody of the ADOPTEE to the petitioner(s), and, further decree that ADOPTEE may be adopted without further consent of, or notice to those individual(s) whose parental rights are hereby terminated.

[Attorney for Petitioner(s)]

AFFIDAVIT (Agency)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LACKAWANNA

Before me, the undersigned authority personally appeared _____

who deposes and says he/she is the authorized representative of _____

and that the facts set forth in the foregoing petition are true and correct to the best of his/her knowledge, information and belief.

Sworn to and subscribed

before me this _____ day

_____, 20_____

(Signature of Notary)

(SEAL OF NOTARY)

AFFIDAVIT [Individual(s)]

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LACKAWANNA

Before me, the undersigned authority personally appeared _____

who deposes and says he/she is the authorized representative of _____

and that the facts set forth in the foregoing petition are true and correct to the best of his/her knowledge, information and belief.

(Signature(s) of Petitioner(s))

Sworn to and subscribed

before me this _____ day

_____, 20_____

(Signature of Notary)

(SEAL OF NOTARY)

(Alternative Method for Verification)

I/We the petitioner(s) do verify that the statements contained in this Petition for Involuntary Termination of Parental Rights 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.A. § 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

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

IN RE:
ADOPTION OF: _____ NO: _____ OF _____

(Adoptee's Name on Birth Certificate: _____ Attorney: _____
_____)

ORDER OF TERMINATION

(Involuntary Termination)

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. Petitioner(s) established a legal basis for terminating the parental rights of

[Hereinafter referred to as Respondent(s)]

2. The following subsection(s) of 23 Pa.C.S.A. § 2511 establish the basis for terminating parental rights of

Respondent(s): _____

"X" the applicable subsections

- a) The parent(s) by conduct continuing for a period of at least six months immediately preceding the filing of the petition either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties. [2511(a)(1)]
- b) The repeated and continued incapacity, abuse, neglect or refusal of the parent(s) has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent(s). [2511(a)(2)]
- c) The parent is the presumptive but not the birth father of the child. [2511(a)(3)]

- d) *The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent(s) is/are unknown and cannot be ascertained by diligent search and the parent(s) does/do not claim the child within three months after the child is found. [2511(a)(4)]*
- e) *The child has been removed from the care of the parent(s) by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continued to exist, the parent(s) cannot or will not remedy those conditions within a reasonable period of time, the service or assistance reasonably available to the parent(s) are not likely to remedy the condition which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child. [2511(a)(5)]*
- f) *In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child. [2511(a)(6)]*
- g) *The parent is the father of a child who was conceived as a result of a rape. [2511(a)(7)]*
- h) *The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child [2511(a)(8)]*
- i) *The parent has been convicted of one of the following in which the victim was a child of the parent:*

- 1) *an offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);*
- 2) *a felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);*
- 3) *an offense in another jurisdiction equivalent to an offense in subparagraph 1) or 2);*
or
- 4) *an attempt, solicitation or conspiracy to commit an offense in subparagraph 1), 2) or 3) [2511(a)(9)]*

j) *Other Considerations – The court in terminating the rights of a parent shall give primary consideration to the developmental, physical and emotional needs and welfare of the child. The rights of a parent shall not be terminated solely on the basis of environmental factors such as inadequate housing, furnishings, income, clothing and medical care if found to be beyond the control of the parent. [2511(b)]*

3. *Specific findings have been placed on the record at the end of the evidentiary hearing.*
4. *IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT THE PARENTAL RIGHTS OF THE ABOVE MENTIONED RESPONDENT(S) TO ADOPTEE ARE FOREVER TERMINATED.*
5. *The adoption of ADOPTEE may continue without further notice to or consent of the above mentioned Respondent(s).*
6. *The custody of ADOPTEE is hereby transferred to*
 - a) _____
 - OR*
 - b) _____

an approved Agency and such Agency is hereby authorized to give consent to the adoption of ADOPTEE.

The Petitioner(s) is/are directed to file his/her/their Petition for Adoption within sixty (60) days after the conclusion of the appeal period.

BY THE COURT:

_____ J.

ATTEST:
