

**IN THE COURT OF COMMON PLEAS, YORK COUNTY, PENNSYLVANIA**

In Re: Amendments to : No. 67-10-0 1897  
York County Orphans' Court Rules :  
: :  
:

**ADMINISTRATIVE ORDER AMENDING**  
**YORK COUNTY LOCAL ORPHANS' COURT RULES**

AND NOW, this 30th day of December 2010, pursuant to Pennsylvania Orphans' Court Rule 1.2, and Pa.R.J.A. 103(c) it is hereby Ordered and Decreed that the York County Orphans' Court Rules are amended as follows. These AMENDMENTS to the York County Orphans' Court rules shall become effective thirty (30) days after publication in the Pennsylvania Bulletin.

Any prior local rule and any prior administrative order in whole or part which is in conflict with any portion of the rule changes announced in paragraphs 1-4 of this Administrative Order (collectively "AMENDMENTS") are hereby vacated and repealed.

2010 DEC 30 AM 11:15  
JUDICIAL CENTER  
YORK, PA  
ORPHANS' COURT  
DIVISION 1

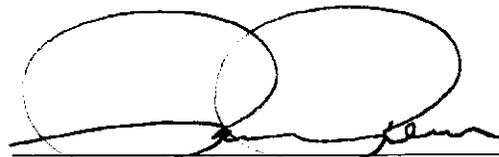
1. Current York County Orphans' Court Rules ("Y.C.O.C.R.") 7.1.2 and 7.1.3 are hereby REPEALED.
2. Current Y.C.O.C.R. 7.1.1, 15.1.1, 15.4.1, and 15.5.1 are hereby AMENDED as attached.
3. The note to current Y.C.O.C.R. 2.3.1 (Definitions) is hereby AMENDED as follows: "For local rules applicable to exceptions, see Y.C.O.C.R. 7.1.1 and 7.1.2."
4. Proposed new rules 15.1.2 and 15.5.2 are hereby ADOPTED as attached.

IT IS FURTHER ORDERED that in accordance with Pa.R.J.A. No. 103(c), the Clerk of the Orphans' Court Division ("Clerk") shall:

- (a) forward ten certified copies of this Administrative Order and the accompanying attachments to the Administrative Office of Pennsylvania Courts (AOPC), for filing and distribution by the AOPC as set forth in Pa.R.J.A. No. 103(c)(2);
- (b) cause this Administrative Order and the attached rules thereto to be posted conspicuously on the Clerk's web site (currently <http://www.york-county.org/departments/courts/orphan.htm>) for viewing, downloading, and printing by attorneys and the public.
- (c) The County District Court Administrator ("Court Administrator") shall supervise the distribution this Administrative Order and the attached rules thereto to all Judges of this Court.
- (d) The Court Administrator shall cause this Administrative Order and the attached rules thereto to be posted conspicuously on the York County web site and cause copies of these AMENDMENTS to be made for distribution, upon payment of reasonable costs of reproduction.

- (e) The Court Administrator shall cause a notice of these AMENDMENTS to appear at least two times in the York Legal Record.

BY THE COURT,

A handwritten signature in black ink, consisting of two large, overlapping loops followed by a horizontal line and a small flourish.

**RICHARD K. RENN, President Judge**

## AMENDMENTS TO YORK COUNTY ORPHANS' COURT RULES

### RULE 7. EXCEPTIONS

#### **Rule 7.1.1. Exceptions—Form and Service**

(a) Exceptions shall be filed in writing with the Clerk, numbered consecutively, signed by the exceptant or the exceptant's attorney, and each exception shall:

- (1) be specific as to description and amount;
- (2) raise but one issue of law and fact, but if there are several exceptions to items included in or omitted from the adjudication, order, or decree relating to the same issue, all such exceptions shall be included in the same exception; and
- (3) set forth briefly the reason or reasons in support thereof.

(b) A party filing exceptions shall serve a copy thereof no later than the day of such filing upon all parties in interest affected thereby. The attorney for the exceptant, or the exceptant, shall certify to the Clerk in writing that a copy of the exceptions has been served as required by this Rule and shall attach a list of those on whom service was made.

**[Rule 7.1.2. (Exceptions—Time and Place of Filing) – Repealed]**

**[Rule 7.1.3. (Exceptions—Form) – Repealed]**

### RULE 15. ADOPTIONS

#### **Rule 15.1.1. General Practice and Procedure**

All reports and petitions relating to adoption shall be filed with the Clerk and shall be in such form as is designated from time to time by the Court. The Court may publish special filing instructions and procedures on the county website maintained by the Clerk. All filing fees shall be paid at the time of filing.

#### **Rule 15.1.2. Additional Contents of Filings in Adoption Matters**

(a) **Telephone number.** Every Petition for Adoption shall include in the body of the petition or by separate attachment, personal telephone number(s) by which the Court-appointed investigator may contact the Petitioners to schedule the in-home investigation.

(b) **Form of certain filings.** Every Report of Intention to Adopt and Petition for Adoption filed of record shall be typewritten and shall contain the caption of the case, the nature of the proceeding, the file number, and either the signature of the attorney, below which shall be the attorney's name,

address, telephone number and attorney identification number, or the signature of the party, below which shall be the party's name, address, and telephone number. Backing required under Rule 1.2.2 shall not be required in adoption matters.

**(c) *Background reports and clearances.***

(1) *Required reports and clearances.* All Petitioners seeking to adopt shall submit to the Court prior to or at the time of filing a Petition for Adoption each of the following documents, which shall be executed within one (1) year of filing the Petition for Adoption:

- (a) Report of criminal history record information from the Pennsylvania State Police;
- (b) Pennsylvania child abuse clearance certificate from the Department of Public Welfare; and
- (c) Report of Federal criminal history record information if a Petitioner is required to file a Report of Intention to Adopt.

(2) *Residence outside of Commonwealth.* The information required in paragraph (c)(1)(a) and (c)(1)(b) is also required from each state where every Petitioner seeking to adopt has resided in the five (5) years preceding the filing of the Petition for Adoption.

(3) *Adult household residents.* The information required in paragraphs (c)(1) and (c)(2) is also required of every individual over eighteen (18) years of age who resides within the household of Petitioners.

(4) *Exception.* A parent of the adoptee, by birth or previous adoption, who has joined a Petition for Adoption or executed a consent to the proposed adoption pursuant to 23 Pa.C.S. § 2711 shall not be required to comply with paragraphs (c)(1) and (c)(2) of this Rule.

*Note:* The background reports and clearances required by this Rule are referenced in 23 Pa.C.S. § 6344.

**Rule 15.4.1. Claims or Acknowledgments of Paternity**

In every proceeding brought to terminate any parental rights as to an adoptee born in Pennsylvania, Petitioners shall obtain and provide to the Court at the time of the hearing thereon official documentation obtained from the Pennsylvania Department of Public Welfare or a Domestic Relations Office in Pennsylvania stating whether any paternity claims or acknowledgments have been filed with the Department in accordance with 23 Pa.C.S. § 5103(b) as to each adoptee as to whom termination of parental rights is sought.

**Rule 15.5.1. Notice in Adoption Proceedings**

(a) *General rule.* Notice of any hearing related to an adoption shall be given in strict conformity with the Adoption Act, 23 Pa.C.S. §§ 2301 *et seq.*, and the Orphans' Court Rules of this Commonwealth and this County.

(b) *Specific circumstances and exceptions.*

(1) *Adult Adoptee.* If an adoptee is eighteen (18) years of age or older, a separate Petition to Waive Notice of the hearing(s) to any parent of the adoptee may be filed by the prospective adoptive parent(s).

(2) *Notice by Publication.* If a person to be notified is not represented by legal counsel, cannot be personally served with notice, and cannot be served by mail because his/her residence is not known, a separate Petition Seeking Authority to Provide Notice by Publication may be filed by the prospective adoptive parent(s). Facts supporting the Petition that cannot be verified by the Petitioner(s) shall be stated in an affidavit accompanying the Petition. If the Petition is granted, notice by publication shall comply with Rule 5.1.1 and be given at least once a week during three successive calendar weeks in a newspaper of general circulation published at or near the last known address of the person to be notified and also in the legal periodical, if any, in that county.

(3) *Identity of Person to be Notified Unknown.* If, after reasonable investigation, the identity of a person to be notified is unknown, a separate Petition to Waive Notice to that person may be filed by the prospective adoptive parent(s). The Petition shall set forth all information known relating to the identity or possible whereabouts of the person to be notified and what reasonable investigation was undertaken to identify that individual. Facts supporting the Petition that cannot be verified by the Petitioner(s) shall be stated in an affidavit accompanying the Petition.

(4) *Verification and Proposed Order.* Each Petition allowed by sections (b)(1)-(3) of this Rule shall be accompanied by a verification and a proposed court order.

#### **Rule 15.5.2. Adult Adoptee Name Change—Alternative Procedure**

(a) *Application for Change of Name as exhibit to Petition for Adoption.* In lieu of filing a separate Petition for Change of Name with the Prothonotary's Office required by YCCiv. 5730, Petitioners seeking to adopt and requesting a change of an adult adoptee's name pursuant to Pa.O.C.R. 15.5(e), may instead initiate a change of name proceeding for an adult adoptee by attaching as an exhibit to their Petition for Adoption, an Application for Change of Name in conformity with 54 Pa.C.S. § 701(a.1)(2). Attached to the Application for Change of Name shall be a fingerprint card completed by the adult adoptee and a verification form signed by the adult adoptee and Petitioners. The Application for Change of Name for shall be filed with the Clerk of Orphans' Court Division and does not have to comply with the requirements in YCCiv. 205.2 as stated in YCCiv. 5730(a)(1).

(b) *Evidence of notice.* Petitioners seeking to adopt and requesting a change of an adult adoptee's name pursuant to the alternative procedure in this Rule shall comply with the requirements in YCCiv. 5730(b) and (c)(1).

(c) *Evidence of official searches.* Petitioners seeking to adopt and requesting a change of an adult adoptee's name pursuant to the alternative procedure in this Rule shall comply with the requirements in YCCiv. 5730(c)(2).