

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

Amendment of Rule 301 of the Rules of Disciplinary Enforcement; No. 93 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 3rd day of January, 2011, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been published for comment in the *Pennsylvania Bulletin*, 40 Pa.B. 5062 (September 4, 2010):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 301 of the Pennsylvania Rules of Disciplinary Enforcement is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter C. DISABILITY AND RELATED MATTERS

Rule 301. Proceedings where an attorney is declared to be incapacitated or severely mentally disabled.

* * * * *

(e) If, during the course of a disciplinary proceeding, the respondent contends that the respondent is suffering from a disability by reason of mental or physical infirmity or illness, or because of addiction to drugs or intoxicants, which makes it impossible for the respondent to prepare an adequate defense, the respondent shall complete and file with the Court a certificate of admission of disability available to the bar through the Office of the Secretary to the Board. The respondent shall serve a copy of the certificate on the Board and disciplinary counsel. The certificate shall:

(1) identify the precise nature of the disability and the specific or approximate date of the onset or initial diagnosis of the disabling condition;

(2) contain an explanation of the manner in which the disabling condition makes it impossible for the respondent to prepare an adequate defense;

(3) have appended thereto the opinion of at least one medical expert that the respondent is unable to prepare an adequate defense and a statement containing the basis for the medical expert's opinion; and

(4) contain a statement, signed by the respondent, that all averments of material fact contained in the certificate and attachments are true upon the respondent's knowledge or information and belief and made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

The respondent may attach to the certificate affidavits, medical records, additional medical expert reports, official records, or other documents in support of the existence of the disabling condition or the respondent's contention of lack of physical or mental capacity to prepare an adequate defense.

Upon receipt of the certificate, the Court thereupon shall enter an order immediately transferring the respondent to inactive status until a determination is made of the respondent's capacity to aid effectively in the preparation of a defense or to continue to practice law in a proceeding instituted in accordance with the provisions of subdivision (d) of this rule[.] unless the Court finds that the certificate does not comply with the requirements of this subdivision, in which case the Court may deny the request for transfer to disability inactive status or enter any other appropriate order. Before or after the entry of the order transferring the respondent to inactive status under this subdivision, the Court may, upon application by disciplinary counsel and for good cause shown, take or direct such action as the Court deems necessary or proper to a determination of whether it is impossible for the respondent to prepare an adequate defense, including a direction for an examination of the respondent by such qualified medical experts as the Court shall designate. In its discretion, the Court may direct that the expense of such an examination shall be paid by the respondent.

The order transferring the attorney to disability inactive status under this subdivision shall be a matter of public record. The certificate of admission of disability and attachments to the certificate shall not be publicly disclosed or made available for use in any proceeding other than a subsequent reinstatement or disciplinary proceeding except:

- (i) upon order of the Supreme Court;
- (ii) pursuant to an express written waiver by the attorney; or
- (iii) upon a request by the Pennsylvania Lawyers Fund for Client Security Board pursuant to Enforcement Rule 521(a) (relating to cooperation with Disciplinary Board).

If the Court shall determine at any time that the respondent is able to aid effectively in the preparation of a defense or is not incapacitated from practicing law, it shall take such action as it deems proper and advisable including a direction for the resumption of the disciplinary proceeding against the respondent.

* * * * *

[Pa.B. Doc. No. 11-64. Filed for public inspection January 14, 2011, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

[207 PA. CODE CH. 51]

Amendment of Rule 15 of the Rules Governing Standards of Conduct of Magisterial District Judges; No. 270 Magisterial Doc.

Order

Per Curiam

And Now, this 29th day of December, 2010, upon the recommendation of the Minor Court Rules Committee, the proposal having been published for public comment before adoption at 40 Pa.B. 5561 (October 2, 2010) and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 15 of the Rules Governing Standards of Conduct of Magisterial District Judges is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

PENNSYLVANIA RULES FOR MAGISTERIAL DISTRICT JUDGES

Rule 15. Public Office and Political Activity.

A. Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.

B.(1) **As used in this paragraph, “partisan political activity” includes, but is not limited to, serving as a committee-person, working at a polling place on Election Day, performing volunteer work in a political campaign, making political speeches, making or soliciting contributions for a political campaign, political action committee or organization, attending political gatherings, dinners or other functions, but shall not include involvement in non-partisan or public community organizations or professional groups.**

(2) Magisterial district judges or a candidate for such office shall not:

[(1)] (a) hold office in a political party or political organization or publicly endorse candidates for political office.

[(2)] (b) engage in partisan political activity [, deliver political speeches, make or solicit political contributions (including purchasing tickets for political party dinners or other functions) or attend political or party conventions or gatherings], except as authorized in subdivision C of this rule. Nothing herein shall prevent magisterial district judges or candidates for such offices from making political contributions to a campaign of a member of their immediate family.

C. Magisterial district judges or candidates for such offices may [**in the year they run for office,**] attend political or party conventions or gatherings, speak to such gatherings or conventions on their own behalf, identify themselves as members of a political party, and contribute to [**their own campaign,**] a political party or political organization (including purchasing tickets **with their own personal funds** for political party dinners or other functions) **beginning immediately following the General Election in the year prior to the calendar year in which they may become a candidate for such office.**

D. With respect to their campaign conduct, magisterial district judges or candidates for such office shall:

(1) maintain the dignity appropriate to judicial office, and shall encourage members of their family to adhere to the same standards of political conduct that apply to them.

(2) prohibit public officials or employees subject to their direction or control from doing for them what they are prohibited from doing under this rule; and except to the extent authorized under subdivision D(4) of this rule shall not allow any other person to do for them what they are prohibited from doing under this rule.

(3) not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent their identity, qualifications, present position, or other fact.

Commentary: The United States Supreme Court in *Republican Party of Minnesota v. White*, 122 S. Ct. 2528 (2002) concluded that a canon of judicial conduct prohibiting judicial candidates from “announcing their views on disputed legal or political issues” is violative of the First Amendment of the United States Constitution.

(4) not themselves solicit or accept campaign funds, or solicit publicly stated support, but they may establish committees of responsible persons to secure and manage the expenditure of funds for their campaign, **including the purchase of tickets for political party dinners or other functions**, and to obtain public statements of support for their candidacy. Such committees are not prohibited from soliciting campaign contributions and public support from lawyers. Candidates’ committees may solicit funds for their campaign **and candidates may contribute to their own campaigns** no earlier than thirty (30) days prior to the first day for filing [**nominating petitions, and all**] **nomination petitions**. All fundraising activities in connection with such campaign shall terminate no later than the last calendar day of the year in which the election is held. Candidates should not use or permit the use of a campaign contribution for the private benefit of themselves or members of their family.

E. Magisterial district judges shall resign their office when they become candidates either in a party primary or in a general election for a non-judicial office.

Official Note: This rule is derived in part from former Rule 15 [**and from Canon 7 of**], the American Bar [**Association and**] **Association’s Model Code of Judicial Conduct, and Canon 7 of the Pennsylvania Supreme Court Code of Judicial Conduct**. This rule prohibits only political activity that is partisan in nature and consequently there is no objection to magisterial district judges becoming engaged in political activity of a public service nature, such as, for example, political

activity [in] on behalf of measures to improve the law, the legal system or the administration of justice.

Nothing in paragraph C is intended to promote the ability of a magisterial district judge or candidate for such office to announce candidacy for office, form a committee or raise funds prior to the date prescribed by law.

FINAL REPORT

Amendments to Rule 15 of the Pennsylvania Rules Governing Standards of Conduct for Magisterial District Judges

General Prohibition on Partisan Political Activity and Permitted Political Activity Prior to Initiation of Campaign

On December 29, 2010, effective immediately, upon recommendation of the Minor Court Rules Committee,¹ the Supreme Court of Pennsylvania approved amendments to Rule 15 of the Pennsylvania Rules Governing Standards of Conduct of Magisterial District Judges.²

I. Background and Discussion

The Minor Court Rules Committee (“the Committee”) was contacted by the chair and vice-chair of the Ethics and Professionalism Committee of the Special Court Judges Association of Pennsylvania with a request to discuss possible amendments to Rule 15 of the Pennsylvania Rules Governing Standards of Conduct of Magisterial District Judges (“Rule 15”) to clarify the point in time at which magisterial district judges and candidates for such office may begin undertaking otherwise prohibited political activity prior to the formal start of campaign activities. While considering those amendments, the Committee also examined the undefined term “partisan political activity,” and drafted a non-inclusive definition to clarify the prohibition on such activity.

The Committee reviewed Rule 15C, which provides that “[m]agisterial district judges or candidates for such offices may *in the year they run for office*” engage in otherwise prohibited political activities. (Emphasis added.) The Committee found the phrase “in the year they run” ambiguous, and agreed that setting a date certain for the permissible initiation of political activities would clarify the matter for both incumbents and candidates.

During its discussion of Rule 15, the Committee examined the term “partisan political activity” as used in Rule 15B(2). The Committee noted that it was not a defined term, and endeavored to draft a non-inclusive definition of “partisan political activity” to aid magisterial district judges in identifying proscribed conduct.

II. Approved Rule Changes

The Committee proposed (1) adding a definition of “partisan political activity” to Rule 15, and (2) amending the permitted period for engaging in political activities to “immediately following the General Election in the year prior to the calendar year in which they may become a candidate for such office.” Because the recommendation provides clarification to magisterial district judges and candidates for office, the Committee respectfully recommended that the Court make changes immediately effective upon adoption.

[Pa.B. Doc. No. 11-65. Filed for public inspection January 14, 2011, 9:00 a.m.]

¹ Minor Court Rules Committee Recommendation 1-2010.
² Supreme Court of Pennsylvania Order No. 270, Magisterial Docket, (December 29, 2010).

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Damages for Delay

CHAPTER 200. BUSINESS OF COURTS

Rule 238. Damages for Delay in an Action for Bodily Injury, Death or Property Damage.

* * * * *

Addendum to Explanatory Comment

The prime rate as set forth in the first edition of the *Wall Street Journal* for a particular year is the basis for calculating damages for delay under Pa.R.C.P. No. 238 as revised November 7, 1988. The prime rate published in the first edition of the *Wall Street Journal* for each of the years specified is as follows:

<i>Date of Publication</i>	<i>Prime Rate Percentage</i>
January 3, 2011	3 1/4
January 4, 2010	3 1/4
January 2, 2009	3 1/4
January 2, 2008	7 1/4
January 2, 2007	8 1/4
January 3, 2006	7 1/4
January 3, 2005	5 1/4
January 2, 2004	4
January 2, 2003	4 1/4
January 2, 2002	4 3/4
January 2, 2001	9 1/2
January 3, 2000	8 1/2
January 4, 1999	7 3/4
January 2, 1998	8 1/2

Official Note: The prime rate for the years 1980 through 1997 may be found in the Addendum to the Explanatory Comment published in the *Pennsylvania Bulletin*, volume 33, page 634 (2/1/03) and on the web site of the Civil Procedural Rules Committee at <http://www.pacourts.us>.

By the Civil Procedural Rules Committee
 HONORABLE ROBERT C. DANIELS,
Chair

[Pa.B. Doc. No. 11-66. Filed for public inspection January 14, 2011, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

Amendment of Rule 3129.2 of the Rules of Civil Procedure; No. 540 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 21st day of December, 2010, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for comment at 40 Pa.B. 1892 (April 10, 2010) and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 989 No. 3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 3129.2 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 21, 2011.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3129.2. Notice of sale; handbills; written notice; publication.

(a) Notice of the sale of real property shall be given by handbills as provided by subdivision (b), by written notice as provided by subdivision (c) to all persons whose names and addresses are set forth in the affidavit required by Rule 3129.1, and by publication as provided by subdivision (d).

Official Note: Where real estate subject to federal liens is sold in execution under a judgment by confession, see the provisions of the Federal Tax Lien Act of 1966 adding sec. 7425(c) to the Internal Revenue Code, 26 U.S.C.A. § 7425(c), providing for notice to the United States.

[For special rules requiring notice by the plaintiff to defendants on judgments by confession entered before December 1, 1973, see Rule 2958.]

* * * * *

(c) The written notice shall be prepared by the plaintiff, shall contain the same information as the handbills or may consist of the handbill and shall be served at least thirty days before the sale on all persons whose names and addresses are set forth in the affidavit required by Rule 3129.1.

* * * * *

(3) If service on any person is not made at least thirty days prior to the date of the sale stated in the notice, such notice shall be deemed timely if the sale is stayed, continued, postponed or adjourned in accordance with Rule 3129.3 to a date certain which is at least thirty days after the date of the last required service.

Official Note: This rule does not state the effect of a failure to give the required notice. See *In re Tax Claim Bureau of Lehigh County 1981 Upset Tax Sale Properties: Appeal of Dian K. [Haas] Hass*, 96 Pa. Commw. 452, 507 A.2d 1294 (1986), involving the failure to give notice of a tax sale.

(d) Notice containing the information required by subdivision (b) shall also be given by publication by the sheriff once a week for three successive weeks in [a] **one** newspaper of general circulation in the county and in the legal publication, if any, designated by rule of court for publication of notices, the first publication to be made not less than twenty-one days before the date of sale. **No additional publication shall be required.**

Official Note: See Note to Rule 3128 as to time, terms and conditions of sale. See also Rule 3131 as to advertisement where a parcel of real property extends across county lines.

Explanatory Comment

Current Rule 3129.2(d) requires that notice of a sheriff's sale be advertised in (1) a newspaper of general circulation and (2) a legal publication if one has been designated by local rule of court for publication of notices. It has been reported that certain counties are requiring publication of the notice of sheriff's sale in multiple newspapers. This additional publication, which is not required by Rule 3129.2, can significantly increase costs imposed for sheriff's sales. The amendment to Rule 3129.2 clarifies the intent of the rule by adding a sentence to subdivision (d) stating that advertising of a sheriff's sale is required in only one newspaper of general circulation, and in the legal publication, if any, designated by rule of court for publication of notices.

By the Civil Procedural Rules Committee

HONORABLE ROBERT C. DANIELS,
Chair

[Pa.B. Doc. No. 11-67. Filed for public inspection January 14, 2011, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 4000]

Proposed Amendment of Rules 4009.1, 4009.11, 4009.12, 4009.21, 4009.23 and 4011 Governing Discovery of Electronically Stored Information with Explanatory Comment; Proposed Recommendation No. 249

While the Civil Procedural Rules Committee proposes that Rules of Civil Procedure 4009.1, 4009.11, 4009.12, 4009.21, 4009.23, and 4011 be amended as set forth herein, the core of the proposal is an explanatory comment, which provides that the discovery of electronically stored information will be governed by the same considerations that govern other discovery. The purpose of the comment is to provide guidance to the trial judge and counsel so that discovery disputes regarding electronically stored information are resolved pursuant to the general principles of Rule 4011, and not pursuant to the Federal Rules of Civil Procedure and the frequently intricate case law developing in the federal courts. In addition, the explanatory comment provides guidance in the form of considerations and potential tools for resolution of questions relating to such discovery to assist both the trial courts and counsel.

The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than February 18, 2011 to:

Karla M. Shultz
Counsel
Civil Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg PA 17106-2635
FAX 717-231-9526
civilrules@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 4000. DEPOSITIONS AND DISCOVERY
PRODUCTION OF DOCUMENTS AND THINGS AND
ENTRY FOR INSPECTION AND OTHER
ACTIVITIES

PRODUCTION OF DOCUMENTS AND THINGS
GENERAL PROVISIONS

Rule 4009.1. Production of Documents and Things.
General Provisions.

(a) Any party may serve a request upon a party pursuant to Rules 4009.11 and 4009.12 or a subpoena upon a person not a party pursuant to Rules 4009.21 through 4009.27 to produce and permit the requesting party, or someone acting on the party's behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, [**electronically created data, and other compilations of data from which information can be obtained, translated, if necessary, by the respondent party or person upon whom the request or subpoena is served through detection or recovery devices into reasonably usable form**] and **electronically stored information**, or to inspect, copy, test or sample any tangible things or **electronically stored information**, which constitute or contain matters within the scope of Rules 4003.1 through 4003.6 inclusive and which are in the possession, custody or control of the party or person upon whom the request or subpoena is served; and may do so one or more times.

(b) A party requesting electronically stored information may specify the format in which it is to be produced and a responding party or person not a party may object. If no format is specified by the requesting party, **electronically stored information may be produced in the form in which it is ordinarily maintained or in a reasonably usable form.**

* * * * *

REQUEST UPON A PARTY

Rule 4009.11. Request Upon a Party for Production of Documents and Things.

* * * * *

(b) The request shall set forth in numbered paragraphs the items to be produced either by individual item or by category, and describe each item or category with reasonable particularity. Each paragraph shall seek only a single item or a single category of items. The request shall be prepared in such fashion that sufficient space is provided immediately after each paragraph for insertion of the answer.

Official Note: A request seeking electronically stored information should be as specific as possible. Limitations as to time and scope are favored, as are agreements between the parties on production formats and other issues.

See also Rule 4009.1 generally regarding electronically stored information.

Rule 4009.12. Answer to Request Upon a Party for Production of Documents and Things

* * * * *

(d) If a request is reasonably susceptible to one construction under which documents sought to be produced

are within the scope of the request and another construction under which the documents are outside the scope of the request, the answering party shall either produce the documents or identify with reasonable particularity the documents not produced together with the basis for non-production.

Official Note: See Rule 4009.1 regarding electronically stored information.

SUBPOENA UPON A PERSON NOT A PARTY

Rule 4009.21. Subpoena Upon a Person Not a Party for Production of Documents and Things. Prior Notice. Objections.

* * * * *

(d)(1) If objections are received by the party intending to serve the subpoena prior to its service, the subpoena shall not be served. The court upon motion shall rule upon the objections and enter an appropriate order.

Official Note: Subdivision (a) of this rule provides a twenty-day notice period during which a subpoena may not be served.

(2) If objections are not received as provided in paragraph (1), the subpoena may be served subject to the right of any party or interested person to seek a protective order.

Official Note: Rule 4009.22(a) requires the filing of a certificate as a prerequisite to service.

See Rule 4009.1 regarding electronically stored information.

Rule 4009.23. Certificate of Compliance by a Person Not a Party. Notice of Documents or Things Received.

* * * * *

(b) The party receiving documents and things pursuant to the subpoena shall give notice of receipt to every other party to the action and upon the payment of reasonable cost shall

(1) furnish a legible copy of each document to any other party who requests a copy and

(2) allow reasonable access to the things to any other party who requests access.

Official Note: See Rule 4009.1 regarding electronically stored information.

ENTRY UPON PROPERTY FOR INSPECTION AND OTHER ACTIVITIES

Rule 4011. Limitation of Scope of Discovery [and Deposition].

No discovery [or deposition], including discovery of electronically stored information, shall be permitted which

* * * * *

Explanatory Comment—Electronically Stored Information

A. No Importation of Federal Law

Though the term “electronically stored information” is used in these rules, there is no intent to incorporate the federal jurisprudence surrounding the discovery of electronically stored information. The treatment of such issues is to be determined by traditional principles of proportionality under Pennsylvania law as discussed in further detail below.

B. Proportionality Standard

As with all other discovery, electronically stored information is governed by a proportionality standard in order that discovery obligations are consistent with the just, speedy and inexpensive determination and resolution of litigation disputes. The proportionality standard requires the court, within the framework of the purpose of discovery of giving each party the opportunity to prepare its case, to consider: (i) the nature and scope of the litigation, including the importance and complexity of the issues and the amounts at stake; (ii) the relevance of electronically stored information and its importance to the court's adjudication in the given case; (iii) the cost, burden, and delay that may be imposed on the parties to deal with electronically stored information; (iv) the ease of producing electronically stored information and whether substantially similar information is available with less burden; and (v) any other factors relevant under the circumstances.

C. Tools for Addressing Electronically Stored Information

Parties and courts may consider tools such as electronic searching, sampling, cost sharing, and non-waiver agreements to fairly allocate discovery burdens and costs. When utilizing non-waiver agreements, parties may wish to incorporate those agreements into court orders to maximize protection vis-à-vis third parties. *See, e.g.*, Fed. R. Evid. 502(c).

D. Eliminating References to "Depositions"

The elimination of specific references to "depositions" in Rule 4011 is not intended to exclude depositions from the scope of this rule. The reference was eliminated because there was no reason to call out this one form of traditional discovery among many.

[Pa.B. Doc. No. 11-68. Filed for public inspection January 14, 2011, 9:00 a.m.]

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Order Amending Orphans' Court Rule 15.8 and Adopting Orphans' Court Rule 15.9; No. 511 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 3rd day of January, 2011, upon the recommendation of the Orphans' Court Procedural Rules Committee; the proposal having been published for comment before adoption at 37 Pa.B. 2575 (June 2, 2007):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) Pa. O.C. Rule 15.8 is amended, with accompanying uniform forms (as amended);

(2) Pa. O.C. Rule 15.9 is adopted, with accompanying uniform forms; and

(3) The Index to Appendix Orphans' Court and Register of Wills Forms is amended, all in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in sixty days.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 15[.]: ADOPTIONS

Rule 15.8. [**Foreign**] Registration of foreign adoption [**registration**] decree.

(a) [**Adoptive**] **Adopting** parent(s) may petition the [**court of common pleas**] **Court of Common Pleas** in the county of **their** residence to register a foreign adoption decree so that it will be given full and final effect in this Commonwealth. The [**petition**] **Petition and Final Decrees** shall be in **substantially** the form approved by the Supreme Court. **See Appendix of Forms to these Rules.**

(1) **As part of the Petition to Register Foreign Adoption Decree, a child's name may be changed from that appearing on the foreign adoption decree if the child is younger than twelve (12) years of age.**

(b) **A foreign adoption decree previously registered or otherwise finalized by a Court of this Commonwealth or of any other state may not be registered subsequently in another Court of this Commonwealth.**

(c) **If the Court of Common Pleas determines that the foreign adoption decree can be registered, the Court shall sign the Final Decree and shall direct the Clerk of the appropriate Court to enter the date of the foreign adoption decree and identify the foreign court on the docket. The Clerk shall send Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child, and Form No. HD01275F, Statement of Citizenship and Residency, to the Department of Health, Division of Vital Records, along with a copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the child's United States passport, if either or both documents have been provided by the adopting parent(s). The Clerk shall issue to the adopting parent(s) a certificate of adoption in accordance with Section 2907 of the Adoption Act. See 23 Pa.C.S. § 2907.**

(d) If the [**court of common pleas**] **Court of Common Pleas** determines that the foreign adoption decree cannot be registered, the [**adoptive**] **adopting** parent(s) [**may**] shall proceed as **applicable** under the **provisions set forth** in the Adoption Act, 23 Pa.C.S. §§ 2101 *et seq.*, Pa.O.C. Rule 15.9 (specific to the adoption of a foreign born child), and local rules of court [**to obtain a full and final decree of adoption**].

(e) **Adopting parent(s) who are eligible to register the foreign adoption decree under this Rule may, for any reason, proceed under Pa.O.C. Rule 15.9.**

Explanatory Note: Pursuant to 23 Pa.C.S. § 2908(b), as amended by Act 96 of 2006, a set of forms, consisting of a [**petition for registration of a foreign adoption decree, decrees**] **Petition to Register Foreign Adoption Decree, Final Decrees** approving and denying the [**petition**] **Petition**, and detailed [**instructions**] **Instructions for the pro se** [**petitioners, have been created and**] **petitioner(s)** are set forth in the Appendix to these [**rules**] **Rules.**

The [petition] **Petition** should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where it should be filed with the Clerk of the Family Court Division. **The Petition and accompanying documents, including the Final Decree, are confidential and should be impounded and withheld from public inspection as provided in the Adoption Act, 23 Pa.C.S. §§ 2905, 2906, 2907 and 2908(f) and Pa.O.C. Rule 15.7.**

The Clerk shall make **available to petitioner(s)** the necessary Department of Health, Division of Vital Records forms [available to petitioners]: **Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child; and Form No. HD01275F, Statement of Citizenship and Residency.**

A change of name from that appearing on the foreign adoption decree is permitted without the need to comply with the procedures of 54 Pa.C.S. § 702 if the child is younger than twelve (12) years of age. Cf. 23 Pa.C.S. § 2711(a)(1). If the foreign born adopted child is twelve (12) years of age or older, then the child and parent(s) would need to follow the procedures set forth in 54 Pa.C.S. § 702 and would not be foreclosed by 54 Pa.C.S. § 702(b)(5)(ii) because the name change petition would not be in connection with any adoption proceeding as the foreign adoption is full and final and therefore completed.

A foreign born child who has been issued an IR-2, IR-3 or IH-3 United States visa has had the adoption proceeding fully completed in the foreign country and the foreign adoption decree only needs to be registered here to be given the full force and effect of an adoption decree issued by this Commonwealth. However, situations may arise that necessitate proceeding under Pa.O.C. Rule 15.9 even though the foreign born child has been issued an IR-2, IR-3 or IH-3 United States visa, such as the inclusion of an incorrect birth year on the foreign adoption decree, or other personal family reasons. Proceeding under Pa.O.C. Rule 15.9 is permitted; Pa.O.C. Rule 15.8 is not the exclusive means to obtain a Pennsylvania adoption decree and birth certificate for a foreign born adopted child.

Only one court, whether in this Commonwealth or another state, should exercise jurisdiction over the foreign adoption decree. Thus, if the foreign adoption decree has been registered or otherwise finalized in another state court, the adopting parent(s) need not and should not register the foreign adoption decree in this Commonwealth under this Rule. In similar fashion, if the foreign adoption decree has been registered in this Commonwealth, and thereafter, another petitioner in this Commonwealth seeks to adopt this child, the subsequent proceeding will be a standard proceeding under the applicable provisions of the Adoption Act, 23 Pa.C.S. §§ 2101 *et seq.* Such a situation could occur when the child is to be adopted by a step-parent after divorce or death of the original adopting parent(s), or when, after termination of parental rights, the child is to be adopted by different adopting parent(s).

If the Court determines that the foreign adoption is [determined] not [to be] a full and final adoption because the foreign born child has been issued an IH-4 or IR-4 visa, the [adoptive] adopting parent(s)

[may] shall proceed under [the Adoption Act and local rules to seek a decree of adoption in this Commonwealth] subdivision (d) of this Rule. See also Pa.O.C. Rule 15.9.

IN THE COURT OF COMMON PLEAS
 _____ COUNTY, PENNSYLVANIA
 ORPHANS' COURT DIVISION
(FAMILY COURT DIVISION in Philadelphia County)

IN RE: FOREIGN ADOPTION OF _____
 FILE NO. _____
PETITION TO REGISTER FOREIGN ADOPTION
DECREE

PURSUANT TO 23 Pa. C.S. § 2908

1. Petitioner(s), the Adopting Parent(s) of the above-named adopted child, is/are _____

2. Petitioner(s) reside(s) in _____ County, Pennsylvania, at

 (Street Address)

 (City, State, Zip)

3. Has any other court in this Commonwealth or in any other state reviewed, registered, finalized or otherwise assumed jurisdiction over the foreign adoption decree being registered here:

(circle one) Yes No

If yes, please provide the name of the court, the state and county, what was previously presented to the court and the resulting decision from the court: (Attach all court decrees).

4. The full name of the adopted child at birth as listed on the foreign birth certificate, if available, was _____

5. The full name of the adopted child as written on the foreign adoption decree is _____ .

[4.] 6. The full name [by which] of the adopted child as he or she is to be known from this time forward is _____ .

[5.] 7. The date of birth of the adopted child is _____ .

[6.] 8. The date of the foreign adoption decree is _____ .

[7.] 9. The type of United States visa issued to the adopted child is: [_____]:

(circle one) IR-2, IR-3, IH-3, IR-4, IH-4

[8.] 10. The following documents are attached to this Petition:

a. [Certified copy] Copy of child's birth certificate or other birth identification issued by country of birth; if none, an Affidavit of [Parent(s)] parent(s) stating why none is available.

b. [Certified copy] Copy of Decree of Adoption issued by foreign government; if Decree is not in English, an English translation certified by the translator to be correct [is attached].

c. Copy of adopted child's United States visa.

d. [Pennsylvania Department of Health Form H105.091 (Vital Records Form) with Parts I and II (and Part III, if applicable) completed.] Pennsylvania Department of Health, Division of Vital Records Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child with Parts 1 and 2 (and Part 3, if applicable) completed.

e. Pennsylvania Department of Health, Division of Vital Records Form No. HD01275F, Statement of Citizenship and [Residence] Residency.

f. A copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the child's United States passport, if either or both documents are available.

WHEREFORE, Petitioner(s) request(s) that this Court enter a Decree authorizing the registration and docketing of the attached Foreign Adoption Decree with the Clerk of the [Orphans'] appropriate Court and decreeing that

_____ shall henceforth be known as [(Birth Name of Adopted Child)] (Name of child as written on Foreign Adoption Decree)

_____ and shall have all the [(Name of Child after Adoption)] (Child's name from this time forward)

rights of a child and heir of the Petitioner(s).

Signature of Adopting Parent*

Signature of Adopting Parent

Daytime telephone no. for Adopting Parent(s)

*When there are two adopting parents, both must sign.

VERIFICATION TO PETITION TO REGISTER FOREIGN ADOPTION DECREE PURSUANT TO 23 Pa.C.S. § 2908

I/We [verify that we], _____, verify that I/we am/are the Petitioner(s) named in the foregoing Petition, that I/we have read and understand the information set forth in the Instructions to the Petition to Register Foreign Adoption Decree[. I/We verify], and that the facts set forth in the foregoing Petition are true and correct to the best of my/our knowledge, information and belief. I/We further verify that all documents attached to this Petition are true and correct copies of the originals. I/We understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of Adopting Parent

Signature of Adopting Parent

IN THE COURT OF COMMON PLEAS
_____ COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
(FAMILY COURT DIVISION in Philadelphia County)

IN RE: FOREIGN ADOPTION OF _____

ADOPTION NO. _____

FINAL DECREE

AND NOW, this _____ day of _____, 20____, it is hereby ORDERED [AND] and DECREED that the Petition of _____

(Adopting Parent(s))

to Register Foreign Adoption Decree is GRANTED and that this Court authorizes the registration and docketing of the Foreign Adoption Decree entered on _____ by

(Date of Foreign Adoption Decree)

_____ in _____.

(Name of Foreign Court) (Foreign Country)

It is FURTHER ORDERED and DECREED that the above Foreign Adoption Decree shall be enforceable as if this Court had entered the Decree and that henceforth this child _____

[(Birth Name of Adopted Child)]
(Name of child as written on Foreign Adoption Decree)

shall be known as _____ and shall

(Child's [Name After Adoption] name from this time forward)

have all the rights of a child and heir of _____.
(Adopting Parent(s))

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS
_____ COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
(FAMILY COURT DIVISION in Philadelphia County)

IN RE: FOREIGN ADOPTION OF _____

ADOPTION NO. _____

FINAL DECREE

AND NOW, this _____ day of _____, 20____, it is hereby ORDERED and DECREED that the Petition of _____

(Adopting Parent(s))

to Register Foreign Adoption Decree is DENIED.

BY THE COURT:

J.

INSTRUCTIONS FOR FILING PETITION TO REGISTER FOREIGN ADOPTION DECREE PURSUANT TO 23 Pa.C.S. § 2908

When a child is adopted in conformity with the laws of a foreign country, the adopting parent(s) may register the [foreign adoption] Foreign Adoption Decree so that the [Foreign Adoption] Decree is considered [to be

a] full and final [**decree**], enforceable as if entered pursuant to the Pennsylvania Adoption Act, and a Pennsylvania birth certificate can be obtained.

Adopting parent(s) seeking to register the Foreign Adoption Decree must:

1. Complete, sign and date the Petition to Register Foreign Adoption Decree and Verification. *If a Foreign Adoption Decree shows that there are two adopting parents, both [**parents**] **parent(s)** must execute the Petition to Register Foreign Adoption Decree.*

2. Attach the following documents to the Petition:

- A [**certified**] copy of the Foreign Adoption Decree;
- A [**certified**] copy of the child's birth certificate. If no birth certificate was issued, a [**certified**] copy of any other birth identification issued by the country of birth should be attached. If no birth certificate or birth identification can be obtained, an Affidavit stating the reason should be submitted;
- A copy of the child's United States visa;
- An English translation of all documents not in English, [**certified**] with a **verification** by the translator [**to be**] that all translations are true and correct;
- [**Form H105.091 (Pennsylvania Department of Health, Vital Records, Certificate of Adoption) with Parts I and II (and Part III if applicable) completed;**] **Pennsylvania Department of Health, Division of Vital Records Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child with Parts 1 and 2 (and Part 3, if applicable) completed;**
- Pennsylvania Department of Health, **Division of Vital Records Form No. HD01275F, Statement of Citizenship and Residency [Form.];**
- **If available, a copy of U. S. Government Form N-560 and/or a copy of the child's U.S. passport.**

3. The Petition to Register with the attachments should be filed with the Clerk of the Orphans' Court Division of the Court of Common Pleas in **the county** in which the adopting parent(s) reside(s), except for Philadelphia County resident(s), who must file with the Family Court Division. A filing fee will be charged in accordance with the fee schedule of the county court.

After the Petition to Register is filed, it will be submitted to the Court for review. If the Petition to Register and accompanying documents establish that the foreign adoption of the child is full and final, the Court will enter a Decree directing the registration of the Foreign Adoption Decree. The Clerk of the appropriate [**court**] Court will then issue a certificate of adoption and transmit [**form H105.091 and the Statement of Citizenship and Residency Form**] to the Department of Health, Division of Vital Records **Forms HD01273F and HD01275F, and if provided by the adopting parent(s), a copy of U.S. Government Form N-560 and/or a copy of the child's United States passport.**

If the Court cannot determine that the foreign adoption is full and final, it will enter a Decree denying the [**petition**] **Petition**. In that case, it will be necessary to proceed [**under the Adoption Act and any local rules of court to obtain a full and final Pennsylvania adoption decree**] **under Pa.O.C. Rule 15.9.**

Some of the following are reasons why a foreign adoption may not be a full and final adoption eligible for registration:

- both adopting parents were not present for the adoption hearing in the foreign country **and the foreign country is not a Hague Convention country;** or
- the sole adopting parent was not present at the adoption hearing in the foreign country **and the foreign country is not a Hague Convention country;** or
- the foreign court did not enter a final adoption Decree or Order or its equivalent; or
- the child's United States visa is not the type that [**would afford**] **affords** the child full United States citizenship.

If the child has an IH-4 or IR-4 United States visa, it will be necessary to proceed under Pa.O.C. Rule 15.9.

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 15.9. Petition for adoption of a foreign born child.

(a) *General Rule.* Adopting parent(s) who are residents of the Commonwealth may petition the Court of Common Pleas in any county as provided in Section 2302 of the Adoption Act (see 23 Pa.C.S. § 2302) to proceed with an adoption of their foreign born child who has entered the United States pursuant to an IR-2, IR-3, IH-3, IR-4 or IH-4 United States visa.

(b) *Required Documents.* The following documents shall be filed in the following order with the Clerk of the appropriate division of the Common Pleas Court:

- (1) Preliminary Decree;
- (2) Final Decree;
- (3) Petition for Adoption of a Foreign Born Child;
- (4) Copy of United States visa;
- (5) Reports of investigations, home studies, preplacement and postplacement;
- (6) Copy of birth certificate of foreign born child (if available), with translation;
- (7) Copy of any other relevant foreign decrees and/or documents with translations;
- (8) Consents of any person and/or agency having custody and/or legal and/or physical rights to the child;
- (9) Report of Intermediary (if an intermediary agency was involved);
- (10) Verifications signed by petitioner(s), intermediary and translator(s) stating that facts set forth are true and correct, copies are true and correct copies of originals, that the English translation of foreign documents is accurate, and that false statements are subject to the penalties of 18 Pa.C.S. § 4904;
- (11) Pennsylvania Department of Health, Division of Vital Records Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child with Parts 1 and 2 (and Part 3, if applicable) completed;
- (12) Pennsylvania Department of Health, Division of Vital Records Form No. HD01275F, Statement of Citizenship and Residency; and
- (13) A copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the child's United States passport, if either or both documents are available.

(c) *Form of Documents:* The Preliminary Decree, Final Decree, Petition for Adoption of a Foreign Born Child, Report of Intermediary (if applicable), and verifications referenced in subparagraph (b)(10) above shall be in substantially the form approved by the Supreme Court. See Appendix of Forms to these Rules.

(d) *Judicial Review and Hearing.*

(1) *Scope of Review.* The Petition and accompanying documents filed under this Rule shall be subject to review by the Court as prescribed by the Pennsylvania Adoption Act, 23 Pa.C.S. §§ 2101 *et seq.*, Pennsylvania Orphans' Court Rules and local rules of court.

(2) *Home Study and Investigation.* The Court may rely in whole or in part upon a home study containing information required by Section 2530(b) of the Adoption Act and an investigative report containing information required by Section 2535(b) of the Adoption Act previously commissioned in the foreign adoption proceeding without regard to when such reports were prepared. See 23 Pa.C.S. §§ 2530, 2535. The Court may in its discretion require additional reports and investigations to be made in accordance with the Pennsylvania Adoption Act, Pennsylvania Orphans' Court Rules and local rules of court.

(3) *Original Documents, Decrees and Translations.* All original documents, decrees and translations must be available for review by the Court upon request.

(4) *Pre-adoption Requirements.* In order to grant an adoption, the Court must be satisfied that the pre-adoption requirements set forth in Sections 2530—2535 of the Adoption Act have been met. See 23 Pa.C.S. §§ 2530—2535. If the adopting parent(s) were Pennsylvania residents at the time that the United States visa was issued to the foreign born child, the Court may accept an IH or IR United States visa as proof that the pre-adoption requirements have been met.

(5) *Proof that the Child is an Orphan.* In order to grant an adoption, the Court must be satisfied that the child to be adopted is an orphan. The Court may accept the child's IH or IR United States visa as proof that the foreign born child is an orphan.

(6) *Hearing.* The Court shall schedule a hearing to allow for testimony pursuant to Sections 2721—2724 of the Adoption Act. See 23 Pa.C.S. §§ 2721—2724. Petitioner(s) and the child to be adopted shall appear at the hearing. The Court may in its discretion require the presence of additional persons, including a representative of the intermediary.

(e) *Disclosure of Fees and Costs.* Prior to or at the hearing, a report shall be filed setting forth the amount of fees, expenses and costs paid or to be paid to counsel, the intermediary and/or any other person or agency in connection with the adoption of the foreign born child. The Court may request an itemization of any of the amount(s) reported.

(f) *Final Decree.* After the hearing, the Court shall determine if the adoption of the foreign born child can be granted, and if so, the Court shall enter a decree as provided in Section 2902 of the Adoption Act. See 23 Pa.C.S. § 2902.

(g) *Clerk of the Appropriate Court.* Upon the filing of a decree granting the adoption under this Rule, the Clerk of the appropriate Court shall enter the decree and date of the decree on the docket. The Clerk shall send Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child, and Form No. HD01275F, Statement of Citizenship and Residency, to the Department of Health, Division of

Vital Records, along with a copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the child's United States passport, if either or both documents have been provided by the adopting parent(s). The Clerk shall issue to the adopting parent(s) a certificate of adoption in accordance with Section 2907 of the Adoption Act. See 23 Pa.C.S. § 2907.

(h) *Only One Court May Assume Jurisdiction.* A parent shall not proceed under this Rule if the foreign adoption has been registered or otherwise finalized by a Court of this Commonwealth or any other state.

Explanatory Note: Pursuant to 23 Pa.C.S. § 2908(e), as amended by Act 96 of 2006, a set of forms, consisting of a Petition for Adoption of a Foreign Born Child, Report of Intermediary, Verification of Translator, Preliminary Decree, and Final Decree are set forth in the Appendix to these Rules.

In most instances, the adopting parent(s) of a foreign born child who has entered the United States with an IR-2, IR-3 or IH-3 United States visa will not need to proceed under Pa.O.C. Rule 15.9, but can register the foreign adoption decree pursuant to Pa.O.C. Rule 15.8. Situations may arise, though, that necessitate proceeding under this Rule, such as the inclusion of an incorrect birth year on the foreign adoption decree, or other personal family reasons. In these situations, adopting parent(s) of a foreign born child entering the United States with an IR-2, IR-3, or IH-3 United States visa may proceed under Pa.O.C. Rule 15.9; however, adopting parent(s) should be advised by counsel of the additional costs, additional documentation required, and the delay caused by the need for a hearing.

If a foreign born child has entered the United States with an IH-4 or IR-4 United States visa, the adopting parent(s) must proceed under Pa.O.C. Rule 15.9 because the adoption of their foreign born child was not finalized in the country of the child's birth.

Only one state court, whether in this Commonwealth or another state, should exercise jurisdiction over the registration of the foreign adoption decree or the completion of the adoption initiated in the native country of the foreign born child. Thus, if the adoption has been finalized or the foreign adoption decree has been registered in another state court or in another court within this Commonwealth, the adopting parent(s) need not and should not proceed under this Rule. In similar fashion, if the adoption of the foreign born child has been finalized in this Commonwealth, and thereafter, another petitioner seeks to adopt this child, the subsequent proceeding will be a standard proceeding under the applicable provisions of the Adoption Act, 23 Pa.C.S. §§ 2101 *et seq.* Such a situation could occur when the child is to be adopted by a step-parent after divorce or death of the original adopting parent(s), or when, after termination of parental rights, the child is to be adopted by different adopting parent(s).

The documents referenced in Pa.O.C. Rule 15.9 should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where they should be filed with the Clerk of the Family Court Division. The Petition and accompanying documents under this Rule, including the decree granting the adoption, are confidential and should be impounded and withheld from public inspection as provided in the Adoption Act, 23 Pa. C.S. §§ 2905 *et seq.* and Pa.O.C. Rule 15.7.

The Clerk shall make available to the petitioner(s) the necessary Department of Health, Division of Vital Records forms: Form No. HD01273F, Certificate of Adoption

of a Foreign-Born Child; and Form No. HD01275F, State-
ment of Citizenship and Residency.

IN THE COURT OF COMMON PLEAS OF
_____ COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
(FAMILY COURT DIVISION in Philadelphia
County)

IN RE: ADOPTION OF _____
(initials only)

ADOPTION NO. _____

PRELIMINARY DECREE

AND NOW, this day of _____, 20____, upon con-
sideration of the within Petition and on the motion
of _____, Esquire, attorney for Petitioner(s)
or _____, Pro Se, a hearing thereon is
fixed for _____ in _____ before the
Honorable _____ at _____ am/pm.

Notice shall be given to the following persons and or
entities having any legal and/or physical rights to the
child:

1. NAME _____

ADDRESS _____

RELATIONSHIP _____

2. NAME _____

ADDRESS _____

RELATIONSHIP _____

3. NAME _____

ADDRESS _____

RELATIONSHIP _____

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF
_____ COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
(FAMILY COURT DIVISION in Philadelphia
County)

IN RE: ADOPTION OF _____
(initials only)

ADOPTION NO. _____

FINAL DECREE

AND NOW, this _____ day of _____, 20____,
upon consideration of the within Petition and after the
hearing thereon, the Court having made an investigation
to verify the statements of the Petition and other facts to
give the Court full knowledge as to the desirability of the

proposed adoption; and the Court, being satisfied, finds
that the statements made in the Petition are true, that
the needs and welfare of the child proposed to be adopted
will be promoted by this adoption, and that all require-
ments of the Adoption Act have been met, it is hereby
ORDERED, ADJUDGED and DECREED that this child,
_____ is hereby adopted,

(Name of child as written on Foreign Decree)

shall be known as _____ and shall
(Child's name from this time forward)

have all the rights of a child and heir of _____ .
(Adopting Parent(s))

_____, and shall be subject to the duties of a
child to said adopting parent(s).

BY THE COURT:

J.

IN THE COURT OF COMMON PLEAS OF
_____ COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
(FAMILY COURT DIVISION in Philadelphia
County)

IN RE: ADOPTION OF _____
(initials only)

ADOPTION NO. _____

PETITION FOR ADOPTION OF A FOREIGN BORN
CHILD

To the Honorable, the Judge of said Court:

The Petition of _____
(Name(s) of Adopting Parent(s))

under 23 Pa. C.S. §§ 2701 and 2908 respectfully states
that:

1. At least one of the Petitioners filing this Petition is a
resident of the Commonwealth of Pennsylvania and has
resided in this Commonwealth since _____ .
(Provide at least
month and year)

2. No other court in this Commonwealth or in any
other state has reviewed, registered, finalized or other-
wise assumed jurisdiction over the adoption of this child,
except as follows:

(Provide name of court, county and state)

Explain the proceeding previously initiated and the
resulting decision from the court: (Attach all court de-
crees).

3. Petitioner(s) desire(s) to adopt this child known as

_____,
(Name of child as written on Foreign Decree)

and intend that such child shall be treated as one of
(his/her/their) heirs and hereby declare(s) that (he/she/
they) will perform all the duties of parent(s) to him/her.

4. The child has entered the United States pursuant to
a United States visa. A true and correct copy of the
United States visa is attached as an exhibit to this
Petition. The United States visa was issued as an:

(Please circle one) IR-2, IR-3, IH-3, IR-4 or IH-4

5. a) The child's full name as shown on the United States visa is _____

b) The full birth name of the child as listed on the foreign birth certificate (if available) is _____

c) The full name of the child as it appears on the foreign decree is _____

d) The full name of the child as he/she is to be known from this time forward is _____

6. The child has resided with Petitioner(s) for the following length of time _____

7. Information concerning the Petitioner(s), the adopting parent(s), is as follows:

a) *Adopting Father:*

1) Full name _____

2) Residence _____

3) Marital status _____

4) Age _____

5) Occupation _____

6) Religious affiliation _____

7) Racial background _____

8) Relationship to adoptee by blood or marriage, if any _____

9) Daytime telephone no. _____

b) *Adopting Mother:*

1) Full name _____

2) Residence _____

3) Marital status _____

4) Age _____

5) Occupation _____

6) Religious affiliation _____

7) Racial background _____

8) Relationship to adoptee by blood or marriage, if any _____

9) Daytime telephone no. _____

8. The following reports, as applicable, have been completed as of the dates set forth below. A true and correct copy of each of these reports is attached as an exhibit to this Petition.

a) Report of Intermediary described in 23 Pa.C.S. § 2533 _____

b) Home Study and/or Preplacement Reports described in 23 Pa.C.S. § 2530 _____

c) Investigation Reports described in 23 Pa.C.S. § 2535 _____

d) Postplacement Reports, if any _____

9. Information concerning the intermediary agency, if any, is as follows:

Name of agency _____

Address _____

Telephone no. _____

County where office is located _____

10. If there is no report of an intermediary, the following information is being provided by the Petitioner(s) as to the adoptee child:

a) Sex _____

b) Racial background _____

c) Age _____

d) Birth date _____

e) Birthplace _____

f) Places of residence since birth _____

g) Religious affiliation _____

h) A full statement of the value of all property owned or possessed by the child, if any _____

i) State whether medical history information was obtained, and if not, explain why not _____

11. If there is no report of an intermediary, and the adoptee child is under 18 years of age, provide the following information as to the birth mother, if known:

a) Name _____

b) Residence or last known address _____

c) Racial background _____

d) Age _____

e) Marital status as of the time of the birth of child _____

f) Marital status during one year prior to birth of child _____

g) Religious affiliation _____

h) Birth mother's parental rights were terminated by decree of _____ dated _____

12. If there is no report of an intermediary, and the adoptee child is under 18 years of age, provide the following information as to the birth father, if known:

a) Name _____

b) Residence or last known address _____

c) Racial background _____

d) Age _____

e) Marital status as of the time of the birth of child _____

f) Marital status during one year prior to birth of child _____

g) Religious affiliation _____

h) Birth father's parental rights were terminated by decree of _____ dated _____

13. If there is no report of an intermediary, attach a copy of the birth certificate. If no birth certificate or other birth identification issued by the country of birth can be obtained, a statement of the reason and a detailed

explanation of the efforts made to obtain the certificate are required and attached as an exhibit to this Petition.

14. If there is no report of an intermediary, attach copies of any foreign decrees and/or documents concerning this adoption, including any decree terminating the parental rights of birth mother and/or birth father, if needed, with an English translation for those decrees and/or documents not in English, certified by a translator to be true and correct translations of the foreign decrees and/or documents.

15. If there is no report of an intermediary, attach all consents required by Section 2711 of the Adoption Code, 23 Pa.C.S. § 2711. If consents are not required, explain

16. Attach Pennsylvania Department of Health, Division of Vital Records Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child with Parts 1 and 2 (and Part 3, if applicable) completed.

17. Attach Pennsylvania Department of Health, Division of Vital Records Form No. HD01275F, Statement of Citizenship and Residency.

18. Attach a copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the child's United States passport, if either or both documents are available.

19. It is the desire of the Petitioner(s) that the relationship of parent and child be established between the Petitioner(s) and the adoptee child.

WHEREFORE, Petitioner(s) pray your Honorable Court to enter a Final Decree that the child proposed to be adopted shall have all the rights of a child and heir of Petitioner(s) and Petitioner(s) shall be subject to the duties as parent(s) of such child, and that the child's name shall henceforth be

DATE: _____

Signature of Adopting Parent*

Signature of Adopting Parent

(If represented, counsel's name, address, and telephone number)

* When there are two adopting parents, both must sign.

VERIFICATION TO PETITION FOR ADOPTION OF A FOREIGN BORN CHILD

I/We, _____, verify that I/we are the Petitioner(s) named in the foregoing Petition and that the facts set forth therein are true and correct to the best of my/our knowledge, information and belief. I/We further verify that all documents attached to this Petition are true and correct copies of the originals. I/We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: _____

Signature of Adopting Parent

Signature of Adopting Parent

**IN THE COURT OF COMMON PLEAS OF
_____ COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
(FAMILY COURT DIVISION in Philadelphia County)**

IN RE: ADOPTION OF _____
(initials only)

ADOPTION NO. _____

**REPORT OF THE INTERMEDIARY IN THE
ADOPTION OF A FOREIGN BORN CHILD**

The report of the agency, _____, as intermediary, under 23 Pa.C.S. § 2533, states as follows:

1. Intermediary's address _____

Intermediary's telephone no. _____

County where office is located: _____

2. The facts as to the adoptee child are:

a) Name _____

b) Sex _____

c) Racial background _____

d) Age _____

e) Birth date _____

f) Birthplace _____

g) Religious affiliation _____

3. Date of the placement of the child with the Petitioner(s), adopting parent(s), _____

4. If known, the facts as to the birth mother are:

a) Name _____

b) Residence or last known address _____

c) Racial background _____

d) Age _____

e) Marital status as of the time of the birth of the child _____

f) Marital status during one year prior to birth of the child _____

g) Religious affiliation _____

h) Birth mother's parental rights were terminated by decree of _____ dated _____

5. If known, the facts as to the birth father are:

a) Name _____

b) Residence or last known address _____

c) Racial background _____

d) Age _____

e) Marital status as of the time of the birth of the child _____

f) Marital status during one year prior to birth of the child _____

g) Religious affiliation _____

h) Birth father's parental rights were terminated by decree of _____ dated _____

6. All consents required by 23 Pa. C.S. § 2711 are attached to this Report as exhibits or are not required for the following reasons, provide explanation:

7. a) A true and correct copy of the birth certificate or a registration of the birth by the country of birth is attached to this Report as an exhibit. If no birth certificate or other birth identification issued by the country of birth can be obtained, a statement of the reason and a detailed explanation of the efforts made to obtain the certificate are attached as exhibits to this Report.

b) Attach copies of any foreign decrees and/or documents concerning this adoption, including any decree terminating the parental rights of birth mother and/or birth father, with an English translation for those decrees and/or documents not in English, certified by a translator to be true and correct translations of the decrees and/or documents.

8. Attach a verified list of itemized fees and/or expenses paid or to be paid to or received by the intermediary and/or any other person or persons to the knowledge of the intermediary by reason of the adoption placement.

9. A full description and statement of the value of all property owned or possessed by the child, if any, is as follows:

10. No provision of any act regulating the interstate placement of children has been violated with respect to the placement of the child.

11. The child's medical history information was obtained and is available, except as follows: _____

DATE: _____
Signature (Type name of signor, title, and name of agency)

VERIFICATION TO REPORT OF INTERMEDIARY

I, _____, verify that I am _____ of _____
(Title)

(Name of Agency)

and I am authorized to take this verification on its behalf, and that the facts set forth in the foregoing Report are true and correct to the best of my knowledge, information and belief. I further verify that all documents attached to this Report are true and correct copies of the originals. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: _____
Signature

VERIFICATION OF TRANSLATOR

I, _____, verify that I am a licensed translator and that all translations of the foreign documents which are attached to this Petition are true and correct English translations of the originals. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

DATE: _____
Signature

INDEX TO APPENDIX

ORPHANS' COURT AND REGISTER OF WILLS FORMS

ADOPTED BY SUPREME COURT PURSUANT TO Pa. O.C. Rule 1.3

Available as Fill-in Forms on Website of Administrative Office of Pennsylvania Courts

[<http://www.aopc.org/Index/Forms/IndexForms.asp>.]
<http://www.pacourts.us/Forms/OrphansCourtForms.htm>

Orphans' Court and Administration Forms

* * * * *

F. Foreign Adoption Forms

1. Registration Forms—Pa.O.C. Rule 15.8

- a. Petition to Register Foreign Adoption Decree
- b. Final Decree—Granted
- c. Final Decree—Denied
- d. Instructions for Filing Petition

2. Completion of Foreign Adoption Forms—Pa.O.C. Rule 15.9

- a. Preliminary Decree
- b. Final Decree
- c. Petition for Adoption of a Foreign Born Child
- d. Report of the Intermediary
- e. Verification of Translator

[Pa.B. Doc. No. 11-69. Filed for public inspection January 14, 2011, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LACKAWANNA COUNTY

Repeal and Adoption of Rules of Civil Procedure; No. 94 CV 102

Order

And Now, this 8th day of December, 2010, it is hereby Ordered and Decreed that the following Lackawanna County Rules of Civil Procedure are amended as follows:

- 1. New Lacka. Co. R.C.P. 3190, 3191, 3192 and 3193 are adopted as reflected in the following Rule;
- 2. Pursuant to Pa. R.C.P. 239(c)(2)—(6), the following Local Rules shall be disseminated and published in the following manner:

(a) Seven (7) certified copies of the following Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

(b) Two (2) certified copies of the following Local Rules and a computer diskette containing the text of the following Local Rules in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) One (1) certified copy of the following Local Rules shall be filed with the Civil Procedural Rules Committee;

(d) The following Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Judicial Records shall furnish to any requesting person a copy of the requested Local Rule(s); and

(e) A computer diskette containing the text of the following Local Rules in Microsoft Word format and labeled with the court's name and address and computer file name shall be distributed to the Lackawanna Bar Association for publication on the website of the Lackawanna Bar Association.

3. The adoption of new Lackawanna County R.C.P. Nos. 3190, 3191, 3192 and 3193 shall become effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* pursuant to Pa. R.C.P. 239(d).

By the Court

CHESTER P. HARHUT,
President Judge

Rule 3190. Real Estate Tax Assessment Appeal.

(a) A real estate tax assessment appeal from a decision of the Lackawanna County Board of Assessment Appeals as to the amount of assessment for real estate tax purposes or as to exemption of real estate from payment of real estate taxes shall be captioned "Real Estate Tax Assessment Appeal" and shall be filed with the Clerk of Judicial Records within the time prescribed by statute.

(b) A Real Estate Tax Assessment Appeal shall contain the following:

(1) Caption designating the named party taking the appeal as Appellant, the Lackawanna County Board of Assessment Appeals as Appellee, and if Appellant is a taxing authority it shall join the owner of the real estate involved as of course as a party in the assessment appeal by designating such named owner in the caption as Respondent.

(2) Brief description of the subject real estate, its location, name and address of the owner, and municipality and school district wherein the real estate is located.

(3) Nature of and reasons for the appeal.

(4) Reference to the decision of Lackawanna County Board of Assessment Appeals (Board) from which the appeal is taken. A copy of the Board's notice of decision shall be attached as an exhibit.

(5) Verification consisting of a verified statement as "verified" is defined in Pa. R.Civ.P. No. 76.

(c) Appellant shall serve copies of the appeal by certified or registered mail upon the Board at its official office and, unless named as the appellant, upon the Board of County Commissioners of Lackawanna County and upon the legislative governing body of the municipality and the board of school directors of the school district wherein the real estate is located at their respective official offices, or,

in the absence of an official office, at the last known address of the secretary of said body and upon the respondent owner of the real estate at said owner's last known address.

(d) Appellant shall file with the Clerk of Judicial Records within ten (10) days of the filing of the Real Estate Tax Assessment Appeal, proof of service of copies thereof consisting of a verified statement (as "verified" is defined in Pa. R.Civ.P. No. 76) that service was made by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto.

(e) No response is required to be made by Appellee or by the County, municipality, school district or Respondent owner of real estate served with copy of Real Estate Tax Assessment Appeal.

Rule 3191. Intervention.

(a) The County, municipality, or school district not named as Appellant may intervene as of course during pendency of the appeal by filing a Notice of Intervention with Clerk of Judicial Records.

(b) Notice of Intervention shall contain the name of the intervening party designated as intervenor in the caption, and shall set forth that such identified party is intervening.

(c) Intervenor shall serve copies of Notice of Intervention by certified or registered mail upon Appellant, Appellee, any Respondent owner and any other intervening parties of record.

(d) Intervenor shall file with the Clerk of Judicial Records within ten (10) days of the filing of Notice of Intervention, proof of service of copies thereof consisting of a verified statement (as "verified" is defined in Pa. R.Civ.P. No. 76) that service was made by certified or registered mail, with the sender's receipt for certified or registered mail attached thereto.

(e) No response is required to be made by any party served with copy of Notice of Intervention.

Rule 3192. Discovery.

(a) Depositions and Discovery shall be applicable to real estate tax assessment appeals, unless otherwise ordered by the court.

Rule 3193. Pretrial Status Conference.

(a) The court sua sponte or upon application of a party shall schedule a pretrial status conference. Notification of conference need be given by the court only to Appellant, Appellee, Respondent owner if any, and such other parties who have intervened of record.

(b) Each party of record shall file with the Clerk of Judicial Records, a Pretrial Status Conference Memorandum and serve a copy thereof on the trial judge at least seven (7) days prior to the date of scheduled conference along with proof of service of copies thereof upon parties of record by personal service or by regular mail. Proof of service shall consist of a verified statement as "verified" is defined in Pa. R.Civ.P. No. 76.

(c) Pretrial Status Conference Memorandum shall contain a summary statement of facts, stipulations desired, witnesses expected to be called, exhibits expected to be offered, legal issues, and special problems presented, if any.

[Pa.B. Doc. No. 11-70. Filed for public inspection January 14, 2011, 9:00 a.m.]

YORK COUNTY

Amendments to Orphans' Court Rules; No. 67-10-01897**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.

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 follows.

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 follows.

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 website (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 following rules thereto to all Judges of this Court.

(d) The Court Administrator shall cause this Administrative Order and the following 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

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 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).

[Pa.B. Doc. No. 11-71. Filed for public inspection January 14, 2011, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated November 18, 2010, under Pennsylvania Rules of Disciplinary Enforcement 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective December 18, 2010.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Adams, Jennifer H.
New York, NY

Adelman, Cort Andrew
Voorhees, NJ

Ahmad, Sarah
Arlington, VA

Alsobrook, Victor Shawn, Jr.
Los Angeles, CA

Andersen, Charles E.
Las Vegas, NV

Anyaku, Azubike Nnamdi
Houston, TX

Apoldo, Louis James
Cherry Hill, NJ

Arati, Shakyamuni-Re Shiva
Catonsville, MD

Argenziano, Frank Jon
Toms River, NJ

Bander, Yigal
Baton Rouge, LA

Barksdale, Antoinette
Washington, DC

Barrett, Mark James
Denver, Co

Barth, Richard T.
Sewell, NJ

Belanger, Brian S.
Charlotte, NC

Bell, Kristen Lee
New Albany, OH

Berman, Michael Eric
Long Beach, NY

Borchers, Kourtney Anna
Haddon Township, NJ

Braverman, Fred Ronald
Cherry Hill, NJ

Brennan, James C.
Vienna, VA

Bucaram, Assad Omar
Spain

Buck, Carl Vincent, III
Mount Holly, NJ

Burke, Douglas Allen
Cape May Court House, NJ

Burr, Scott Allen
Miami Beach, FL

Bryum, Glenn David
Wilmington, DE

Camiso, Nichole
Bordentown, NJ

Chandler, Carol
Princeton, NJ

Chapple, Kevin L.
Washington, DC

Coffman, Joshua Ray
Apopka, FL

Cohen, Philice Krevolin
Skillman, NJ

Conley, Robert Frank
Fair Lawn, NJ

Curtis, Michael Thomas
Weirton, WV

D'Alfonso, Mario J.
Cherry Hill, NJ

Delaney, Robert Emmett
McKinney, TX

Dineen, Melissa Ann
Groveland, MA

Ditomo, John Patrick
Wilmington, DE

Dorchinsky, Brian Michael
Plainsboro, NJ

Dugan, John Christopher
Pine Hill, NJ

Dunbar, Steven F.
Phillipsburg, NJ

Duncan, Dwayne Berisford
New Brunswick, NJ

Earl, Elizabeth Hayes
Chicago, IL

Eldridge, John J.
Long Branch, NJ

Erichsen, Per-Otto L.
Oriental, NC

Espaillet, Joseph Gustavo
White Plains, NY

Ferguson, John Thomas, II
Daufuskie Island, SC

Fine, Ellen Deborah
New York, NY

Fitch, Patrick Douglas
Washington, DC

Frederick, Laura Ann
Huntington Beach, CA

Fruchter, Raquel M.
Hoboken, NJ

Fruehling, James Kenneth
Middletown, DE

Galloway, Gerard Melvin
Windsor Mill, MD

Gaughan, Vincent Joseph
Mount Holly, NJ

Ginsberg, Robyn Lynn
Washington, DC

Glass, L. Edward
Placitas, NM

Graham, Herta Rahm
Rochester, VT

Graham, William Robb
Cinnaminson, NJ

Green, Patrick Brian
Stratford, NJ

Green, Richard Edward
Cherry Hill, NJ

Green, Sean-Michael
Hyde Park, NY

Hamlar, Deidre Diane
Blacklick, OH

Hanna, Gerarda Anne
Christiansted, USVI

Hanratty, James Patrick
Akron, OH

Hanson, Mary M.
Torrance, CA

Harrington, Michael Patrick
White Plains, NY

Hemphill, William Bruce
Elkton, MD

Ignatoff, Mitchell Edward
Middlesex, NJ

Ippolito, Carl M.
Pennington, NJ

Jacobs, Kurt Hazlett
Washington, DC

Jaffe, Gary
Delray Beach, FL

Jargiello, David Mark
Sunnyvale, CA

Jean-Baptiste, Ingrid
Tacoma, WA

Kane, Kathleen
Winthrop, MA

Kerry, Joseph Edwyn
Pennsauken, NJ

Killheffer, Theodore F.
Wilmington, DE

Kim, Haeun
Cherry Hill, NJ

Kimme, William Brian
New York, NY

Kittel, Robert N.
Arlington, VA

Leahey, Peter
Hector, NY

Lubin, David S.
Beachwood, NJ

Magargee, W. Scott, IV
Charlottesville, VA

Mallace, Anthony N.
Audubon, NJ

Markowitz, Steven Harvey
Windham, NH

McGivney, Charles Michael, Jr.
Florham Park, NJ

Mercury, Rosemarie D.
Canada

Miller, Daniel E.
Montville, NJ

Milner, C. George, III
New York, NY

Montgomery, John E., Jr.
Villas, NJ

Moore, Sharon Denise
Voorhees, NJ

Moreira-Smith, Zorayda J.
Silver Spring, MD

Morgan, Thomas Cory
Alexandria, VA

Munneke, Gary A.
White Plains, NY

Nadel, Ariella Esther
Southfield, MI

Neiburg, Michael Sean
Wilmington, DE

Oppenheimer, Alice Miriam
Marlton, NJ

Oxley, Joseph W.
Red Bank, NJ

Patchell, Jane Ramsey
Milton, DE

Pauley, Troy A.
Texas City, TX

Perry-Thompson, Michelle D.
Trenton, NJ

Ponzo, Jordan J.
Upper Marlboro, MD

Reistrup, James Andreas, III
Springfield, VA

Reynolds, Thomas Edward, Jr.
Atlanta, GA

Rocheleau, Lynne Ann
Dover, NH

Rosenberg, Karen Beth
Lyme, NH

Ryan, Marguerite L.
Napa, CA

Sabin, Miriam Lavanya
Mount Pleasant, SC

Santonastaso, Lauren Marie
Trenton, NJ

Sapla, Carolyn Cheryl Vines
Dumfries, VA

Sartorius, Peter S.
Quogue, NY

Saville, Stephen A.
Cherry Hill, NJ

Schaffer, Susan B.
Wilmington, DE

Schmits, Steven C.
Deepwater, NJ

Schoen, E. J.
Sewell, NJ

Scott, John Constante
Wintersville, OH

Scott, Larry Glenn
Hong Kong

Skrabut, Paul A.
Bethesda, MD

Solomon, Richard G.
North Potomac, MD

Stein, Arland T.
Columbus, OH

Strom, Elisabeth Ann
Woodbury, NJ

Tash, Nathan Alan
Hollywood, FL

Tesfatsion, Menna
New York, NY

Thompson, Josette Michelle
Clinton, MD

Thompson, Kerri Elaine
Ewing, NJ

Valla, Aaron Joel
Kenmore, WA

Vetro, Lisa Maria
Brooklyn, NY

Volkle, Arthur J., Jr.
Seattle, WA

Walsh, Rosemary Bates
Voorhees, NJ

Wesoski, Mark Coleman
East Boston, MA

Wessel, Mark David
New York, NY

Westfall, Laura R.
Jersey City, NJ

Williamson, James Phillip
Rochester, NY

Wright, Lynn
New York, NY

Zeto, Mark A.
Los Angeles, CA

Zhang, Danian
China

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-72. Filed for public inspection January 14, 2011, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Hal Jonathan Shaffer, having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of the State of New Jersey dated May 4, 2010, the Supreme Court of Pennsylvania issued an Order on December 28, 2010, disbaring Hal Jonathan Shaffer, from the Bar of this Commonwealth, effective January 27, 2011. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-73. Filed for public inspection January 14, 2011, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that James Matthew Kernan having been suspended from the practice of law in the State of New York for a period of five years or until the termination of his period of federal probation, whichever period is longer, by Order of the Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department, entered April 30, 2010; the Supreme Court of Pennsylvania issued an Order dated December 28, 2010 suspending James Matthew Kernan from the practice of law in this Commonwealth consistent with the Order of the Supreme Court of the State of New York. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-74. Filed for public inspection January 14, 2011, 9:00 a.m.]

Notice of Transfer to Inactive Status

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated December 28, 2010, David Eugene Alberts was transferred to inactive status, effective immediately, pursuant to Rule 301(c), Pa.R.D.E. (relating to disabled attorneys) for an indefinite period and until further Order of the Supreme Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 11-75. Filed for public inspection January 14, 2011, 9:00 a.m.]

SUPREME COURT

**Maryesther S. Merlo, Magisterial District Judge for
Magisterial District 31-1-02, Lehigh County; No.
361 Judicial Administration Doc.**

Order

Per Curiam

And Now, this 22nd day of December, 2010, this Court has received notice that the Judicial Conduct Board has found probable cause to file formal charges against the Honorable Maryesther S. Merlo, Magisterial District Judge for Magisterial District 31-1-02 of the Thirty-First Judicial District, Lehigh County, Pennsylvania, alleging that she has violated Article V, § 17(b) and § 18 (d)(1) of the Constitution of the Commonwealth of Pennsylvania and the Rules Governing Standards of Conduct of Magisterial District Judges. In view of the compelling and immediate need to protect and preserve the integrity of the Unified Judicial System and the administration of justice for citizens of this Commonwealth, Magisterial District Judge Maryesther S. Merlo is hereby relieved of any and all judicial and administrative responsibilities as a magisterial district judge and ordered not to take any further administrative or judicial action whatsoever in any case or proceeding now or hereinafter pending in Magisterial District 31-1-02 until further Order of this Court. The suspension shall be served with no diminution in salary or benefits.

This Order is without prejudice to the rights of the Honorable Maryesther S. Merlo to seek such relief in this Court for the purpose of vacating or modifying this interim Order. Pa.Const. Article V, § 10(a); *In Re: Avelino*, 690 A.2d 1138 (Pa. 1997); and *see In Re: McFalls*, 795 A.2d 367 (Pa. 2002).

[Pa.B. Doc. No. 11-76. Filed for public inspection January 14, 2011, 9:00 a.m.]