

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

IN RE: RESCINDING WESTMORELAND  
ORPHANS' COURT RULES WO301  
AND W0302 AND ADOPTING  
WESTMORELAND ORPHANS' COURT  
RULES WO301, WO302, WO303,  
WO304 AND WO305

Number

65-96-214

ORDER

AND NOW this 17<sup>th</sup> day of September, 2009 it is HEREBY ORDERED that Westmoreland Rules of Orphans' Court WO301 and WO302 are rescinded and new Rules WO301, WO302, WO303, WO304, and WO305 are adopted.

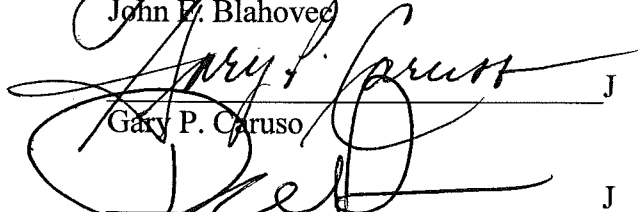
BY THE COURT:

  
John F. Blahovec

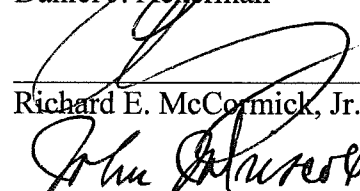
PJ

  
Daniel J. Ackerman

J

  
Gary P. Caruso

J

  
Richard E. McCormick, Jr.

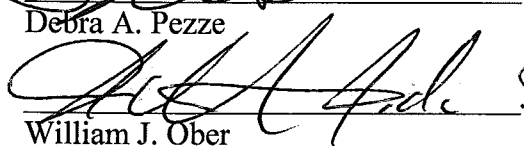
J

  
Debra A. Pezze


J

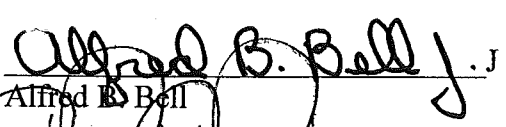
  
John J. Driscoll

J

  
William J. Ober

J

  
Rita D. Hathaway

  
Alfred B. Bell

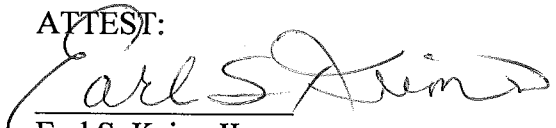
J

  
Anthony G. Marsili


  
Christopher A. Feliciani

J

ATTEST:

  
Earl S. Keim, II

CERTIFIED AS A TRUE AND CORRECT COPY AS  
OF RECORD IN THE OFFICE OF REGISTER OF  
WILLS & CLERK OF ORPHANS COURT,  
WESTMORELAND COUNTY, PENNSYLVANIA

  
Register of Wills & Clerk of Orphans' Court

DATED: 9-18-09

**RULE WO301            VOLUNTARY RELINQUISHMENT TO AGENCY**

**(a)     Court Proceedings – Voluntary Termination of Natural Mother’s Parental Rights**

When the natural mother of a child petitions the court to voluntarily terminate her parental rights and alleges in her petition that the identity and/or domicile of the birth father is unknown, she shall testify, under oath, as to the circumstances of the conception including, but not limited to, a physical description of the alleged natural father, his name, nickname or alias, his occupation or alleged occupation, his home or region or origin, and any subsequent contact with him.

**(b)     Notice To Unknown Father**

The notice to “Unknown Father” shall, pursuant to 23 Pa. C.S.A. § 2513, include the child’s name, the child’s date of birth, the natural mother’s name and the place of birth when the Notice is published pursuant to Pa. O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the “Unknown Father”.

**(c)     When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:**

- (1)     terminate the parental rights of the birth parents of the child proposed to be adopted;**
- (2)     establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or**
- (3)     establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.**

**Rule WO302            VOLUNTARY RELINQUISHMENT TO ADULT  
INTENDING TO ADOPT CHILD**

**(a)     Court Proceedings – Voluntary Termination of Natural Mother’s Parental Rights**

When the natural mother of a child petitions the court to voluntarily terminate her parental rights and alleges in her petition that the identity and/or domicile of the

birth father is unknown, she shall testify, under oath, as to the circumstances of the conception including, but not limited to, a physical description of the alleged natural father, his name, nickname or alias, his occupation or alleged occupation, his home or region or origin, and any subsequent contact with him.

**(b) Notice to Unknown Father**

The notice to "Unknown Father" shall, pursuant to 23 Pa. C.S.A. § 2513, include the child's name, the child's date of birth, the natural mother's name and the place of birth when the Notice is published pursuant to Pa. O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the "Unknown Father".

**(c) When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:**

- (1) terminate the parental rights of the birth parents of the child proposed to be adopted;
- (2) establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or
- (3) establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.

**RULE WO303      INVOLUNTARY TERMINATION OF PARENTAL RIGHTS**

**(a) Notice To Unknown Father**

The notice to "Unknown Father" shall, pursuant to 23 Pa. C.S.A. § 2513, include the child's name, the child's date of birth, the natural mother's name and the place of birth when the Notice is published pursuant to Pa. O.C. Rule 5.1(c). It shall be published in the county and state where, by petition, the notice is most likely to effectively notify the "Unknown Father".

**(b) When the proposed adoptee has been born outside the Commonwealth of Pennsylvania, any Petition for Adoption filed with the court shall include as exhibits thereto certified copies of all orders of court or decrees issued by a court of competent jurisdiction, which orders or decrees:**

- (1) terminate the parental rights of the birth parents of the child proposed to be adopted;

- (2) establish rights of guardianship or custody of the child proposed to be adopted in any other person or entity other than the birth parents; and/or
- (3) establish or set forth any special conditions and/or considerations concerning placement, custody or guardianship and adoption of the proposed adoptee.

**RULE WO304 NOTICE; METHOD AND TIME**

Prior to attempting Notice by Publication pursuant to Pa. Orphans' Court Rule 15.6(2), the attorney or parent seeking to affect Notice by Publication must first obtain Court approval.

**RULE WO305 MEDICAL TESTIMONY**

- (a) Unless objections are filed at least 10 days prior, testimony in termination of parental rights proceedings of experts including physicians, psychologists and other medical professionals may be taken by two-way advanced communication technology including video conferencing equipment and speaker phones.
- (b) All documents in a foreign language shall be translated into English. The translation shall be typed and a certificate of accurate translation shall be attached.