

Attorney's Name:  
Attorney's Address:

Attorney's Telephone Number:  
Attorney's Identification Number:

In the Court of Common Pleas of Philadelphia County  
Family Court Division  
Adoption Branch

In Re: Adoption of \_\_\_\_\_ : \_\_\_\_\_ Term, 19\_\_\_\_  
: No.: \_\_\_\_\_  
: J#: \_\_\_\_\_  
: D#: \_\_\_\_\_  
\_\_\_\_\_  
(Adoptee's Name as on Birth Certificate)

Petition for Goal Change to Adoption and  
Involuntary Termination of Parental Rights

RULE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to Judicially resolve the attached Petition, it is hereby ORDERED and DECREED that an evidentiary hearing is set for Courtroom \_\_\_\_\_, for the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_M.

At least fifteen (15) days written notice shall be given to the parent or parents, putative father, or the parents or guardian of the *minor parent* whose rights are to be terminated. Service shall be accomplished either by regular mail and certified mail, return receipt requested, or by personal service to his, her or their last known addresses.

BY THE COURT:



6. Petitioner hereby petitions this Honorable Court pursuant to 42 Pa. C.S.A., § 6351 and 55 Pa. Code § 3140.74 that the disposition best suited to the protection and physical, mental and moral welfare of the above-named child is Adoption.

7. Upon this information and belief, the facts which support this goal change to adoption are as follows:

*See Statement of Facts* attached hereto and incorporated herein as "Exhibit A."

WHEREFORE, Petitioner prays this Honorable Court to order that the disposition best suited to the welfare of the child is the goal of Adoption.

Respectfully Submitted:

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*City Solicitor*

Attorney's Name:  
Attorney's Address:

Attorney's Telephone Number:  
Attorney's Identification Number:

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Petition for Involuntary Termination

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. The Petition of the Philadelphia Department of Human Services, Children and Youth Division (hereinafter "DHS"), respectfully incorporates the allegations in the Petition for Goal Change to Adoption herein as though set forth in full.

2. That the Petitioner's statutory grounds for termination, pursuant to 23 Pa. C.S.A. § 2511, are (list applicable sections): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Termination of the parental rights of \_\_\_\_\_ and \_\_\_\_\_ would best serve the needs and welfare of \_\_\_\_\_.

4. The Petitioner is an Agency incorporated under the laws of the Commonwealth of Pennsylvania and supervised by the State Department of Public Welfare.

5. The Petitioner is situated in the City and County of Philadelphia, with its address being 1401 Arch Street, Suite 312, Philadelphia, Pennsylvania 19102.

6. The Petitioner is willing and able to take custody of the child until such time as the child is adopted.

WHEREFORE, the Philadelphia Department of Human Services prays this Honorable Court to enter an ORDER:

1. Directing a finding of Involuntary Termination of the parental rights of \_\_\_\_\_ and \_\_\_\_\_.

2. Directing the transfer of custody of \_\_\_\_\_ to the Philadelphia Department of Human Services;

3. Authorizing the Philadelphia Department of Human Services to give consent to the adoption of \_\_\_\_\_ without further consent of or notification to \_\_\_\_\_ and \_\_\_\_\_.

BY:

\_\_\_\_\_  
*Attorney*

Attorney's Name:  
Attorney's Address:

Attorney's Telephone Number:  
Attorney's Identification Number:

In the Court of Common Pleas of Philadelphia County  
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In Re: Adoption of \_\_\_\_\_ : Adoption Branch  
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(Adoptee's Name as on Birth Certificate)

**Findings of Fact  
and Conclusions of Law**

By its Petition, Petitioner, the Philadelphia Department of Human Services, Children and Youth Division, having filed a Petition proceeding under the "Adoption Act", 1980, October 15, P.L. 934, No. 163, Section 1, effective January 1, 1981, seeks a goal change to adoption for the above child(ren) and a DECREE for involuntary termination of the parental rights of \_\_\_\_\_ and \_\_\_\_\_ to \_\_\_\_\_; the Court makes the following Findings of Fact and Conclusions of Law:

The Court after a hearing on the Petition for Goal Change and the Petition for Involuntary Termination of Parental Rights; after taking testimony and/or receiving a Stipulation as to the Facts as the basis for the goal change and the involuntary termination of parental rights, finds that the Petitioner has established by clear and convincing evidence the following:

*Findings of Fact*

1. The subject of this Petition is a minor child named \_\_\_\_\_ who was born on \_\_\_\_\_ in \_\_\_\_\_.
2. The mother of the child is \_\_\_\_\_ who was born \_\_\_\_\_ in \_\_\_\_\_. Her last known address is \_\_\_\_\_  
\_\_\_\_\_. She is of the \_\_\_\_\_ race and \_\_\_\_\_ faith.
3. The mother \_\_\_\_\_.
4. The putative/natural/presumptive father of the child is \_\_\_\_\_, who was born on \_\_\_\_\_ in \_\_\_\_\_. He is of the \_\_\_\_\_ race and \_\_\_\_\_ faith;
5. The putative/natural/presumptive father \_\_\_\_\_.
6. The child was adjudicated dependent on \_\_\_\_\_ by the Honorable \_\_\_\_\_.
7. The Family Service Plan goal has been changed to adoption.
8. Since \_\_\_\_\_, the child has been without essential parental care, control and subsistence necessary for the child's physical or mental well-being, and this situation cannot or will not be remedied by the parents within a reasonable period of time;
9. The said child has been in the care and custody of the Petitioner continuously for a period in excess of six (6) months, specifically since \_\_\_\_\_;
10. The Petitioner is an Agency incorporated under the laws of the Commonwealth of Pennsylvania and the Philadelphia Home Rule Charter;
11. The Petitioner is situated in the City and County of Philadelphia, with its address being 1401 Arch Street, Suite 312, Philadelphia, PA 19102.
12. The Petitioner is willing and able to take custody of the child and to arrange for and consent to his/her adoption by suitable persons.

### *Conclusions of Law*

1. \_\_\_\_\_ has been without essential parental care, control and subsistence necessary for his/her physical and mental well-being;

2. Under Juvenile Act, 42 Pa. C.S.A. § 6351 and 55 Pa. Code § 3140.74, the disposition best suited to the protection and physical, mental and moral welfare of the above-named child is Adoption;

3. Under the Adoption Act of 1980, October 15, P.L. 934, No. 163, Section 1 the Philadelphia Department of Human Services may properly file a Petition for a Finding of Involuntary Termination of the Parental Rights of \_\_\_\_\_ and \_\_\_\_\_ to \_\_\_\_\_ and may ask for custody of said child;

4. All prerequisites for the filing of a Petition for Involuntary Termination and the entry of such a Decree have been met;

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

*(check the applicable subsections):*

- a. The parent, by conduct continuing for a period of at least six (6) months immediately preceding the filing of the Petition, either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties.
- b. The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for the child's physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent(s);
- c. The parent is the presumptive but not the natural father of the child;
- d. The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three (3) months after the child is found;
- e. The child has been removed from the care of the parent by the Court or under voluntary agreement with an agency for a period of at least six (6) months, the conditions which led to the removal or placement of the child continued to exist, the parent cannot or will not



remedy the condition which led to the removal or placement of the child within a reasonable period of time, and the termination of parental rights would best serve the needs and welfare of the child;

f. In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four (4) months immediately preceding the filing of the Petition to make reasonable efforts to maintain substantial and continuing contact with the child, and has failed during the same four (4) month period to provide substantial financial support for the child, and;

g. The parent is the father of a child who was conceived as a result of rape.

6. This Honorable Court having jurisdiction over this matter grants the Decree prayed for.

BY THE COURT:

\_\_\_\_\_ J.

Dated: \_\_\_\_\_

## Verification

I, \_\_\_\_\_, being duly sworn according to law, deposes and says that he/she is an Attorney of the within-named corporation; that he/she is fully authorized to make this Affidavit on its behalf, and that the facts set forth in the foregoing Petition are true and correct to the best of his/her knowledge, information and belief. The Petitioner is aware that false statements contained herein are subject to the penalties of 18 Pa. Cons. Stat., § 4904.

\_\_\_\_\_  
*Attorney*

Dated: \_\_\_\_\_

Attorney's Name:  
Attorney's Address:

Attorney's Telephone Number:  
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(Adoptee's Name as on Birth Certificate)

Decree of  
Involuntary Termination of Parental Rights

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, after review of the record and after an evidentiary hearing following due notice, the Court makes the following findings and judicial determinations:

1. Petitioner has established by clear and convincing evidence that there is a legal basis for terminating the parental rights of \_\_\_\_\_ and \_\_\_\_\_;

2. The following subsection(s) of 23 Pa. C.S.A. § 2511 establish the basis for terminating parental rights of \_\_\_\_\_ and \_\_\_\_\_) (check the applicable subsections):

- a. The parent, by conduct continuing for a period of at least six (6) months immediately preceding the filing of the Petition, either has evidenced a settled purpose of relinquishing parental claim to a child or has refused or failed to perform parental duties.
- b. The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for the child's physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent(s);

- c. The parent is the presumptive but not the natural father of the child;
- d. The child is in the custody of an agency, having been found under such circumstances that the identity of and whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three (3) months after the child is found;
- e. The child has been removed from the care of the parent by the Court or under voluntary agreement with an agency for a period of at least six (6) months, the conditions which led to the removal or placement of the child continued to exist, the parent cannot or will not remedy the condition which led to the removal or placement of the child within a reasonable period of time, and the termination of parental rights would best serve the needs and welfare of the child;
- f. In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four (4) months immediately preceding the filing of the Petition to make reasonable efforts to maintain substantial and continuing contact with the child, and has failed during the same four (4) month period to provide substantial financial support for the child, and;
- g. The parent is the father of a child who was conceived as a result of rape.

Specific findings have been placed on the record at the end of the evidentiary hearing.

**It is hereby ORDERED, ADJUDGED and DECREED that the parental rights of**  
 \_\_\_\_\_ **and** \_\_\_\_\_  
**to \_\_\_\_\_ are forever terminated.**

The adoption of \_\_\_\_\_ may continue without further notice to  
 or consent of \_\_\_\_\_ and \_\_\_\_\_

The custody of \_\_\_\_\_ is hereby transferred to the Philadelphia  
 Department of Human Services.

BY THE COURT:

\_\_\_\_\_

NAME:  
Tenn v #

# Adoption Plan/Status Form

## I. CHECK APPROPRIATE BOXES:

- Foster parent adoption;
- No adoptive family identified;
- To be/has been registered with:
  - Pennsylvania Adoption Exchange;
  - Three Rivers;
  - National Adoption Exchange; and
  - Other: \_\_\_\_\_
- Listed for finalization;
- Other \_\_\_\_\_

## II. LIST IMPEDIMENTS TO FINALIZING ADOPTION:

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## III. LIST EFFORTS MADE TO REMOVE IMPEDIMENTS:

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I am very grateful for being invited to speak here today. I am apologetic for my format if it seems sketchy, and also for my presentation if it seems emotional. I am here because I am an adoptive parent, and I would like the legislators to know what hurdles my husband and I had to overcome. My prepared statement differs from what I am presenting to protect my daughter's privacy.

My daughter was born on November 8, 1984 to a woman who had had two previous children. Neither of them resided with her. On my daughter's birth certificate, the father was listed as unknown. Following her birth, my daughter resided with her biological mother for only six weeks. During that time the baby was hospitalized twice for bronchitis. On Dec.20<sup>th</sup> her mother contacted a cousin to come and take the child. The mother was ordered by the court to go to a drug treatment center. She gave custody of my daughter to the cousin. During that time the mother did not supply any emotional or financial support to the child. The

cousin attempted to keep in touch with the mother tried to and arrange visits. Although the cousin traveled on numerous occasions in excess of 200 miles, the mother was never available to see the baby or the cousin.

The mother left the drug rehab center after 2 weeks and moved back into her apartment. After repeated failed attempts by the cousin to establish a relationship between the child and the mother, one year passed. Concluding that the mother was not interested in the baby girl, the cousin sought a permanent solution for placement of the child.

The cousin is a woman, herself, in her 50's and has five grown children with solid, well-directed lives. She did not want to start another family. She is well educated with a Ph.D. She is a high school principal and a compassionate individual. She thought only of the best interests of the child and wanted to place her with a couple younger than she and her husband.

She was going to work with Children and Youth Services to find adoptive parents. Once again, she could not get in touch with the mother to sign legal papers. This is when my husband and I became involved. At the time, we were residing in Richmond, VA. My mother was living in Fayette County. The cousin, through friends, had learned that my husband and I were seeking to adopt a child. She brought the child to my mother's home so that my husband and I could meet the baby girl.

On March 3, 1986 my daughter came to live at my mother's home, and my husband and I retained an attorney in Uniontown. His job was to file for custody, terminate the maternal rights of the mother and proceed with the adoption. He acted as though the matter was routine and assured us that there would be few problems. He took testimony from those involved and went forward.



A petition was filed in the courthouse in Fayette County for the termination of maternal rights and initiation of adoption. One week before we were to go to court, the judge who was to hear the case advised our attorney that he would not involuntarily terminate the mother's rights. He cited two cases from the eastern part of the state where a similar course of action was taken. The adoptions were subsequently overturned.

Our attorney attempted to subpoena the birth mother, but was unable to gain a response. I contacted the mother's aunt who had custody of one of her children. The aunt was apparently the only one who maintained a consistent level of contact with the mother. We asked her to inform the mother of our intention. Again, we got no response.

I traveled to Fayette County every weekend to develop a relationship with the child. Now I began to search for an attorney who is experienced in difficult adoptions. I interviewed three

attorneys who were experts in family law. Each of them advised me that our chance of success was slim to none in Pennsylvania. A major problem was that we were not represented by an adoption agency. This was a private adoption. The child had not been placed by CYS. The child would first have to be placed in a foster home. We would have to go through CYS to make our petition. By this time we were developing a loving relationship with our daughter. I did not want to see our beautiful daughter become confused and taken from us.

Finally, I spoke to a very wise female attorney who was familiar with the biological mother. She advised me of my ability to file petition of adoption either where the child was residing or where the mother was residing. She revealed to me that the state of Virginia, where we were residing, had a stronger track record for acting in the best interests of adoptive children. She further explained to me how children whose parents do not care for them, are placed in foster care. The state is reluctant to break the legal tie

between the biological mother and child. But, time passes and children that were once easy to place as infants become toddlers who are a little difficult to place become youngsters who have scared hearts. As they age they become increasingly hard to place with adoptive parents. These children fall through the cracks of our adoption system.

Most perspective parents do not want to bear the uncertainty of the court's final decision. My husband and I were willing to take that chance. Although we were terribly fearful, our love grew rapidly for our beautiful daughter.

In May 1986 my daughter and my mother moved to Richmond, VA to joined my husband and me. Immediately we started custody proceedings. We sought the termination of the birth mother's parental rights, and began adoption proceedings.

Again, I contacted the cousin who had knowledge of the location of the mother. I asked her to inform the mother of everything that my husband and I were doing to adopt our daughter. She advised us that the mother would be getting in contact with us. I gave her my number and ask that she call me collect. I gave her the number of our attorney and told she could call him collect. Again, no response.

During this process, papers were served on the mother but she never responded. In May 1988, the final adoption decree was issued. It was worth it.

Later in May 1988, the biological mother emerged from what seemed like our worst nightmare. She filed a petition with the Richmond Circuit Court to have the adoption rescinded. We went through the devastating tasks of preserving our family.

In August 1988 we were blessed with another adopted child, a healthy and beautiful newborn boy. That adoption went through without any hitches.

During the hearing process in Virginia the mother gave testimony that she felt her rights were violated because she had given birth and this was her child. Throughout the whole process she oddly enough never requested to see the child. She never inquired about her. Furthermore, she continued to not have either of her two other children in her care. However, she continued to state that she intended preserve her rights as a mother.

My feelings throughout this entire ordeal centered on how this might change not only my daughter's life but also my son's. Would he feel that someone would come and remove him? Would he feel inadequate because his biological family was not seeking him out? I felt that both of our children were being threatened.

This entire process lasted for two years and cost in excess of \$50,000 in fees associated with the legal process. A guardian ad litem was appointed, a pediatric psychiatrist had submitted us to multiple interviews and visits in our home. Attorneys conducted interviews of family members and other people who were familiar with the mother. The psychiatrist revealed to the judge that our daughter and son were not just doing well but were thriving.

We had numerous hearings. The judge finally acted in the best interest of the child and rendered the decision in our favor. I believe that only the Grace of God permitted us to keep our daughter. During this time, cases that had gained national prominence were being overturned in Illinois and Michigan. I am eternally grateful for the wisdom of the judge who ruled in our favor and the laws of Virginia that allowed him to rule in our daughter's best interest.

Our nightmare continued when the biological mother then filed a petition to the Virginia Supreme Court. She was denied. She sought court proceedings in Pennsylvania where we had originally filed our petition for adoption. The judge reviewed the petition and decided that the Uniform Child Custody Jurisdiction Act would prevail since the child resided in Richmond.

I am a parent who has been involved in one horrible experience. I know that mine is just one of so many. I have a friend who just recently successfully adopted a beautiful boy despite the advice from attorneys that he was beginning a losing battle.

I understand the reluctance of courts to terminate the parental rights. While they ponder, the children wait in foster homes. So often these natural parents make decisions that are adverse to the interests of the children that they have created. They may avoid making any decisions at all and the children languish. They should

be made accept the consequences of their actions. If a mother walks out on her newborn, she should lose her legal right to the child. She has had nine months to make plans. If a mother abuses her infant, she also relinquishes her rights as a mother. The courts should be there to protect the innocent. Who needs protection more than an innocent child does?

I would have gladly given up my daughter if I knew she was going into the heart and arms of someone who would love her as much as I. I don't think children should be treated as a possession to be placed in storage while natural parents take time to straighten out their lives. We mustn't forget that the children are precious innocent lives that can't be put on hold. A woman does not become a mother solely through the act of giving birth nor does insemination make someone a father!

We need to keep these children in loving homes be they biological, adoptive or foster. We need to make Pennsylvania a



state in which if a woman gives birth to a child she does not have the inclination to care than it is placed quickly into a home to be loved and nurtured. If the mother subsequently changes her mind, it should not be up to the adoptive parents to prove themselves worthy of keeping their adoptive child. The decision should be made solely in the best interests of the child and in the interests of the children surrounding the child. In Pennsylvania, let's promote and revere the integrity of the family on behalf of our children.

Thank you!