

Petition to Approval Voluntary Post-Adoption Contact Agreement (PACA)

To Be Attached to the Petition in the order they appear:

- _____ Final Decree
- _____ Petition to Approve Voluntary Post-Adoption Contact Agreement
 - _____ Signed by Attorney or Petitioner
 - _____ Verified by Petitioner
 - _____ *Petitioner may be agency/intermediary, birth parents, or adoptive parents*
- _____ Post-Adoption Contact Agreement signed by all parties
- _____ Affidavits verifying the agreement was entered into knowingly and voluntarily, without coercion, fraud, or duress, signed by all parties

If not otherwise filed, please provide:

- _____ Certified Termination of Parental Rights decrees from another county

*Order approving PACA, if it is determined to meet the conditions set forth in § 2735(b), will be entered at the time of the finalization of the adoption. The Court Order regarding the approval of PACA will include full names of all parties.

A separate petition is required for each Post-Adoption Contact Agreement submitted.

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

In Re: _____

NOTICE REQUIRED BY ACT 101 OF 2010
23 Pa. C.S. §§2731 – 2742

Date: _____

To: _____

This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary Post-Adoption Contact Agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent and/or a birth relative of the child, if all parties agree and the agreement is approved by the court. A court-approved agreement is legally enforceable when approved by the court.

A birth relative is defined only as a parent, grandparent, stepparent, sibling, uncle or aunt of the child's birth family, whether the relationship is by blood, marriage or adoption.

This voluntary agreement may allow you to have continuing contact or communication, including, but not limited to:

- Letters and/or emails;
- Photos and/or videos;
- Telephone calls and/or text messages; or
- Supervised or unsupervised visits.

If you are interested in learning more about this option for a voluntary agreement, contact me at _____ or your attorney, if you have one.

Sincerely,

Please sign below to acknowledge your receipt of this Notice.

_____ Name	_____ Relationship to Child	_____ Date
_____ Name	_____ Relationship to Child	_____ Date

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

No. 20__-A____

IN RE: Adoption of

(ADOPTEE's initials as on birth certificate)

PETITION TO APPROVE VOLUNTARY POST-ADOPTION CONTACT AGREEMENT
(23 Pa.C.S.A. § 2735)

TO THE HONORABLE JUDGES OF SAID COURT:

The Petition of _____
[Names of Petitioners]

respectfully represents:

1. ADOPTEE:

- a) Name (as on birth certificate): _____
- b) Age: _____
- c) Date of Birth: _____
- d) Place of Birth: _____
- e) If the adoptee is over 12 years old, has he/she signed the proposed agreement? _____

2. The following parties have entered into a Voluntary Post-Adoption Contact Agreement (attached hereto):

*Please note – if parties have entered into separate agreements, separate petitions should be filed.

- a) Birth Mother:** _____
Address: _____

- b) Birth Father:** _____
Address: _____

*This petition conforms to the Adoption Act, 23 Pa. C.S.A. §2101, *et seq.*, as amended through September 3, 2019. Future revisions to the statute may make this petition inadequate.

c) Other Birth Relatives: _____

Address: _____

d) Adoptive Parents: _____

Address: _____

e) Child (if over age 12): _____

Address: _____

3. **REPRESENTATION**

a) Has the child been represented by a guardian *ad litem*? Yes No

1) If yes, has the guardian *ad litem* participated in the negotiation and development of the Voluntary Post-Adoption Contact Agreement, to ensure it is in the child's best interest? Yes No

b) Are there siblings of the child who have been freed for adoption pursuant to 23 Pa. C.A. § § 2501, 2502, 2511-12 and who have not yet reached 18 years of age, but are not being adopted by the same adopting parent(s) as the child? Yes No

1) If yes, have the siblings been represented by a guardian *ad litem* who participated in the negotiation and development of the Voluntary Post-Adoption Contact Agreement, to ensure it is in the children's best interest? Yes No

4. **DETAILS OF PLACEMENT**

a) Describe the length of time the child has been under the care, custody, and control of an individual other than the birth parent, even if such individual is other than the adoptive parents:

b) Describe the length of time the child has been in the care and custody of the adoptive parents:

*This petition conforms to the Adoption Act, 23 Pa. C.S.A. §2101, *et seq.*, as amended through September 3, 2019. Future revisions to the statute may make this petition inadequate.

c) Describe the circumstances under which the child became freed for adoption (include certified copies of decree terminating parental rights if it occurred in another county):

d) Have the birth parent(s) parental rights been terminated? Yes No

1) If yes, describe the date of termination and the court where terminated:

2) On what date was a copy of the termination decree been filed with this court?

5. **RELATIONSHIPS BETWEEN PARTIES**

a) Describe the relationship of the child to the birth relatives who executed the Voluntary Post-Adoption Contact Agreement:

b) Describe the relationship between the adoptive parents and the signatory birth relatives:

c) Provide the names of any birth relatives or other persons who are not signatories to the agreement, but who may be participating with signatory birth relatives in visits or communications:

1) Describe the child's interaction and relationship with these individuals:

d) Has there been any evidence or substantiated allegation that any of the signatory birth relatives abused or neglected the child? Yes No

*This petition conforms to the Adoption Act, 23 Pa. C.S.A. §2101, *et seq.*, as amended through September 3, 2019. Future revisions to the statute may make this petition inadequate.

6. **ADJUSTMENT & BONDING**

a) Describe the adjustment of the child to the home, school and community of the adoptive parents:

1) Will the proposed agreement impact the child's adjustment? _____

b) Describe the willingness and ability of the signatory birth relatives to respect and appreciate the bond between the child and adoptive parents:

c) Describe the willingness and ability of the adoptive parents to respect and appreciate the bond between the child and the signatory birth relatives:

7. Petitioner hereby submits that approval of the Voluntary Post-Adoption Contact Agreement serves the best interest of the child.

8. The Voluntary Post-Adoption Contact Agreement and Affidavits have been reviewed and agreed upon by all parties and are attached hereto.

THEREFORE, it is respectfully requested that Your Honor sign the Order to Approve the Post-Adoption Contact Agreement.

(Signature of petitioner)

(Print/type name of petitioner)

(Signature of petitioner)

(Print/type name of petitioner)

*This petition conforms to the Adoption Act, 23 Pa. C.S.A. §2101, *et seq.*, as amended through September 3, 2019. Future revisions to the statute may make this petition inadequate.

Verification

I verify that the statements made in the foregoing petition are true and correct. I understand that false statements herein are made subject to the penalties of Section 4904 of the Pennsylvania Crimes Code relating to unsworn falsifications to authorities.

Date: _____

(Signature)

(Type/print name)

THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

NO. 20 -A

IN RE: Adoption of _____

ORDER

AND NOW, this ____ day of _____, 20____, it is hereby **ORDERED** and **DECREED** as follows:

The following parties, the child's birth parent(s), _____, and the prospective adoptive parent(s), _____, have entered into a Voluntary Post-Adoption Contact Agreement on _____;

Check those that apply:

- The guardian *ad litem* reviewed the Agreement and agrees that it is in the child's best interest;
- The guardian *ad litem* for each sibling has reviewed the agreement and consented to it;
- The ADOPTEE has consented to the agreement (required if over 12 years old);

The Agreement has been entered into knowingly and voluntarily by all of the parties;

The Voluntary Post-Adoption Contact Agreement is in the best interests of the child, who has had a relationship with his birth mother/father as well as the prospective adoptive parents.

The Voluntary Post-Adoption Contact Agreement is hereby **APPROVED**, and shall be entered on the record by the Clerk of the Orphans' Court.

BY THE COURT:

J.

Copies of the above e-filed/mailed _____ to:

-birth parents party to agreement:

-adoptive parents:

-counsel for all parties:

Judicial Court Clerk