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SMITH VS. HAAR

This opinion is continued from the last issue (September 7, 2012).

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IN THE COURT OF
COMMON PLEAS OF
ADAMS COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION
RT-16.12

To the Matter of: **ALEXANDRA GRACE
SHAHNAN**

NOTICE

TO: John Doe

You are hereby notified that a **Petition For Involuntary Termination of Parental Rights to Child** has been filed in the Orphans' Court Division of the Court of Common Pleas of Adams County, Pennsylvania, asking the Court to put an end to all rights you have to your child, **Alexandra Grace Shahnán**.

The Court has set a **hearing** for Wednesday, October 3, 2012, at 2:00 p.m. prevailing time, in Courtroom No. 4, for the purpose of determining whether or not your parental rights should be terminated.

You are warned that even if you fail to appear at the scheduled hearing, the hearing will proceed without you, and your rights to your child may be ended by the Court without you being present.

You have a right to be represented in these proceedings by an attorney. You should take this paper and the attached Petition to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Court Administrator
Room 304, Third Floor
Adams County Courthouse
117 Baltimore Street
Gettysburg, PA 17325

Telephone Number: 717-337-9846,
Ext. 265

You are advised that if you were represented by an attorney in any other proceeding involving these children, that attorney will not automatically represent you in this matter. You must take steps promptly to ensure that counsel is hired or appointed if you wish to be represented at this proceeding.

You are advised that if you fail to appear at the hearing without an attorney or you fail to request a continuance

at least seven (7) days in advance of the hearing, the Court will not grant you a continuance for the purpose of obtaining counsel, absent extraordinary circumstances.

9/14, 21 & 28

This Court will first examine the *in loco parentis* doctrine, which is the basis for Boyfriend’s claim for custody. In section 5324 of the new child custody Act, the Legislature specifically included *in loco parentis* standing:

§ 5324. Standing for any form of physical custody or legal custody.

The following individuals may file an action under this chapter for any form of physical custody or legal custody:

...

(2) A person who stands *in loco parentis* to the child.

23 Pa.C.S. § 5324. *In loco parentis* standing was not specifically included in the prior version of the Act, see 23 Pa.C.S. §§ 5301 – 15 (repealed 2010). Under the new Act, the Legislature has exclusively described who has standing to file an action for any form of physical and legal custody, including parents, see § 5324(1), grandparents, see § 5324(3), and persons *in loco parentis* to the child, see § 5324(2). The Legislature has also described standing for partial physical custody and partial supervised custody for grandparents and great-grandparents, see 23 Pa.C.S. § 5325.

The Legislature also modified former section 5314, “Exception for adopted children,” into the current section 5326, “Effect of Adoption.” Former section 5314 stated:

Sections 5311 (relating to when parent deceased), 5312 (relating to when parents’ marriage is dissolved or parents are separated) and 5313 (relating to when child has resided with grandparents) shall not apply if the child has been adopted by a person other than a stepparent or grandparent. Any visitation rights granted pursuant to this section prior to the adoption of the child shall be automatically terminated upon such adoption.

23 Pa.C.S. § 5314 (repealed 2010). Former sections 5311, 5312, and 5313 described standing for grandparents and great-grandparents, see 23 Pa.C.S. §§ 5311 – 13 (repealed 2010), standing which is now included in the current standing provisions of sections 5324 and 5325. Former section 5314 denied standing to grandparents and great-grandparents where the child had been adopted by a person other than a stepparent or grandparent. It also terminated any

visitation rights the grandparents or great-grandparents may have had upon the adoption.

The Pennsylvania Supreme Court analyzed the common law doctrine of *in loco parentis* in the seminal case of *T.B. v. L.R.M.*, 786 A.2d 913 (Pa. 2001) and again in *Peters v. Costello*, 891 A.2d 705 (Pa. 2005), quoted below:

The term *in loco parentis* literally means “in the place of a parent.” *Black’s Law Dictionary* (7th Ed. 1991), 791.

The phrase “*in loco parentis*” refers to a person who puts oneself [sic] in the situation of a lawful parent by assuming the obligations incident to the parental relationship without going through the formality of a legal adoption. The status of *in loco parentis* embodies two ideas; first, the assumption of a parental status, and, second, the discharge of parental duties. The rights and liabilities arising out of an *in loco parentis* relationship are, as the words imply, exactly the same as between parent and child.

T.B. v. L.R.M., 567 Pa. 222, 786 A.2d 913, 916-17 (2001) (citations omitted). *Accord Commonwealth v. Gerstner*, 540 Pa. 116, 656 A.2d 108, 112 (1995). In *T.B.*, a case which has not been cited by appellant or the courts below, this Court summarized the broad principles governing third party standing in custody/visitation cases, including common law *in loco parentis* standing, as follows:

It is well-established that there is a stringent test for standing in third-party suits [fn6] for visitation or partial custody due to the respect for the traditionally strong right of parents to raise their children as they see fit. *R.M. v. Baxter ex. rel. T.M.*, 565 Pa. 619, 777 A.2d 446, 450 (2001). The courts generally find standing in third-party visitation and custody cases only where the legislature specifically authorizes the cause of action. *Id.* A third party has been permitted to maintain an action for custody, however, where that party stands *in loco parentis* to the child. *Gradwell v. Strausser*, 610 A.2d at 1002.

⁶ Persons other than biological parents are “third parties” for purposes of custody disputes. *Gradwell v. Strausser*, 416 Pa.Super. 118, 610 A.2d 999, 1001 (1992).

786 A.2d at 916.

The appellant in *T.B.* was the biological mother of the child at issue who challenged the lower courts’ finding that her lesbian former partner, with whom she was living when they decided to have the child together (through the agency of a sperm donor), stood *in loco parentis* to the child, and therefore, had standing to seek visitation. This Court rejected the mother’s argument that the *in loco parentis* doctrine should be abandoned entirely in this instance noting, among other things, that the mother had forwarded no persuasive reason to reject a well-established common law doctrine and effect a change in the law “that could potentially affect the rights of stepparents, aunts, uncles, or other family members who have raised children, but lack statutory protection of their interest in the child’s visitation or custody.” *Id.* at 917. In this regard, *T.B.* also quoted with approval the Superior Court, which described the importance of the doctrine in custody/visitation matters, as follows:

“The *in loco parentis* basis for standing recognizes that the need to guard the family from intrusions by third parties and to protect the rights of the natural parent must be tempered by the paramount need to protect the child’s best interest. Thus, while it is presumed that a child’s best interest is served by maintaining the family’s privacy and autonomy, that presumption must give way where the child has established strong psychological bonds with a person who, although not a biological parent, has lived with the child and provided care, nurture, and affection, assuming in the child’s eye a stature like that of a parent. Where such a relationship is shown, our courts recognize that the child’s best interest requires that the third party be granted standing so

as to have the opportunity to litigate fully the issue of whether that relationship should be maintained even over a natural parent's objections."

Id. at 917, quoting *J.A.L. v. E.P.H.*, 453 Pa.Super. 78, 682 A.2d 1314, 1319-20 (1996). The *T.B.* Court likewise rejected the mother's claim that the appellee lacked standing based on the assertion that the statutory custody scheme does not encompass former partners or par-amours of biological parents. We noted that appellee's standing claim was premised upon the common law doctrine of *in loco parentis*, and "[t]he mere fact that the statute does not reference the doctrine cannot act to repeal by implication what has been entrenched in our common law." *Id.* at 917-18. Finally, we concluded that the appellee indeed satisfied the requirements for *in loco parentis* status, and therefore, had standing to petition for partial custody for purposes of visitation.²

Peters v. Costello, 891 A.2d 705, 710 – 11 (Pa. 2005).

In section 5324, the Legislature has now codified *in loco parentis* status as a means to have standing to pursue a custody action. Curiously, the Legislature did not define *in loco parentis* in the new definitions section of the custody Act, 23 Pa.C.S. § 5322. Insofar as a statute does not expressly abandon the common law, a statute is assumed to have carried the common law forward. *Vine v. Pa. State Employees' Ret. Bd.*, 9 A.3d 1150, 1159 (Pa. 2010). The definition of *in loco parentis* status used in order to determine whether a person has statutory *in loco parentis* standing must naturally remain with the common law. Therefore, the common law requirements that a person must assume parental status and discharge parental duties in order to be *in loco parentis* to a child are preserved.

Has the Legislature's inclusion of *in loco parentis* standing in section 5324 repealed the common law doctrine of *in loco parentis*? Clearly not, as a person asserting *in loco parentis* status must still meet the common law requirements. The common law doctrine of *in loco parentis*, while not repealed, could be limited by the Legislature's inclusion of section 5326. "A common law doctrine may not, after a statutory pronouncement on the same subject, continue to develop in a manner inconsistent with the statute." *Sternlicht v. Sternlicht*,

876 A.2d 904, 912 (Pa. 2005) (citing N. Singer, Sutherland Statutory Construction § 50:01 [6th ed. 2000]). “Where the Legislature expressly provides a comprehensive legislative scheme, these provisions supersede the prior common law principles.” *Sternlicht*, 876 A.2d at 912. If section 5326 acts to limit standing and custody rights of third parties created prior to adoption, it is clear that *in loco parentis* standing, as recognized in section 5324, must not be inconsistent with the limitations of that section.

In order to determine the breadth and reach of section 5326, a careful and in-depth analysis of statutory construction principles must be performed. The Pennsylvania Supreme Court recently set forth the applicable law of statutory construction:

“The object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. Every statute shall be construed, if possible, to give effect to all its provisions.” 1 Pa.C.S. § 1921(a). The plain language of the statute is generally the best indicator of legislative intent, *Commonwealth v. McCoy*, 599 Pa. 599, 962 A.2d 1160, 1166 (2009), and the words of a statute “shall be construed according to rules of grammar and according to their common and approved usage....” 1 Pa.C.S. § 1903(a). We generally look beyond the plain language of the statute only where the words are unclear or ambiguous, or the plain meaning would lead to “a result that is absurd, impossible of execution or unreasonable.” 1 Pa.C.S. § 1922; see also *Commonwealth v. Diodoro*, 601 Pa. 6, 970 A.2d 1100, 1106 (2009). When, however, “the words of the statute are not explicit, the intention of the General Assembly may be ascertained by considering, among other matters”: the occasion and necessity for the statute; the circumstances under which it was enacted; the mischief to be remedied; the object to be attained; the former law, if any, including other statutes upon the same or similar subjects; the consequences of a particular interpretation; the contemporaneous legislative history; and the legislative and administrative interpretations of such statute. 1 Pa.C.S. § 1921(c). Also, we may look to statutory titles

and headings, 1 Pa.C.S. § 1924, and if considering statutes *in pari materia*, we may consider how particular statutes addressing the same persons, things, or subject matter are grouped together within respective chapters, titles, and sections. 1 Pa.C.S. § 1932.

Commonwealth v. Garzone, 53 EAP 2010, 2012 WL 149334 (Pa. Jan. 19, 2012).

Section 5326 states:

Any rights to seek physical custody or legal custody rights and any custody rights that have been granted under section 5324 (relating to standing for any form of physical custody or legal custody) or 5325 (relating to standing for partial physical custody and supervised physical custody) to a grandparent or great-grandparent prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent shall be automatically terminated upon such adoption.

23 Pa.C.S. § 5326. Section 5326 can be separated into five parts or provisions, which when read together, indicate the Legislature's intent to terminate custody rights of all persons to seek legal or physical custody after adoption, and to terminate any custody rights that had been granted prior to adoption under sections 5324 and 5325 unless the adopting person is a stepparent, grandparent, or great-grandparent:

Part I: "Any rights to seek physical custody or legal custody rights..."

Part II: "and any custody rights that have been granted under section 5324 (relating to standing for any form of physical custody or legal custody)..."

Part III: "or 5325 (relating to standing for partial physical custody and supervised physical custody) to a grandparent or great-grandparent..."

Part IV: "prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent"

Part V: "shall be automatically terminated upon such adoption."

By separating the statute into five provisions, without modifying any words, or adding or subtracting words, the true intent of the statute

can be seen. In this view, it can be easily ascertained that the plain meaning of the statute is that the rights referred to in Parts I, II and III are all terminated per Part V. Part IV is a modifier which indicates which rights are excepted from termination upon adoption, that is, rights granted under sections 5324 and 5325 where the adopting parent is a stepparent, grandparent, or great-grandparent.

Parts I, II and III are all affected by Part V. Parts II and III are given an exception by Part IV. Logically reading the provisions together, the statute should be read as follows:

Parts I and V: Any rights to seek physical custody or legal custody rights shall be automatically terminated upon such adoption.

Parts II, IV and V: Any custody rights that have been granted under section 5324 (relating to standing for any form of physical custody or legal custody) prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent shall be automatically terminated upon such adoption.

Parts III, IV and V: [Any custody rights that have been granted under section]¹ 5325 (relating to standing for partial physical custody and supervised physical custody) to a grandparent or great-grandparent prior to the adoption of the child by an

¹ A clear and unambiguous reading of the language “[a]ny custody rights that have been granted under section” indicates that it applies equally to sections 5324 and 5325 because of the inclusion of the “or” at the beginning of the provision in Part III. This interpretation complies with 1 Pa.C.S. § 1923(c) which allows the addition of phrases which do not conflict with the obvious purpose and intent of the statute and which do not affect the scope and operation of the statute. The apparent deletion of the word “or” is not significant in this interpretation, as the phrases in Parts II – V can easily be read without modification as a whole, per the statute, with the same result:

[A]ny custody rights that have been granted under section 5324 (relating to standing for any form of physical custody or legal custody) or 5325 (relating to standing for partial physical custody and supervised physical custody) to a grandparent or great-grandparent prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent shall be automatically terminated upon such adoption.

individual other than a stepparent, grandparent or great-grandparent shall be automatically terminated upon such adoption.

Upon adoption, the statute terminates any rights to seek physical custody or legal custody. Additionally, upon adoption, the statute terminates any custody rights that had been granted under section 5324 prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent. Finally, upon adoption, the statute terminates any custody rights that had been granted under section 5325 to a grandparent or great-grandparent prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent.

One of the effects of section 5326 is that any custody rights granted under the standing provisions of sections 5324 and 5325 are terminated unless the adopting parent is a stepparent, grandparent, or great-grandparent. In this respect, section 5326 mirrors section 5314 of the repealed statute. The provisions of both repealed section 5314 and current section 5326 act to terminate the rights created by the standing provisions of the custody statute prior to an adoption. Repealed section 5314 terminated the rights provided by the standing sections of the repealed statute, namely repealed sections 5311, 5312, and 5313. Current section 5326 terminates the rights provided by the standing sections of the current statute, sections 5324 and 5325.

This Court's understanding of section 5326 complies with the requirements of 1 Pa.C.S. § 1921 regarding the interpretation and construction of statutes. When a straightforward reading of the statute is performed, see above, effect is given to every provision of the statute. The explicit wording of the statute effectuates the intention of the Legislature regarding the effect of an adoption upon the rights of third parties. There is no ambiguity.

Additionally, it is presumed that the Legislature "does not intend a result that is absurd, impossible of execution or unreasonable," and that the Legislature "intends the entire statute to be effective and certain." 1 Pa.C.S. § 1922. This Court's interpretation of section 5326 renders the entire statute effective and certain. The statute acts to terminate rights of third parties to seek custody after adoption and to terminate rights granted to third parties prior to adoption unless the adopting person is a stepparent, grandparent, or great-grandparent.

This result is not absurd, impossible to execute, or unreasonable. It has long been the public policy of this Commonwealth for awards of custody to be made in the best interests of the child. The Legislature has effectively determined that it is in the best interests of the child to sever the ties to the child's biological family when the child is adopted by someone other than a stepparent, grandparent, or great-grandparent. Finding that the Legislature intended the effect of adoption provisions of section 5326 to terminate the rights of third parties to seek custody after adoption and to terminate the rights of third parties granted prior to the adoption except where the adopting person is a stepparent, grandparent, or great-grandparent, this Court finds it unnecessary to discuss the alternative methods for determining legislative intent listed in 1 Pa.C.S. § 1921(c).

Finally, the Legislature's inclusion of the doctrine of *in loco parentis* in the new child custody Act indicates that the doctrine must be applied within its new statutory context. Justice Saylor's dissent in *T.B. v. L.R.M.*, written prior to the specific inclusion of *in loco parentis* in the Act, is particularly salient in this regard. Justice Saylor stated: "[W]here the Legislature has created a framework governing all facets of the resolution of child custody disputes, it is questionable whether a common law doctrine can retain independent viability, other than as a reference for contextualizing the legislative policy choices made." *T.B. v. L.R.M.*, 786 A.2d at 920 (Saylor J., dissenting). Justice Saylor argued that "[i]n the child custody arena... the common law doctrine of *in loco parentis* should be understood and applied within the framework of the Domestic Relations Code." *Id.* at 921. Under the new child custody Act, the common law doctrine of *in loco parentis* has been made part of the statutory framework of the Domestic Relations Code. See 23 Pa.C.S. § 5324. Section 5326, "Effect of Adoption," is also part of this statutory framework. Both 23 Pa.C.S. § 5324 and § 5326 relate to the same class of persons, i.e. persons with *in loco parentis* standing, demonstrating that these two sections are *in pari materia*, see 1 Pa.C.S. § 1932(a). Statutes *in pari materia* must be construed together as one statute. 1 Pa.C.S. § 1932(b). This Court has no choice but to understand and apply the doctrine of *in loco parentis* within the limitations of the statutory framework it resides in.

The common law doctrine of *in loco parentis* has not been repealed. It continues to live on as part of the statutory framework of

the Domestic Relations Code. As a specific enumerated means for standing to bring a claim for child custody, it has been officially recognized by the Legislature. The requirements for *in loco parentis* standing have not changed; the common law dictates that the doctrine requires the assumption of parental status and the discharge of parental duties. As part of the statute, *in loco parentis* standing is treated equally as grandparent and great-grandparent standing, in that all statutory standing to bring an action for child custody created prior to adoption is terminated upon adoption, unless the adopting person is a stepparent, grandparent, or great-grandparent. The effect of 23 Pa.C.S. § 5326 to terminate rights of third parties at the time of adoption cannot be circumvented by espousing the common law doctrine of *in loco parentis*. The common law doctrine is now statutory law in Pennsylvania, and the statute embraces the common law from which it came.

While the Legislature has recognized that an adoption creates a new family unit, it has also provided, in the current Adoption Act, a means for continuing contact between adoptive parents and birth relatives when appropriate and in the best interests of the child: the Voluntary Agreement for Continuing Contact. See 23 Pa.C.S. § 2731 et seq. If the adoptive parents and birth relatives come to an agreement² for continuing contact, and the trial court approves the agreement, the agreement becomes enforceable. In this manner, the Legislature has tempered the far reaching effect of section 5326 to terminate rights to custody and to seek custody by third parties (who include persons *in loco parentis* to the child, grandparents, and great-grandparents), by allowing arrangements for continued contact between the adoptive parents and birth relatives and the child, if they so agree.

Now that this Court has determined that the common law doctrine of *in loco parentis* has not been repealed, but has been codified into the statutory framework of the Domestic Relations Code, and that all standing provisions of the new child custody Act are necessarily affected by 23 Pa.C.S. § 5326, this Court will examine the effect of section 5326 on Boyfriend's claim for custody. Boyfriend filed his Complaint for Custody on July 29, 2011 after the adoption of the

² The agreement of the child is also required if the child is over the age of 12. See 23 Pa.C.S. §§ 2734 and 2738(c)(3).

children by Mother and after the effective date of the new child custody Act. Boyfriend is seeking shared physical and shared legal custody of the children. Boyfriend claims that he stood *in loco parentis* to the children prior to the adoption. Boyfriend admits he has not seen the children since May 2011. Boyfriend argues that because he stood *in loco parentis* to the children prior to the adoption, he has the right to seek physical and legal custody of the children. The standing that Boyfriend asserts is one of the enumerated types of standing listed in 23 Pa.C.S. § 5324. Because the rights Boyfriend is seeking and which he wishes to assert are clearly rights that fall under the application of 23 Pa.C.S. § 5326, section 5326 applies to Boyfriend's claim.

Because Boyfriend's Complaint for Custody was filed on July 29, 2011 and the adoption took place on May 25, 2011, Boyfriend is seeking physical and legal custody of the children after the adoption of the children. Under 23 Pa.C.S. § 5326, any rights to seek physical and legal custody of a child after adoption are terminated. Therefore, Boyfriend's rights to seek custody of the children have been terminated. Boyfriend also bases his claim for custody on his alleged *in loco parentis* status towards the children prior to the adoption. Even if this Court would determine that Boyfriend had met the requirements of *in loco parentis* standing prior to the adoption, any custody rights that Boyfriend had pursuant to *in loco parentis* standing would be terminated upon the adoption of the children by Mother, per the effect of section 5326 on the standing provisions of section 5324.

CONCLUSION

This Court understands that matters of child custody can be highly emotional and litigious. While this Court has attempted to correctly ascertain the effect of 23 Pa.C.S. § 5326, "Effect of Adoption," on Plaintiff's claim for custody, this Court expects that any decision it makes today is likely to be appealed. If an appellate court comes to a different conclusion and therefore remands to the trial court, this Court will conduct such further proceedings as directed. Domestic Relations matters are some of the most contentious areas of the law, where emotions clash with public policy and where recent statutory amendments bring about more questions than answers. It is important to remember that the best interests of the children involved in a child custody case are always paramount.

Because this Court has found that section 5326 acts to terminate the rights of third parties to seek custody of adopted children after adoption and to terminate custody rights of third parties formed prior to adoption unless the adopting person is a stepparent, grandparent, or great-grandparent, Plaintiff's claims cannot succeed. Plaintiff has no rights to bring a custody action for the children, and any rights that Plaintiff had by virtue of a possible *in loco parentis* relationship with the children prior to the adoption have been terminated.

The effect of today's ruling on Great-Grandmother's standing to seek custody of the children will be dealt with by a separate Order of Court.

ORDER OF COURT

AND NOW, this 29th day of February 2012, the Court having considered the briefs filed by Plaintiff and Defendant regarding the applicability of 23 Pa.C.S. § 5326 to the facts of this case, IT IS ORDERED THAT:

1. Defendant's Preliminary Objections are sustained.
2. 23 Pa.C.S. § 5326, "Effect of Adoption" is interpreted as follows:
 - a. Any rights to seek physical custody or legal custody rights shall be automatically terminated upon such adoption.
 - b. Any custody rights that have been granted under section 5324 (relating to standing for any form of physical custody or legal custody) prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent shall be automatically terminated upon such adoption.
 - c. Any custody rights that have been granted under section 5325 (relating to standing for partial physical custody and supervised physical custody) to a grandparent or great-grandparent prior to the adoption of the child by an individual other than a stepparent, grandparent, or great-grandparent shall be automatically terminated upon such adoption.
3. 23 Pa.C.S. § 5326 applies to Plaintiff's claim for custody of the children.

4. The effect of 23 Pa.C.S. § 5326 on Plaintiff's claim is that Plaintiff has no rights to seek physical or legal custody of the children, and any rights Plaintiff may have established prior to the adoption by virtue of an alleged *in loco parentis* relationship with the children were terminated upon adoption. The Court notes that if Plaintiff had any facts to establish *in loco parentis* status post-adoption, Plaintiff would be entitled to a hearing regarding whether Plaintiff stood *in loco parentis* to the children post-adoption.

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below the Register of Wills has granted letters, testamentary or of administration, to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION**ESTATE OF JOSEPH F. BALEK, DEC'D**

Late of Reading Township, Adams County, Pennsylvania

Co-Executors: Robert L. Balek and Barbara L. Smith, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF MARGARET W. DAGUE a/k/a MARGARET WELLER DAGUE, DEC'D

Late of Mt. Joy Township, Adams County, Pennsylvania

Beatrice D. Renner, 48 Obsidian Drive, Chambersburg, PA 17202

Attorney: Henry O. Heiser III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF MARGARET DOLORES HENKE, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Executor: Robert J. Henke Jr., c/o Kevin G. Robinson, Esq., Gates & Gates, P.C., 60 East Middle Street, Gettysburg, PA 17325

Attorney: Kevin G. Robinson, Esq., Gates & Gates, P.C., 60 East Middle Street, Gettysburg, PA 17325

ESTATE OF ROBERT M. MUSSELMAN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: John P. Musselman, 15 White Oak Trail, Gettysburg, PA 17325

ESTATE OF ELIZABETH M. PULVER, DEC'D

Late of the Borough of New Oxford, Adams County, Pennsylvania

Executors: Dian J. Cramer and Donald A. Pulver Jr., c/o James K. Noel IV, Esq., McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601

Attorney: James K. Noel IV, Esq., McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, PA 17601

SECOND PUBLICATION**ESTATE OF JAMES A. FRAZIER, DEC'D**

Late of Butler Township, Adams County, Pennsylvania

Executor: Roger Frazier, 1006 Old Carlisle Road, Aspers, PA 17304

ESTATE OF DANIEL L. HEAGEY, DEC'D

Late of Reading Township, Adams County, Pennsylvania

Executor: Rodney E. Heagey, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, 135 North George Street, York, PA 17401

ESTATE OF JANE C. MARTIN, DEC'D

Late of Franklin Township, Adams County, Pennsylvania

Executor: ACNB Bank, P.O. Box 4566, Gettysburg, PA 17325

Attorney: Puhl, Eastman & Thrasher, 220 Baltimore Street, Gettysburg, PA 17325

ESTATE OF JOHN G. MCCARTHY, DEC'D

Late of Lecanto, Citrus County, Florida
Joseph C. McCarthy, 804 Pineaire Street, Inverness, FL 34452

Attorney: Timothy E. Kane, Esq., 474 West Market Street, York, PA 17401

ESTATE OF DAVID SCOTT PAYNTER, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Administratrix: Renee Vargo, 51 Chambersburg Street, Apartment 4, Gettysburg, PA 17325

Attorney: Joseph C. Korsak, Esq., Law Office of Joseph C. Korsak, 33 North Queen Street, York, PA 17403

THIRD PUBLICATION**ESTATE OF JOHN P. MAHON a/k/a JOHN PATRICK MAHON, DEC'D**

Late of Oxford Township, Adams County, Pennsylvania

Administratrix: Jennifer L. Riley, 1099 Irishtown Road, Apartment E, New Oxford, PA 17350

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

ESTATE OF CARLENE MASON, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Debra Snyder, 41 Pleasanton Drive, East Berlin, PA 17316

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

ESTATE OF WALTER W. ROGERS, DEC'D

Late of Liberty Township, Adams County, Pennsylvania

Executrix: Patricia A. Ruehl, 707 Hawick Court, Murrells Inlet, SC 29576

Attorney: Robert E. Campbell, Esq., Campbell & White, P.C., 112 Baltimore Street, Suite 1, Gettysburg, PA 17325-2311

ESTATE OF LARRY M. WOLF, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Brad Wolf, 575 Willow Lane, York Springs, PA 17372

Attorney: John C. Zepp III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

ESTATE OF LINDA M. WOLF, DEC'D

Late of Huntington Township, Adams County, Pennsylvania

Executor: Brad Wolf, 575 Willow Lane, York Springs, PA 17372

Attorney: John C. Zepp III, Esq., P.O. Box 204, 8438 Carlisle Pike, York Springs, PA 17372

