

ADOPTIONS
Florida Statutes Chapter 63

*****This list is not exhaustive. It is the responsibility of the attorney or pro se litigant to read Florida Statute Chapter 63 and comply with every statutory requirement as it relates to your particular case. **Hearings shall not be scheduled on JACS except with the specific permission of the judge assigned to your case. Hearings shall not be scheduled absent an Order Granting Permission to Schedule Adoption Hearing being signed, except with the specific permission of the judge assigned to your case*******

*****The intent of these procedures is to ensure all statutory requirements have been complied with BEFORE a family or child has his/her hopes up regarding the date of a final adoption, which would be cancelled if any errors or omissions are identified. **As such you MUST obtain judicial approval prior to scheduling a final adoption hearing absent the judge's permission to the contrary. *******

Petition for Termination of Parental Rights (“TPR”) Pending Adoption

1. Does the style of your case comply with F.S. 63.087? _____
2. Petition for TPR Requirements pursuant to F.S. 63.087(4)
 - A. Statement of grounds for TPR? _____
 - B. Filed in the county where the child lives, or entity is located? _____
 - C. Signed under oath by petitioner(s)? _____

NOTE: Petition for adoption must be filed after the final judgment of TPR, unless the adoption is by a stepparent or relative within three degrees of consanguinity or if the adoptee is an adult. In those adoptions the petition for adoption may be filed JOINTLY with the petition for TPR.

3. For JOINT petition for TPR and adoption –
 - A. Applicable language under F.S. 63.112 included? _____
 - B. Adoptee’s name to be changed to: _____
4. UCCJEA properly completed and filed? _____
5. ICWA properly completed and filed? _____

6. Birth Certificate filed? _____
- A. Child's DOB? _____
- B. Is the father's name on the birth certificate? _____
- C. If the father's name is NOT on the birth certificate,
- (1) Has paternity been established by court order? _____
 If yes,
 (a) Case Name & Number: _____
 (b) Circuit & State: _____
- (2) If paternity has NOT been established,
- (a) Is the *Affidavit of Required Inquiry* included? _____
- (b) Is the *Affidavit of Nonpaternity* included? _____
- (c) Is the *Certificate of Search of Putative Father Registry* included (see 63.054(7))
See forms: 12.981(a) (6) & (7) _____
- (d) Was the child born in another state? _____
 If yes, which state? _____
 Did you search the putative father's registry in that state? _____
 If no, why not? _____
7. CONSENT needed / received pursuant to F.S. 63.062
- A. Mother _____
- B. Father _____
- C. Adoptee (if over 12 years old) _____
- D. Consent to name change _____
- E. Do the consents include the required language? _____

NOTE: different requirements for stepparent, relative, adult
and children under 6 months vs. children over 6 months

F. Interview of person consenting to adoption by entity? _____

G. Two witnesses (**not** including the Notary)? _____

H. Notarized? _____

I. Consenting person(s) received duplicate copy? _____

J. Waiver being requested? _____

If yes, have the grounds under section 63.064(1)-(5) been alleged? _____

K. Is a birth parent deceased? _____

If yes, who: _____

Did you file a certified death certificate? _____

8. NOTICE

A. Personal service? _____

(1) Return of service filed on: _____

(2) Default entered on: _____

B. Constructive Service?

(1) *Affidavit of Diligent Search* filed? _____

See 63.088(4), 63.082 (3)(c), 63.087(6)(d), 63.088(5)

(2) *Notice of Case Action* filed? _____

Filed in the county where the person last resided? _____

(3) Affidavit of Publication? _____

(4) Default entered on: _____

NOTE: Defaulted parent still must be mailed *Notice of Hearing* pursuant
to section 63.089(d)

C. *Notice of Final Hearing* delivered to GRANDPARENTS? _____
Required if child lived with them for 6 months in
last two years (*see 63.0425*)

D. *Certificate of Search of Putative Father Registry* filed? _____
**Required in each proceeding for TPR or joint TPR
& Adoption. (See forms 12.981(a)(6) & (7))**

Petition for Adoption. Used when Petition was NOT filed as a joint TPR/Adoption proceeding. The Petition for Adoption MUST be filed AFTER the final hearing on TPR

1. Name of Adoption Entity, if applicable: _____

2. Has the Petition been filed in conformity with F.S. 63.112? _____

A. Filed in the same county as the TPR? _____

B. Filed within 60 days after entry of final judgment of TPR? _____

3. Who is adopting:

A. Unmarried person? _____

B. Married couple? _____

C. Married person without spouse joining as petitioner? _____

Explanation given: _____

4. Has the certified copy of the TPR been filed? _____

5. Has the favorable preliminary home study been filed (*63.092(3)*)? _____

6. Has the final home investigation been filed (*63.125*)? _____

7. Two post-placement visit dates with child present (with at least one
in the home) occurred on _____ and _____

8. *Notice of Hearing* filed after receiving permission from the court? _____

A. Is the hearing scheduled 30 days after the entry of the TPR? _____

B. Is the hearing scheduled 90 days after placement of the child? _____

9. Does the adoption involve a surrendered infant? _____

If yes, have you complied with F.S. 63.0423? _____

10. Adoption Entity Report to Court (F.S. 63.092(1)) _____

A. Did an adoption entity place the child? _____

B. Is this an "at risk placement" (F.S. 63.092(2))? _____

If yes, was the child placed pre-TPR and written notice provided and attached? _____

If yes, did the entity report any intended placement of a child for adoption with any person who is not a relative or a stepparent before the child was placed or within 2 business days thereafter? _____

11. Family, social, and medical history forms as to the child and birth parents attached, if available (F.S. 63.082(3))? _____

If no, why not? _____

12. Is this an out-of-state adoption (F.S. 63.207)? _____

If yes,

A. Has the parent filed an affidavit in agreement? _____

OR

B. Is the child being placed with a relative or stepparent? _____

OR

C. Is the child a special needs child? _____

OR

D. Other good cause: _____

13. Approval of fees & costs filed (F.S. 63.097, 63.102(5) and 63.132) _____

14. Affidavit of Expenses (F.S. 63.132 & 63.102(5)) _____

A. Itemized disbursements and receipts of professional and legal fees In connection with adoption or TPR (\$5,000 maximum except With court approval) _____

B. Description, date, provider and reasonable hourly fee or flat rate Charged for services provided (F.S. 63.097) _____

C. Expenses or receipts (maximum of \$5,000) incurred in connection with the birth, placement, prenatal, medical/hospital care of mother, itemized during pregnancy and 6 weeks post-partum (F.S. 63.097 and 63.132) and services _____

ADULT Adoptions.

1. Have you complied with F.S. 63.112? _____
2. Have you filed the consent by adult adoptee? _____
3. Have you filed a consent by adult adoptee's spouse unless waived? _____
4. Has a written *Notice of Hearing* been provided to the birth parents? _____

If not, why not? _____

While the consent by birth parents is NOT required, they must receive Notice of the Final Hearing

**Reference case – In re Miller 227 So. 2d 73 (Fla. 4th DCA 1969)*

HEARINGS.

1. Petitioner and adoptee will appear in person? _____
2. Petitioner and adoptee will appear via Zoom? _____
3. The adoptee is under 12, and has been excused for good cause? _____

AFFIRMATION OF ATTORNEY

The undersigned attorney affirms that all relevant, applicable documents required pursuant to Florida Statute Chapter 63 have been properly completed; and originals have been filed with the Clerk and copies attached to this Affidavit.

Dated

Signature

Printed Name