

Petitioners _____ Adoptee _____
Attorney _____ Case Number _____

**ADOPTION CHECKLIST WHERE ADOPTEE IS A MINOR AND
PARENTAL RIGHTS WERE TERMINATED UNDER CHAPTER 39
(Effective July 1, 2008)**

1. Venue

_____ Petition must be filed in the division of the circuit court which entered the judgment terminating parental rights, unless a motion for change of venue is granted pursuant to 47.122 (39.812(5)).

2. Residency Requirements

- a. _____ Petitioner(s) is either: (63.042)
1. A husband and wife petitioning jointly;
 2. An unmarried adult;
 3. A married person not joined by his or her spouse and the other spouse is the parent of the person to be adopted and has consented; **or**
Failure of the other spouse to join the petition is excused by the court for good cause or in the best interest of the child. 63.042(2)(c).
- b. _____ Petitioner is not the spouse of the adoptee. 63.042(2)(c).
- c. _____ Petitioner is not a homosexual. 63.042(3).

3. Time Requirements

- a. _____ Adoptee has been in the petitioner=s physical custody for at least 90 days, unless shortened by the court for good cause. 63.122(1). Placed _____, 20__
- b. _____ Petition for adoption must be filed after the TPR order is entered. 63.102(1).
- c. _____ The petition to adopt must be filed within 60 days of the TPR order, unless the court grants leave for good cause. 63.102(3).
Date of TPR order _____, TPR Case number _____
- d. _____ The hearing cannot be held until 30 days after the TPR order is entered unless shortened for good cause. 63.122(1).
- e. _____ Make sure notice of appeal has not been filed or is not pending in TPR case.
- f. _____ The FJ can=t be signed until the time to appeal has passed. 63.142(4).

4. Presence Requirements

- a. _____ Petitioner is present, or court has excused such presence. 63.142(1)
- b. _____ Adoptee, unless 12 or under, is present, or court has excused such presence. 63.142(1). D.O.B. _____

5. Petition Requirements. 63.112

- a. _____ Contains date and place of birth of adoptee
- b. _____ Contains name to be given to adoptee if adopted
- c. _____ Date petitioner acquired custody, and
- d. _____ Name of adoption entity placing minor, if any
- e. _____ Marital status, and date and place of marriages of petitioners
- f. _____ Divorces of petitioner, if applicable to stepparent adoption
- g. _____ Name, age and place and duration of residence of petitioner
- h. _____ Statement that petitioner is able to provide for material needs of child
- i. _____ Contains description and estimated value of any property held by adoptee
- j. _____ Case style and date of entry of order terminating parental rights

k. _____ Reasons why petitioner desires to adopt adoptee

6. Documents filed with Petition. 63.112(2):

a. _____ Certified copy of termination of parental rights order

b. _____ Preliminary home study (**63.092 & 65C-15.028, FAC, Chapter 65C-16, FAC**)

_____ 1 year - still valid at time of placement

_____ licensed child-placing agency, child-caring agency under 409.176, a licensed professional, or an agency described in 61.20(2)

_____ interview with adoptive parents

_____ records check:

_____ central abuse registry - department

_____ criminal records correspondence checks - FDLE

_____ home environment

_____ adoptive parents' financial security

_____ counseling/education on adoptive parenting

_____ information provided on adoption

_____ information provided on support services

d. _____ Proof interview held with minor if over 12 years old, unless consent of minor in TPR waived by court under section 63.062(1)(c). **63.112(2)(d).**

e. _____ Certified copy of minor=s birth certificate, unless previously filed in TPR file

f. _____ Consent of Department must be attached to petition unless waived per 63.062(7). **39.812(5).**

7. Contemporaneous Filing Requirements

a. _____ Favorable Final Home Investigation (**63.125**)

1. 2 scheduled visits with minor and adoptive parents

a. 1 visit in home after minor placed in home

2. Family and social medical history of birth parents as provided in 63.082 **or** affidavit of diligent search in TPR case (**39.812(5); 63.125(5)©**)

3. Home study filed within 90 days after placement

4. Evaluation of placement

5. Recommendation of agency

8. Paternity Registry (63.054)

1. An unmarried biological father must register with the paternity registry prior to filing the petition for TPR to preserve his right to notice and consent to an adoption. **63.054(1).**

2. The petitioner must contact the Office of Vital Statistics (OVS) by submitting a search application. **63.054(7).**

3. A certificate from the OVS must be filed with the court containing:

_____ a. the identity and contact information of a possible father, or

_____ b. a statement that after a diligent search, no match was found.

63.054(7).

9. a. _____ original written statements acknowledging receipt of disclosure (**63.085(2)**)

Background of child to the extent such information is disclosed to adoption entity by the parents, legal custodian or Dept. (confidential identifying info must be redacted)

Signed Statements must include acknowledgment of receipt of:

1. Family social and medical history of birth parents
2. Biological mother's medical records documenting her prenatal care & birth & delivery of Child.
3. Complete set of child's medical records documenting all medical treatment & care since the child's birth 7 before placement.
4. All mental health, psychological, & psychiatric records, reports, & evaluations concerning the child before placement.
5. The child's educational records, including all records concerning any special education needs of the child before placement.
6. Records documenting all incidents that required the Dept to provide services to the child, including all orders of adjudication of dependency or termination of parental rights issued pursuant to chapter 39, any case plans drafted to address the child's needs, all protective services investigations identifying the child as a victim, and all guardian ad litem reports filed with the court concerning the child.
7. Written information concerning the availability of adoption subsidies for the child, if applicable.

_____ Adoptive mother

_____ Adoptive father

If the adoption entity is unable to provide all of the required information, the adoption entity must execute an affidavit stating why the acknowledgment could not be obtained

10. Consent/Notice Requirements.

- a. _____ Notice of hearing must be given to each party in accordance with Florida Rules of Civil Procedure. **63.122(2), rule 1.080(a) and 1.090(d).**
 1. _____ Notice must be given to the adoption entity placing the minor. **63.122(4).**

11. ORDERS

_____ **Final Judgment contains TPR case number.**