

**RECOGNITION OF FOREIGN ADOPTION JUDGMENT  
ADOPTEE IS A MINOR**

**1. Residency/Employment 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).**

**2. 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

**3. Foreign Judgment Requirements 63.192**

- a. \_\_\_\_\_ certified and/or authenticated copy of the foreign judgment of adoption, both translated and untranslated versions.
- b. \_\_\_\_\_ certified and/or authenticated copy of the birth certificate, both translated and untranslated.
- c. \_\_\_\_\_ certified copies of all of the official documents in connection with this adoption (including but not limited to translated and untranslated versions of :Notarial Certificates and Adoption Registration Certificates)
- d. \_\_\_\_\_ information showing that “due process of law” was met in the foreign adoption. (Fla. Stat. 63.192). (including whether or not there is a time limit on adoption appeals and whether that time limit has passed). This information may be stated in the petition or be provided in a separate document.

**4. 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).**
- b. \_\_\_\_\_ The FJ can’t be signed until the time to appeal has passed. **63.192.**

**5. 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)**

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

- a. \_\_\_\_\_ Preliminary home study (**63.092**)
- b. \_\_\_\_\_ 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)

**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 (63.082) or affidavit of diligent search in TPR case
  - 3. Home study filed within 90 days after placement
  - 4. Evaluation of placement
  - 5. Recommendation of agency
- b. UCCJA/Oath (**63.135**) filed by party to proceeding:
  - 1. child's present address
  - 2. child's addresses for the past 5 years
  - 3. names and addresses of the persons with whom the child has lived the past 5 years
  - 4. whether petitioner has participated in any other capacity or any other litigation involving the child
  - 5. whether petitioner has any information concerning any other custody proceeding involving the child in any other court
  - 6. whether petitioner knows of any other person who has physical custody of the child or would asserts rights of visitation to said child;
- c. 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).**

**8. Consent/Notice Requirements.**

- a. \_\_\_\_\_ Either:
  - 1. the adoptee has never lived with his or her grandparents for more than 6 months in the 24 months preceding the filing of the petition;
  - 2. the adoptee's grandparents have been given notice of hearing on the TPR petition;

- or
3. this adoption is due to the death of the natural parents of the adoptee and a different preference was stated in their will. **63.0425**
- b. \_\_\_\_\_ Adoption entity who placed child may consent if previously parental rights terminated. In this case, no other consent is required. **63.062(7)**.
- c. \_\_\_\_\_ 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)**.
- d. \_\_\_\_\_ Service of process must be made upon each party as prescribed by law for civil actions. **63.122(2) & rule 1.070**.

9. **Case Management Hearing (rule 12.200(2)) is required within 60 days of filing petition if:**

- \_\_\_\_\_ a. there is a request for a waiver of consent to an adoption by those persons required to consent by s. 63.062
- \_\_\_\_\_ b. notice of hearing on the petition to adopt is not afforded a person whose consent is required but who has not consented
- \_\_\_\_\_ c. an intermediary, attorney, or agency is seeking fees or costs in excess of those provided under s. 63.097 or 63.212(4)
- \_\_\_\_\_ d. an affidavit of diligent search and inquiry is filed in lieu of personal service
- \_\_\_\_\_ e. the court is otherwise aware that any person having standing objects to the adoption

10. **Affidavit of Fees and Costs (63.097/63.132)**

- a. \_\_\_\_\_ any adoption entity **AND**  
\_\_\_\_\_ each adoptive parent has filed an affidavit. **63.132(1):**  
\_\_\_\_\_ Before final hearing **63.132(1)**
1. itemizing all disbursements and receipts of anything of value, made or agreed to be made, by or on behalf of the prospective adoptive parent and any adoption entity in connection with adoption or TPR.
2. For each legal or counseling fee, the expenses or disbursements must be detailed:
- \_\_\_\_\_ a. service provided
- \_\_\_\_\_ b. date of service
- \_\_\_\_\_ c. time required if charged by the hour
- \_\_\_\_\_ d. person/entity providing service
- \_\_\_\_\_ e. hourly fee **63.132(1)(b)**.
3. Fees are reasonable, **63.097(2)**, and for:
- \_\_\_\_\_ a. living expenses of birth mother - must be itemized (see statute)
- \_\_\_\_\_ b. medical expenses (see statute)
- \_\_\_\_\_ c. service of process/diligent search/prelim. h.s./final home investigation
- \_\_\_\_\_ d. court filing/costs/litigation expenses/birth certificate/medical records
- \_\_\_\_\_ e. advertising per 63.212(1)(g)

- \_\_\_\_\_ f. professional fees (flat fee or hourly rate)
  - \_\_\_\_\_ 1. legal - hourly or flat fee
  - \_\_\_\_\_ 2. contact with parent - transportation, setting appts., etc. - hourly or flat fee
  - \_\_\_\_\_ 3. counseling to adoptive parents or birth parent - hourly fee
- \_\_\_\_\_ g. If agency and prior approval obtained from DCF, **63.097(1)**:
  - \_\_\_\_\_ 1. foster care expenses
  - \_\_\_\_\_ 2. preplacement and postplacement social services
  - \_\_\_\_\_ 3. agency facility and administrative costs

AND

- \_\_\_\_\_ 4. approval of DCF attached

- 4. fees are not for: **63.097(4)** or **(5)**
  - \_\_\_\_\_ a. expense of locating a minor for adoption
  - \_\_\_\_\_ b. a payment not itemized and documented on affidavit
  - \_\_\_\_\_ c. un-itemized fee on affidavit, must state service provided, date of service, person providing, time required to provide service, and the hourly fee charged

**OR**

- \_\_\_\_\_ d. court approves fee based on extraordinary circumstances
- 5. Court-approval, **63.097(3)**, required for:
  - \_\_\_\_\_ a. legal or other fees exceed \$5,000
  - \_\_\_\_\_ b. court costs exceed \$800
  - \_\_\_\_\_ c. reasonable and necessary living and medical expenses exceed \$5,000
  - \_\_\_\_\_ d. fees not permitted under paragraph 10(3) above
- 6. Affidavit lists expenses for **63.132(1)(d)**:
  - \_\_\_\_\_ a. birth of minor
  - \_\_\_\_\_ b. placement of minor with petitioner
  - \_\_\_\_\_ c. medical care for mother and minor - prenatal and confinement
  - \_\_\_\_\_ d. living expenses of birth mother - itemized in detail
  - \_\_\_\_\_ e. services received by petitioner, adoption entity, parent, or minor for the adoption or placement

**AND**

- \_\_\_\_\_ f. whether medicaid, insurance, public assistance paid for these expenses

11. **ORDERS**

- \_\_\_\_\_ **Order approving fees and costs prepared.**
- \_\_\_\_\_ **Final Judgment**