

**ADOPTION CHECKLIST WHERE PETITIONER IS SOMEONE OTHER  
THAN GRANDPARENT, STEP-PARENT, OR AUNT/UNCLE AND  
ADOPTEE IS A MINOR  
(Post-May 29, 2003)**

**1. Venue**

\_\_\_\_\_ Petition must be filed in the county where the TPR was granted unless the court changed venue per s. 47.122 to a county where the petitioners, minor, or adoption entity is located. **(63.102(2)).**

**2. 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).**
- d. \_\_\_\_\_ If out-of state placement, can only be made by an adoption entity if:
- \_\_\_\_\_ 1. parent placing minor for adoption filed affidavit giving reason for choosing to place minor out-of-state
  - \_\_\_\_\_ 2. minor is placed with relative or stepparent
  - \_\_\_\_\_ 3. minor is special needs child as defined in 409.166 (look 409.166 up)
  - \_\_\_\_\_ 4. other good cause is shown why placement should be made. **63.207(1).**
- e. \_\_\_\_\_ If this is an out-of-state placement by an adoption entity, a petition for declaratory statement must be filed and converted to a petition for adoption. **63.207(1).**

**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).**
- b. \_\_\_\_\_ Petition for adoption must be filed after the TPR order is entered. **63.102(1).**  
**This requirement does not apply if:**
- \_\_\_\_\_ 1. adult, relative, or stepparent adoptee
  - \_\_\_\_\_ 2. Chapter 39 TPR **(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).**
- d. \_\_\_\_\_ The hearing cannot be held until 30 days after the TPR order is entered unless shortened for good cause. **63.122(1).**
- \_\_\_\_\_ 1. hearing may be immediate if adult, stepparent, or relative adoption and required consents have been filed.
- 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)**

**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. \_\_\_\_\_ Any declaratory statement entered under 63.102
- c. \_\_\_\_\_ Preliminary home study (**63.092**)
- 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)
- e. \_\_\_\_\_ Certified copy of minor's birth certificate, unless previously filed in TPR file [not directly required by statute but needed to evaluate if father's consent is required under 63.062(1)(b)(4)]

**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)(c)**:

- 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 contains TPR case number.**

**PRELIMINARY PLACEMENT APPROVAL - ADOPTION  
(Post-May 29, 2003)**

- \_\_\_\_\_ If out-of-state placement, compliance with the Interstate Compact on Placement, Fl. Admin. Code 65C-15.037
- \_\_\_\_\_ Must have signature of adoptive parents they acknowledge that this is an AT-RISK placement if parental rights have not yet been terminated. **63.092(2).**
- \_\_\_\_\_ If not placement in: foster home, adult, stepparent, relative, or parent of child;
  - \_\_\_\_\_ adoption entity must report intended placement of child to court within 48 hours after placement. **63.092(1).**
  - \_\_\_\_\_ a preliminary home study must be completed prior to placement of the minor in the home. **63.092(3).**

Preliminary Home Study Requirements (63.092):

- \_\_\_\_\_ 1 year - still valid
- \_\_\_\_\_ licensed agency under 409.176 or 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
- \_\_\_\_\_ acknowledgment of receipt of ADOPTION DISCLOSURE as required under 63.085(1) & (2) by:
  - \_\_\_\_\_ person seeking to place child for adoption with adoption entity
  - \_\_\_\_\_ person seeking to adopt child with adoption entity
- OR
- \_\_\_\_\_ affidavit by adoption entity why can't obtain acknowledgment
- OR
- \_\_\_\_\_ Not required since Chapter 39 TPR

Adoptive parents legal guardianship cannot be established until consent to adoption signed and court orders preliminary approval of placement of minor in prospective adoptive home. **63.052(2).**