

**ADOPTION CHECKLIST WHERE ADOPTEE IS AN ADULT
(Post-May 29, 2003)**

_____ **Since termination of parental rights proceeding is included in petition for adoption, final hearing should be held.**

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).**
- 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).**

2. 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 to adopt must be filed within 60 days after the TPR order, if any, unless court grants leave for good cause. **63.102(3).**
- c. _____ The hearing may be immediately after filing petition for adoption if required consents have been filed
- d. _____ Make sure notice of appeal has not been filed or is not pending in TPR case (if there was a TPR case).
- e. _____ The FJ can=t be signed until the time to appeal TPR has passed. **63.142(4).**

3. 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)**

4. 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. _____ Contains description and estimated value of any property held by adoptee
- i. _____ Case style and date of entry of order terminating parental rights, or since adult adoption, address if known of any person whose consent is required:
 - _____ adoptee=s consent
 - _____ adoptee=s spouse=s consent (if there is a spouse)
 - _____ and if haven=t consented, facts excusing lack of consent and justifying TPR
- j. _____ Reasons why petitioner desires to adopt adoptee

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

- a. _____ Certified copy of termination of parental rights order, if any, or consents unless consent excused by court
 - _____ adoptee=s consent
 - _____ adoptee=s spouse=s consent
- b. _____ Any declaratory statement entered under 63.102
- c. _____ Disclosures when an adoption entity is involved (**63.085(1) & (2)**)
 - _____ birth mother
 - _____ birth father
 - _____ Adoptive mother
 - _____ Adoptive father

6. 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).**
- b. _____ Service of process must be made upon each party as prescribed by law for civil actions. **63.122(2) & rule 1.070.**
- c. _____ Petition to adopt adult may be granted if: (**63.062(8)**)
 - 1. _____ adult=s consent is filed;
 - 2. _____ adult=s spouse=s consent is filed, if any
 - 3. _____ written notice of final hearing is provided to adult=s parents, if any, OR
 - 4. _____ proof of service of process is provided to adult=s parents (personal service or affidavit of diligent search and publication in Alachua County under Chapter 49)
 - 5. _____ if adult=s parent(s) deceased, certified copy of death certificate is filed

7. 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