

**PETITION FOR ADOPTION OF A MINOR
BY **SOMEONE WHO IS NOT A STEPPARENT OR RELATIVE**
UNDER CHAPTER 63 OF THE FLORIDA STATUTES**

	Document/Pleading Checklist
	Petition for Adoption is filed in either the county where the TPR was filed or the county where the adoption entity is located.
	Petition for Adoption is filed after the TPR order has been entered.
	Petition for Adoption is filed within 60 days of the TPR order, unless the court grants leave for good cause.
	The hearing is not scheduled until 30 days after the TPR was entered unless it has been shortened for good cause.
	The adoptee has been in the petitioner's physical custody for at least 90 days unless shortened by the court for good cause.
	The petitioner is listed as a party who may adopt.
	The petitioner is NOT the spouse of the adoptee.
	The petition lists date and place of birth of adoptee; name to be given to the adoptee; date petitioner acquired custody; if applicable, the name of the adoption entity placing the minor; full name, age, and place and duration of residence of the petitioner; marital status of the petitioner (date and place of marriage, if married); divorces of petitioner (if applicable to an adoption by a stepparent); a statement that the petitioner is able to provide for the material needs of the child; a description and estimate of the value of any property held by the adoptee; the case style and date of entry of the judgment terminating parental rights; and reasons why petitioner desires to adopt adoptee.
	A <i>certified copy</i> of the TPR order is filed.
	Order on Petition for Declaratory Statement is filed.
	Copy of Adoption Disclosure & Written Statement Acknowledging Receipt of Disclosure from Adoptive Parent(s) is filed.
	Adoption Agency's Consent to Adoption is filed.

**Petition for Adoption by Someone who is not
a Stepparent or Relative under
Chapter 63 of the Florida Statutes
Page 2**

	Order of Placement (preliminary home study has been accepted) is filed.
	Preliminary Home Study has been performed by a licensed child-placing agency, a child-caring agency registered under section 409.176 of the Florida Statutes, a licensed professional, or an agency described in section 61.20(2) of the Florida Statutes, and is filed with the Court.
	Preliminary Home Study is valid (1 year after the date of completion)
	Pre Preliminary Home Study (minimum requirements): • Interview with intended adoptive parents. • Record checks of the Department's Central Abuse Registry. • Criminal Record checks under section 39.0138 of the Florida Statutes through the Department of Law Enforcement. • Assessment of the physical environment of the home. • A determination of the financial security of the intended adoptive parents. • Documentation of counseling and education of the intended adoptive parents on adoptive parenting. • Documentation that information on adoption and the adoption process has been provided to the intended adoptive parents. • Documentation that information on support services available in the community has been provided to the intended parents.
	Favorable Final Home Investigation is filed (must include information from the preliminary home study; after the minor is placed in the intended adoptive home, two (2) scheduled visits with the minor and adoptive parent(s), one visit must be in the home to determine the suitability of the placement; family and social and medical history; evaluation of placement, and recommendation of agency).
	Family and social medical history of birth parents is provided or an affidavit of diligent search in TPR case is filed.
	If an out-of-state placement of minor child by adoption entity - Affidavit from biological parents supporting their choice to place the child with a prospective adoptive parent out of the State of Florida is filed (properly executed and notarized).
	Approval of the Interstate Compact on Placement (required for out of state placement by adoption entity). See Fl. Admin. Code 65C-15.037.
	Proof Interview with Minor if over 12 years (unless consent of minor in TPR has been waived) is filed.

	<i>Certified copy</i> of minor's birth certificate is filed (Court may want to evaluate if father's consent is required).
	Adoption entity and adoptive parent(s) have filed an affidavit itemizing <u>all disbursements and receipts</u> for 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 the adoption or TPR.
	Affidavit lists itemized fees, costs, and expenses: • Legal and counseling fees (expenses and disbursements) are detailed to inform the Court of the services provided, date of service, time required if charged by the hour, person/entity providing service, and the hourly fee charged. • The reasonable living expenses of the birth mother (expenses may be paid during the pregnancy and up to 6 weeks postpartum). • The reasonable and necessary medical expenses (expenses may be paid during the pregnancy and up to 6 weeks postpartum). • Expenses incurred to comply with Chapter 63 of the Florida Statutes (i.e. service of process fees, investigator fees, a diligent search, a preliminary home study, final home investigation). • Court filing expenses, court costs, litigation expenses, birth and medical record expenses. • Costs associated with advertising. • Reasonable hourly fee or flat fee necessary to provide legal representation to the adoptive parents or adoption entity. • Reasonable hourly fee or flat fee for contact with parent related to the adoption (i.e. transportation, transmitting funds, arranging appointments, and securing accommodations). • Reasonable hourly fee for counseling services provided to a parent or a prospective adoptive parent licensed under Chapter 490 or Chapter 491 of the Florida Statutes or a counselor who is employed by an adoption entity accredited by the Council on Accreditation of Services for Children and Families to provide pregnancy counseling and supportive services. • Fees if the agency is approved by DCF within the process of licensing the agency and if they are for foster case expenses, preplacement and postplacement social services, and agency facility and administrative costs.

	Court approval of fees required for: • legal or other fees that exceed \$5,000. • court costs that exceed \$800. • reasonable and necessary living and medical expenses that exceed \$5,000. • any fees not included under § 63.097(2) or prohibited under § 63.097(5) of the Florida Statutes.
	Affidavit filed <u>must show</u> any expenses or receipts in connection with: • The birth of the minor. • The placement of the minor with the petitioner. • The medical or hospital care received by the mother or by the minor during the mother's prenatal care and confinement. • The living expenses of the birth mother. The living expenses must be itemized in detail to apprise the court of the exact expenses incurred. • The services relating to the adoption or the placement of the minor for adoption that received by or behalf of the petitioner, the adoption entity, either parent, the minor, or any other person. • The affidavit must state whether any of these expenses were paid by collateral sources, including but not limited to, health insurance, Medicaid, Medicare, or public assistance.
	Prohibited Fees: • Any fee or expense that constitutes payment for locating a minor for adoption. • Any payment which is not itemized and documented on the affidavit. • Any fee on the affidavit which does not specify the service that was provided and for which the fee is being charged (i.e. fee for facilitation, acquisition, or other similar service, which does not identify the date the service was provided, the time required to provide the service, the person or entity providing the service, and the hourly fee charged). See § 63.097(4)-(5), Fla. Stat. (2013).
	Motion to Approve Final Fees and Costs is filed.
	Order on Motion to Approve Final Fees and Costs has been prepared.
	Petitioner is present at hearing or Motion to excuse presence has been filed.
	Adoptee (unless 12 years old or younger) is present or Motion to excuse presence has been filed.

**Petition for Adoption by Someone who is not
a Stepparent or Relative under
Chapter 63 of the Florida Statutes
Page 5**

	Forms are properly signed, executed, and notarized (all sections are completed such as county, identification produced, date).
	Are there any issues that need to be further examined or investigated prior to entry of the final judgment? If yes, the Court may continue the hearing.
	The Petitioner has complied with the statutory requirements of Chapter 63 of the Florida Statutes.