

PETITION FOR DECLARATORY STATEMENT UNDER CHAPTER 63 OF THE FLORIDA STATUTES

	Document/Pleading Checklist
	Petition for Declaratory Statement is filed by adoption entity.
	Petition is filed with the consent of the parties to the agreement.
	Adoptive Parent Agreement is filed (check fees and costs in Petition for Declaratory Statement and adoption agreement). The contract may not require and the court may not approve any amount that constitutes payment for locating a minor for adoption.
	Fees, costs, and expenses assessed by the adoption entity or paid by the adoption entity on behalf of the prospective adoptive parents lists: - 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).
	Report to the Court of Placement by Adoption Entity is filed.
	Preliminary Home Study has been completed <i>prior to</i> placement of the minor child in the home, and is filed with the Court.
	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.
	Preliminary Home Study is valid (1 year after the date of completion).
	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.
	A copy of each signed Acknowledgment of Receipt of Disclosure required to parents and prospective adoptive parents required by section 63.085 of the Florida Statutes.
	At-Risk Placement Affidavit is filed (required if parental rights have not been terminated before the placement of the minor child). The prospective adoptive parents have been informed that the placement is at-risk and the minor is subject to removal from the home by the adoption entity or by court order at any time prior to the finalization of the adoption.
	Affidavit of Compliance with the Interstate Compact on Placement (required for out of state placement by adoption entity). See Fl. Admin. Code 65C-15.037.

	Are there any issues that need to be further examined or investigated prior to entry of an Order on the Petition for Declaratory Statement? If yes, the Court may continue the hearing.
	The Petitioner has complied with the statutory requirements of Chapter 63 of the Florida Statutes.