

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE ORDER NO. 6.03

**UNIFIED FAMILY COURT ADOPTION PROCEDURES**

**WHEREAS**, Chapter 63, Florida Statutes, provides procedures that must be followed in adoption related proceedings; and

**WHEREAS**, the circuit court is charged with the responsibility of hearing and ruling on motions for preliminary placement of minors pending adoption, termination of parental rights pending adoption, and issuing final judgments of adoption; and

**WHEREAS**, it is important that all parties have access to the Court in adoption proceedings and that the parties involved in adoption proceedings receive timely and efficient processing of their cases; and

**WHEREAS**, the circuit court has determined that the establishment of certain time standards and active case management in completing adoption-related cases is reasonable and necessary to protect Florida's children; It is therefore

**ORDERED:**

**I. ASSIGNMENT TO THE ADOPTION DIVISION**

Petitions for preliminary placement pending adoption, termination of parental rights under Chapter 63, and adoption shall be filed in Division AD. A family law judge shall preside over Division AD and shall promulgate a list of the documents and/or tasks required to be filed and/or completed by petitioner before a final judgment will be issued in Division AD cases. Upon the filing of a petition for preliminary placement, termination of parental rights under Chapter 63, or adoption, the Clerk of the Court shall provide the petitioner and/or petitioner's attorney with the list.

## **II. CASE MANAGEMENT OF ADOPTIONS AND RELATED CASES**

The circuit court has determined that frequent case management of adoption-related cases is reasonable and necessary for the protection of Florida's children. Therefore, every preliminary placement pending adoption, termination of parental rights under Chapter 63, and adoption file in Alachua County shall be reviewed by a Trial Court Staff Attorney within 14 days of filing. Those filed in the regional counties of the circuit shall be reviewed as promptly as possible and in no case later than 30 days from filing. The Staff Attorney will notify the petitioner and/or petitioner's attorney, in writing, of any missing documentation or statutory deficiencies in the file. The judge's office will then calendar the case for an initial case management conference within 60 days. The case will be actively case-managed at least every 30 days until the conclusion of the case.

## **III. MOTIONS FOR APPROVAL OF PLACEMENT PENDING ADOPTION**

1. When approval of placement pending adoption is sought by a petitioner, prior to the Court ruling on the request, the petitioner shall file with the Court:

a. A preliminary home study, except when the placement is with a stepparent or relative of the child. The preliminary home study shall include an interview with the adoptive parents, a records check of the prospective adoptive parents with the FDLE central abuse registry and criminal records correspondence checks, an evaluation of the home environment and the prospective adoptive parents' financial security, documentation that counseling/education on adoptive parenting was provided to the prospective adoptive parents, and documentation that information on adoption, the adoptive process and support services was provided to the prospective adoptive parents.

b. If the parental rights of the prospective adoptee have not been terminated, the prospective adoptive parents' written acknowledgment that they were advised that the placement is At-Risk in accordance with §63.092(2), Florida Statutes.

c. Unless the adoption and placement are initiated pursuant to Chapter 39,

adoption disclosures shall be included with the preliminary home study or filed separately with the court as required by §§63.085(1) & (2), Florida Statutes.

d. If the preliminary placement petition requests that a minor be placed outside the state of Florida, petitioner must provide documentation proving petitioner's compliance with the Interstate Compact on Placement under Florida Administrative Rule 65C-15.037.

2. Any exigent circumstances forming the basis for an accelerated or emergency review of a Motion for Approval of Placement Pending Adoption shall be stated in a written pleading filed with the Clerk of Court.

3. If an adoption entity places a minor with prospective adoptive parents who do not meet the residency requirements of §63.207, Florida Statutes, an affidavit from the minor's natural parent shall be filed with the court stating the reason why the parent chooses to place the minor outside the state, or the petition for adoption shall state whether: a) the adoption is by a relative within the third degree; b) it is a stepparent adoption; c) the minor is a special needs child according to §409.166, Florida Statutes; or d) there is other good cause why the out of state adoption should occur.

#### **IV. TERMINATION OF PARENTAL RIGHTS PROCEEDINGS UNDER CHAPTER 63**

4. All information required by the Uniform Child Custody Jurisdiction and Enforcement Act, §61.522, Florida Statutes (2005), shall either be included in the petition to terminate parental rights or submitted in an affidavit attached to the petition.

5. All information required by the Indian Child Welfare Act (25 USCA 1901 et. seq.) shall either be included in the petition or submitted in a supporting affidavit.

6. Any consents to adoption, affidavits of diligent search and inquiry, and/or affidavits of non-paternity from persons whose consent to adoption is required shall be filed with and attached to the petition to terminate parental rights.

7. The family, social and medical history of the child and parents must be filed by an adoption entity and attached to the petition to terminate parental rights. If a social and medical history cannot be obtained because either parent cannot be located or identified, an affidavit of diligent search must be filed with the petition to terminate parental rights.

8. If the Acknowledgments of Disclosure or affidavit required under §§63.085(1) & (2), Florida Statutes, have not been previously filed with the court, they must be filed with the petition to terminate parental rights.

9. In each proceeding for termination of parental rights under this chapter, the petitioner must file a certificate from the Putative Father Registry containing the identity and contact information of a possible father or a statement that after a diligent search, no match was found.

10. The petition to terminate parental rights must be personally served on each person from whom consent to adoption is required if that person has not specifically waived service of the pleadings. Personal service must be performed at least 20 days before the hearing on the petition and an affidavit of service must be filed with the court.

11. If a person whose consent is required cannot be located, a diligent search for that person must be conducted under §63.088(5), Florida Statutes, and an affidavit of diligent search must be filed with the court. The petitioner must then provide constructive notice and file proof of such notice with the court.

12. If a person whose consent is required cannot be located or identified, the petition must be served by constructive service in the manner provided in Chapter 49 and §63.088(6), Florida Statutes, and an affidavit of service must be filed with the court.

13. The petitioner shall provide notice of the final hearing on the petition to terminate parental rights to any person who has been served with the summons and petition for termination of parental rights as required by §63.087(6), Florida Statutes, and on any person whose consent to the termination of parental rights is required, if that person has not

specifically waived notice of the final hearing.

14. If a person whose consent is required cannot be located or identified, the notice of hearing on the petition to terminate parental rights must be served by constructive service and the first date of the publication must be 30 days before the hearing as required by §63.089(2)(b)(2), Florida Statutes, in the format required under §63.088(3).

#### **V. ADOPTION PROCEEDINGS AFTER PARENTAL RIGHTS TERMINATED**

15. A petition for adoption that complies with the statutory requirements of §63.122 and §63.112, Florida Statutes, must be filed within 60 days of the entry of the termination of parental rights order, unless this timing requirement is excused by the court for good cause.

16. A certified copy of the order terminating parental rights must be filed with any petition for adoption. If an order terminating parental rights cannot be obtained without a court order, the petitioner must request an order from the court authorizing the release of the order terminating parental rights.

17. A preliminary home investigation must be filed with the petition for adoption unless the prospective adoptive parent is the adoptee's stepparent or a relative within the third degree of consanguinity.

18. A final home investigation must be filed with the petition for adoption (including family, social and medical history) unless the prospective adoptive parent is the adoptee's stepparent or a relative within the third degree of consanguinity.

19. Each party to the adoption proceeding shall provide the following information under oath:

- a. child's present address;
- b. child's addresses for the past five years;
- c. the names and present addresses of the people with whom the child has

lived the past five years;

d. whether the party has participated in any capacity in any other litigation regarding custody of the child;

e. whether the party has any information concerning any other custody proceeding involving the child in any court; and

f. whether the party knows of any other person who has physical custody of the child or who claims rights of visitation or custody to the child.

20. The petition for adoption shall state whether the prospective adoptee has lived with his or her grandparents for more than six months within the twenty-four month period immediately preceding the filing of the petition for termination of parental rights, and if so, whether the grandparents have been provided notice of the adoption, or whether the natural parents of the adoptee are deceased and stated a different preference in their will.

21. Except in the case of a stepparent or relative adoption, an Affidavit of Expenses and Receipts which complies with the statutory requirements of §63.132 and §63.097, Florida Statutes, shall be submitted by the adoptive parents and any adoption entity, including the Department of Children and Families, for approval by the Court before the hearing on the petition for adoption. A detailed explanation of this requirement is provided in Section VI of this Administrative Order.

22. Any consents required under §63.062, Florida Statutes, and not filed in a previous termination of parental rights proceeding shall be attached to the petition for adoption. The consent of the minor, if 12 years old or older, is required unless the Court excuses the minor's consent. If the parental rights of the minor were previously terminated, the adoption entity that placed the child may consent.

23. In each adoption proceeding, petitioner shall file a certificate from the Putative Father Registry containing either the identity and contact information of a possible father or a statement that after a diligent search, no match was found.

24. Notice of the hearing must be given to and service of process made upon each party as prescribed by law in accordance with Florida Rules of Civil Procedure. Specifically, notice must be given to the adoption entity placing the minor.

25. The final judgment of adoption cannot be signed until the date for a parent to file an appeal of a valid judgment terminating parental rights (30 days) has passed and there is no appeal pending. This waiting period does not apply in the case of a step-parent or relative adoption.

#### **VI. AFFIDAVIT OF EXPENSES AND RECEIPTS**

26. Unless there are exigent or emergency circumstances or the court otherwise rules, a final judgment of adoption will not be entered before the Affidavit of Expenses and Receipts has been filed with the court by the prospective adoptive parent and any adoption entity and approved by the court.

27. Any exigent, emergency or other circumstances upon which the petitioner seeks to have a final hearing or judgment entered in an adoption proceeding before the Affidavit of Expenses and Receipts is approved by the Court, should be submitted in writing to the Court.

28. The Affidavit of Expenses and Receipts shall include the information required under §63.132 and §63.097, Florida Statutes (2005), in substantially the same form, as applicable to a party's particular case.

29. An Affidavit of Expenses and Receipt is not required to be filed when the petitioner is the stepparent or relative of the minor child to be adopted.

#### **VII. DOMESTICATION OF FOREIGN ADOPTIONS**

30. If the Petitioner is seeking recognition of a foreign judgment of adoption pursuant to §63.192, Florida Statutes, in addition to meeting the requirements listed in paragraphs 1 - 29 above, the following items must be filed:

- a. 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 versions;
- c. Certified copies of all the official documents relevant to this adoption, which may include 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, including a statement whether or not there is a time limit on adoption appeals and whether that time limit has passed.

This order renumbers and reformats prior Administrative Order No. 5.1221 entitled "Unified Family Court Adoption Procedures."

**ORDERED ON** this 5<sup>th</sup> day of October, 2012 *nunc pro tunc* December 14, 2005.



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Robert E. Roundtree, Jr., Chief Judge