

Petitioners _____ Adoptee _____
Attorney _____ Case Number _____

**ADOPTION CHECKLIST WHERE ADOPTEE IS A MINOR AND
PARENTAL RIGHTS WERE TERMINATED UNDER CHAPTER 39
(Effective July 1, 2012)**

1. Venue

_____ Petition must be filed in the division of the circuit court which entered the judgment terminating parental rights, unless a motion for change of venue is granted pursuant to § 47.122 (§ 39.812(5)).

2. Petitioner Requirements

a. Petitioner(s) is either:

- _____ 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 (step-parent); 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).

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). Placed _____, 20__

b. _____ Petition for adoption must be filed after the TPR order is entered. § 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).

Date of TPR order _____, TPR Case number _____

d. _____ The hearing cannot be held until 30 days after the TPR order is entered unless shortened for good cause. § 63.122(1).

e. _____ Make sure notice of appeal has not been filed or is not pending in TPR case. The FJ cannot 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). D.O.B. _____

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. _____ Preliminary home study. § 63.092 & 65C-15.028, FAC, Ch. 65C-16, FAC)
 - 1. _____ 1 year - still valid
 - 2. _____ licensed child-placing agency, child-caring agency under § 409.176, a licensed professional, or an agency described in § 61.20(2)
 - 3. _____ interview with adoptive parents
 - 4. _____ records check:
 - i. _____ central abuse registry – department
 - ii. _____ criminal records correspondence checks - FDLE
 - 5. _____ home environment
 - 6. _____ adoptive parents financial security
 - 7. _____ counseling/education on adoptive parenting
 - 8. _____ information provided on adoption
 - 9. _____ information provided on support services
- c. _____ 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). § 63.112(2)(d).
- d. _____ Certified copy of minor’s birth certificate, unless previously filed in TPR file
- e. _____ Consent of Department must be attached to petition unless waived per § 63.062(7). § 39.812(5)

7. Contemporaneous Filing Requirements

- a. _____ Favorable Final Home Investigation. § 63.125
 - 1. _____ 2 post-placement visits with minor and adoptive parents
 - a. _____ one of these post-placements visits must be in the home
 - 2. _____ Family and social medical history (§ 63.082) **or** affidavit of diligent search filed in TPR case
 - 3. _____ Final Home Investigation filed within 90 days after placement
 - 4. _____ Evaluation of placement
 - 5. _____ Recommendation of agency
- b. Disclosures regarding background information of child. § 63.085(2)
 - 1. The adoption entity must provide Disclosures regarding the child’s background information to the adoptive parents to the extent such information is disclosed to adoption entity by the parents, legal custodian, or the Department. (confidential identifying info must be redacted).
 - _____ Acknowledgment of receipt by adoptive mother
 - _____ Acknowledgment of receipt by adoptive father
 - 2. Signed Statements must include acknowledgment of receipt of:
 - a. _____ Family social and medical history of birth parents
 - b. _____ Biological mother’s medical records documenting her prenatal care & birth & delivery of child.
 - c. _____ Complete set of child’s medical records documenting all medical treatment & care since the child’s birth 7 before placement.
 - d. _____ All mental health, psychological, & psychiatric records, reports, & evaluations concerning the child before placement.

- e. ____ The child's educational records, including all records concerning any special education needs of the child before placement.
 - f. ____ Records documenting all incidents that required the Dept to provide services to the child, including all orders of adjudication of dependency or termination of parental rights issued pursuant to chapter 39, any case plans drafted to address the child's needs, all protective services investigations identifying the child as a victim, and all guardian ad litem reports filed with the court concerning the child.
 - g. ____ Written information concerning the availability of adoption subsidies for the child, if applicable.
3. ____ If the adoption entity is unable to provide all of the required information, the adoption entity must execute an affidavit stating why the acknowledgment could not be obtained

8. Paternity Registry

- a. ____ Unless previously filed in the dependency case, a Putative Father Registry certificate from the OVS must be filed with the court containing:
 - 1. ____ The identity and contact information of a possible father, or
 - 2. ____ A statement that after a diligent search, no match was found.

§ 63.054(7).
- b. ____ Date of PFR Search must be date TPR petition was filed or later.

10. Consent/Notice Requirements.

- a. ____ Notice of hearing must be given to each party in accordance with the Florida Rules of Civil Procedure. **§ 63.122(2), Rule 1.080(a) and 1.090(d).**
- b. ____ Notice must be given to the adoption entity placing the minor. **§ 63.122(4).**

11. ORDERS

_____ **Final Judgment contains TPR case number.**

Updated 2/13/2015