

Petitioners \_\_\_\_\_ Adoptee \_\_\_\_\_  
Attorney \_\_\_\_\_ Case Number \_\_\_\_\_

**ADOPTION CHECKLIST WHERE PETITIONER IS SOMEONE OTHER  
THAN GRANDPARENT, STEP-PARENT, OR AUNT/UNCLE AND  
ADOPTEE IS A MINOR AND  
PARENTAL RIGHTS WERE NOT TERMINATED UNDER CHAPTER 39  
(Effective July 1, 2012)**

**1. Venue**

\_\_\_\_\_ Petition must be filed in the county where the TPR was filed or where the adoption entity is located. § 63.102(2).

**2. Residency 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).

c. \_\_\_\_\_ Out-of-state placement can only be made by an adoption entity if: § 63.207(1).

- 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(2):
  - a. \_\_\_\_\_ Permanent custody has been awarded to the department or to a licensed child-placing agency AND
  - b. \_\_\_\_\_ Child has established significant emotional ties with his or her foster parents; or is not likely to be adopted because he or she is 8 years of age or older, mentally retarded, physically or emotionally handicapped, of black or racially mixed parentage, or a member of a sibling group of any age, provided two or more members of a sibling group remain together for purposes of adoption.

d. \_\_\_\_\_ If this is an out-of-state placement by an adoption entity, a petition for declaratory statement must be filed. § 63.207(1).

e. \_\_\_\_\_ Out of state placement: documentation that ICPC for sending & receiving states approved placement. See 65C-15.037 FAC.

**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. \_\_\_\_\_ Any declaratory statement entered under § 63.102.

c. \_\_\_\_\_ Preliminary home study. **§ 63.092.**

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

d. \_\_\_\_\_ Must be filed by adoption entity (**§ 63.039(2)**)

e. \_\_\_\_\_ 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).**

f. \_\_\_\_\_ Certified copy of minor's birth certificate, unless previously filed in TPR file [not directly required by statute but needed to evaluate if father's consent is required under § 63.062(1)(b)(4)]

- g. \_\_\_\_\_ Copy of Adoption disclosure & original written statement acknowledging receipt of disclosure (§ 63.085(1)); § 63.039(1)(j)) (language of disclosure must track HB 663)  
\_\_\_\_\_ Adoptive mother  
\_\_\_\_\_ Adoptive father

**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. Consent/Notice Requirements.**

- a. \_\_\_\_\_ Adoption entity who placed child may consent if previously parental rights

- terminated. In this case, no other consent is required. § 63.062(7).
- b. \_\_\_\_\_ 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).
- c. \_\_\_\_\_ Notice must be given to the adoption entity placing the minor. § 63.122(4).

9. **Case Management Hearing (Rule 12.200(2)) is required within 60 days of filing petition if:**

\_\_\_\_\_ an intermediary, attorney, or agency is seeking fees or costs in excess of those provided under § 63.097 or § 63.212(4)

10. **Affidavit of Fees and Costs** (§§ 63.097, 63.132)

- a. \_\_\_\_\_ The affidavit must be signed by: § 63.132(1)
1. \_\_\_\_\_ adoption entity **and**
  2. \_\_\_\_\_ each adoptive parent.
- b. \_\_\_\_\_ Affidavit must be filed before final hearing § 63.132(1)
- c. \_\_\_\_\_ The affidavit must itemize all disbursements and receipts of 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 adoption or TPR.
1. For each legal or counseling fee, the expenses or disbursements must detail: § 63.132(1)(b).
    - a. \_\_\_\_\_ service provided
    - b. \_\_\_\_\_ date of service
    - c. \_\_\_\_\_ time required if charged by the hour
    - d. \_\_\_\_\_ person/entity providing service
    - e. \_\_\_\_\_ hourly fee
  2. Fees are reasonable, § 63.097(2), and for:
    - a. \_\_\_\_\_ living expenses of birth mother - must be itemized
    - b. \_\_\_\_\_ medical expenses
    - c. \_\_\_\_\_ service of process/diligent search/preliminary homestudy/final home investigation
    - d. \_\_\_\_\_ court filing/costs/litigation expenses/birth certificate/medical records
    - e. \_\_\_\_\_ advertising per § 63.212(1)(g)
    - f. \_\_\_\_\_ professional fees (flat fee or hourly rate)
      1. \_\_\_\_\_ legal - hourly or flat fee
      2. \_\_\_\_\_ contact with parent - transportation, setting appts., etc. - hourly or flat fee
      3. \_\_\_\_\_ counseling to adoptive parents or birth parent - hourly fee
    - g. \_\_\_\_\_ If agency and prior approval obtained from DCF, § 63.097(1):
      1. \_\_\_\_\_ foster care expenses
      2. \_\_\_\_\_ preplacement and postplacement social services
      3. \_\_\_\_\_ agency facility and administrative costs, AND
      4. \_\_\_\_\_ approval of DCF is attached
  3. Affidavit lists expenses for § 63.132(1)(c):
    1. \_\_\_\_\_ birth of minor
    2. \_\_\_\_\_ placement of minor with petitioner

3. \_\_\_\_\_ medical care for mother and minor - prenatal and 6 weeks postpartum. See § 63.097.
  4. \_\_\_\_\_ living expenses of birth mother - itemized in detail. See § 63.097.
  5. \_\_\_\_\_ services received by petitioner, adoption entity, parent, or minor for the adoption or placement
  6. \_\_\_\_\_ Whether Medicaid, insurance, public assistance paid for these expenses
- d. Fees are not for: § 63.097(4), 63.097(5)
1. \_\_\_\_\_ expense of locating a minor for adoption;
  2. \_\_\_\_\_ a payment not itemized and documented on affidavit;
  3. \_\_\_\_\_ un-itemized fee on affidavit, must state service provided, date of service, person providing, time required to provide service, and the hourly fee charged.
- OR**
4. \_\_\_\_\_ court approves fee based on extraordinary circumstances
- e. Court-approval, § 63.097(3), required for:
1. \_\_\_\_\_ legal or other fees exceed \$5,000
  2. \_\_\_\_\_ court costs exceed \$800
  3. \_\_\_\_\_ reasonable and necessary living and medical expenses exceed \$5,000
  4. \_\_\_\_\_ fees not permitted under paragraph 10(d) above

**11. ORDERS**

\_\_\_\_\_ **Order approving fees and costs prepared.**  
 \_\_\_\_\_ **Final Judgment contains TPR case number.**

Updated 2/13/2015