

Administrative Office of the Courts
The Sixth Judicial Circuit of Florida
(727)582-7200

CASE PROGRESSION CHECKLIST
STEPPARENT ADOPTION OF ADULT

This checklist has been prepared to assist you with the necessary procedure for bringing your case to final hearing. This checklist lists the minimum requirements and, even though fairly specific, may not be all-inclusive for every case. **It is not intended, and should not be substituted for proper legal advice from an attorney.** You should, however, find that making sure all necessary steps noted below are followed would reduce procedural difficulties and time delays.

I. INITIAL FILING:

A. Petition for Adoption of Adult by Stepparent – Form 12.981(c)(1). **Note:** A certified copy of the adoptee's original birth certificate should be attached to the petition.

B. Required forms filed with initial petition:

Affidavit of Indigency - Form 12.902(a), if you are requesting that **filing fees** and **sheriff's fees** be waived. (The clerk will also require you to fill out a short financial affidavit in addition to this form.)

Consents: In a stepparent adoption of adult the only required consents are listed below, however, the birth parents of the adoptee are still required to be noticed of the adoption unless they are deceased (certified death certificates may be required by the Court as proof).

Stepparent Adoption: Consent of Adoptee – Form 12.981(a)(2).

Stepparent Adoption: Consent of Adult Adoptee's Spouse – Form 12.981(c)(2). If you are unable to obtain the required consent of the spouse, they should be served by personal or constructive service (see below).

Personal service: The recent statute changes have eliminated the requirement that the birth parents consent to the stepparent adoption of an adult, however, there is still a requirement to **notice** the birth parents. The birth parents must either be personally served with the petition for stepparent adoption of adult **OR** sent notice of the hearing. If you have any questions on this part of your case, you should seek legal advice.

Summons: Personal Service on an Individual – Form 12.910(a). You will need one of these forms for each party/person that is being served.

Process Service Memorandum - Form 12.910(b). You will need one of these forms for each party/person that is being served.

Out of State Service Information: If service is required on a party residing outside of the state of Florida, the party who filed the petition must obtain service procedure information including fees, from the local officials responsible for process service where the other party resides. This information, along with applicable fees (in the form of a money order), must be provided to the Clerk's Office. The Clerk's Office will forward the completed summons and paperwork to the address you provide for the out of state agency. **Most other states will not honor a Florida Affidavit of Indigence.**

C. Required fees.

- Filing fee paid or fee waiver (Affidavit of Indigency) granted by Court.
- Fees paid for process service by Pinellas County Sheriff or fee waiver (Affidavit of Indigency) granted.

II. SERVICE OF PROCESS:

A. Personal Service.

- Summons returned “served” and the Original Return of Service has been filed by Clerk in your court file.

If your summons is returned to the clerk “NOT SERVED”

1. **Alias summons:** Return to the Clerk of Court to request an **Alias** (2nd attempt at service) or **Pluries** (3rd or more attempt at service) service to be processed by the clerk of court.

- Complete Summons: Personal Service on an Individual-form 12.910(a).
- Process Service memorandum-form 12.910(b).

If you are still unable to serve the other party

2. **Constructive Service:** is only to be used after you have completed an actual diligent search for the other party and have been unable to locate them.

- Constructive service is also known as “service by publication.” You will need a “Notice of Action” appropriate to your case. The supreme court forms do not contain a notice of action for any type of action except divorce, you will need to locate the appropriate form in a law library or have the assistance of an attorney to prepare the proper document. The document must be posted or published for 32 days before you can proceed further with your case.
- Affidavit of Diligent Search and Inquiry 12.913(b).

Only now is the case potentially ready for setting for trial/final hearing.

III. SETTING A HEARING:

- Call the resource center at 727-582-7200 to request final hearing. Your court records will be viewed for basic completeness and you will be given further instructions for setting your final hearing.

Note: Under certain circumstances the Court may require an investigation to determine if the adoption is in the adoptee’s best interest and in accordance with the law.

- Notice of Hearing:** Depending upon which Judge your case is assigned to, you may be required to prepare the Notice of Hearing – please be sure that you have completed the **certificate of service** section on the bottom of the form. There is one notice of hearing in your package, if you need more they can be obtained from the clerk of court for a fee or downloaded from www.jud6.org (Representing yourself in court section) for free. You will need the free acrobat reader (available from www.adobe.com) software installed. on your computer to access the forms on our web page.

Distribute Notice of Hearing as follows:

- 1) Original(s) filed with Clerk’s Office
- 2) Copy to other party(s) or their attorney (must be received 5 days prior to the hearing date).

- The adult adoptee
- The spouse of the adult adoptee if they didn’t sign a consent

- The birth parent(s) of the adult adoptee if they were not previously personally served or are deceased (even if previously served, the court could still require you to send notice of hearing).
- 3) Copy maintained for your use (optional).

If you do not properly complete this step, your hearing could be delayed.

IV. FINAL HEARING:

- A. Make arrangements for child care if applicable. Children not allowed to attend without prior Order, per Fla. Fam. L. R. P. 12.403.
- B. Bring to final hearing:
- Stamped (\$.60), pre-addressed legal size (9.5" business size) envelopes for each party to the case.**
 - Driver's License, Florida Identification Card or Voter's Identification card.
 - Final Disposition Form (obtain from Clerk).
 - Final Judgment. **The supreme court forms do not contain a final order for this type of adoption.** You will need to locate one in a law library or have an attorney prepare the necessary document for you. At the hearing you will need one original and enough copies for the other parties to the case.

V. AFTER THE FINAL HEARING:

All adoption files are routinely sealed from public view. This means that once the case is completed you will not be able to access the court file to obtain copies of documents you have filed or orders that have been entered in the case. **YOU MUST ORDER AS MANY CERTIFIED COPIES AS YOU NEED OF THE FINAL ORDER(S) FROM THE CLERK OF COURT BEFORE TEN (10) DAYS AFTER ENTRY OF THE FINAL JUDGMENT INTO THE COURT FILE.** If you do not obtain enough copies and need more later, it will require a court order to access the file to obtain more copies of the final order(s).

Some agencies that may actually want a certified copy of the judgment for their files are as follows:

- Insurance companies or mortgage holders.
- Colleges or trade schools
- The Social Security Administration
- The Department of Vital Statistics in the State where the adoptee was born – it is especially important that a copy of the final order is sent to this agency. If this is not done, the adoptee may have problems later due to a name that doesn't match the birth certificate, problems with obtaining a passport, etc.
- Any professional organizations that the adoptee may be a member of
- Any government agencies that may be providing services to the adoptee due to a disability, special education, etc.

"If you are a person with a disability who needs any accommodation in order to participate in a court proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Within two (2) working days of your receipt of any notice or order requiring your presence at a hearing, please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD)."