

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

**CASE PROGRESSION CHECKLIST**  
**JOINT PETITION FOR STEPPARENT ADOPTION**  
**(WITH CONSENT OR NOTICE BY PERSONAL SERVICE)**

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. **IMPORTANT NOTE:** *If you are unable to obtain the consent of all parties, your case will have many added complications.* It is suggested that you keep a copy of all documents that you file for your reference.

**A. Required fees:**

- The Clerk of Court will give you information on filing fees, if you are unable to pay those fees you may ask the clerk for an 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.)
- Filing fee paid, or fee waiver (Affidavit of Indigence) granted by Court

**B. Petition.**

- Joint Petition for Adoption by Stepparent – Form 12.981(b)(1). Both the stepparent and his/her spouse (i.e. the natural parent) must sign this petition. **Note:** A certified copy of the minor's original birth certificate must be filed with the petition.

**C. Required forms to be filed with the petition:**

- Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (UCCJEA) – Form 12.902(d).
- Indian Child Welfare Act Affidavit-Form 12.981(a)(5). **This form is required in all adoption cases.**

**Consents:**

The process of stepparent adoption is least complicated when you have obtained the consent of all necessary parties. If you are unable to obtain the necessary consent from the other parent, you will need to have location information on the other party(ies) in the case so they may be served personally with the petition. If you have no address for another party in the case, you will need additional forms that are not included in this package to serve notice by constructive service. The law regarding constructive service is complex and you may wish to consult an attorney regarding that issue.

**Note:** If the parents were unmarried, there is no father's name on the birth certificate, the mother was married to someone other than the father at the time of the child's birth, or there has **not** been a court case for paternity, this could create complications in your case. If you have questions concerning who should sign these consents and/or which form should be used, you should seek legal advice from an attorney.

- Stepparent Adoption: Consent of Adoptee – Form 12.981(a)(2) An adoptee over 12 years old must sign a consent. In certain circumstances the court can excuse this consent.
- Affidavit of Nonpaternity – Form 12.981(a)(3). This form is used when a stepfather is adopting his wife's minor child and the mother and father were never married and paternity has not been established by a valid acknowledgment or court proceeding.

**OR**

- Stepparent Adoption: Consent and Waiver by Parent – Form 12.981(a)(1). This consent is signed by the other legal parent of the child.
- Deceased parent:** If the other parent of the child is deceased, you will need to obtain a certified death certificate from the agency responsible for issuing those documents in the state where the death occurred. In Florida, the Department of Vital Statistics issues death certificates. **Note:** a search of the Putative Father Registry may still be required in this situation.

## II. SEARCH OF THE PUTATIVE FATHER REGISTRY:

**Note:** Statute requires a search of the Putative Father Registry maintained by the Florida Office of Vital Statistics in many adoption cases. If the child was born in another state, you may also be required to search a similar registry in that state as well as the one in Florida. If you have any questions about whether this step is necessary in your case, you may need to seek legal advice.

Generally a search of the putative father registry is required when:

- The mother and father were not married when the child was born.
- The birth father is unknown
- There is no signed consent from the other parent
- The other parent is being served by constructive service.

In this state, the putative father registry is maintained by the Florida Department of Vital Statistics. When filing a stepparent adoption without an attorney, you must have the Court order the Department of Vital Statistics to complete the search for you. The Department of Vital statistics charges a small fee for the search of the registry and a copy of the court's order must accompany their form requesting the search. The Department of Vital Statistics, Adoption Division, can be reached at 904-359-6900, ext. 9001 (as of 4-2004) to obtain their forms and instructions for accomplishing the search.

- Motion for Search of the Putative Father Registry – Form 12.981(a)(6).
- Order Granting Motion for Search of the Putative Father Registry – Form 12.981(a)(7).

After the Court has signed the order Granting your motion for the search of the Putative Father Registry, you must obtain a certified copy from the clerk's office and mail it to Vital Statistics along with their search form and fee for the search. Vital Statistics will send the results directly to the Pinellas County Clerk of Court.

- Vital Statistics form: Florida Putative Father Registry, Application for Search. Complete this form and attach the following:
  - Check or money order made out to Vital Statistics for the appropriate fee.
  - A certified copy of the signed Order Granting Motion for Search of the Putative Father Registry.

## III. SERVICE OF PROCESS:

**Service of Process by personal service:** The following parties to the case must be served with the above documents by personal service.

- The legal parent who has not signed a consent.
  - Any putative father who previously signed an affidavit of non-paternity but later withdrew it.
  - Any putative father located in the search of the putative father registry.
  - Any putative father that has signed an affidavit of paternity (acknowledgment) pursuant to section 382.013(2)(c) Florida Statutes, but has not been found to be the father in a paternity proceeding.
- Summons: Personal Service on an Individual – Form 12.910(a). Complete one for each party being served.
  - Process Service Memorandum – Form 12.910(b). Complete one for each party 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.**

- Summons returned "served" and the Original Return of Service has been filed by Clerk in your court file. **You will need a return of service for each party that has been served.** Out of state agencies will often send the original "Return of Service" form to you and you will need to file that form in your court file. You will need a return of service on each party that you had served.

### **If your summons is returned to the clerk "NOT SERVED"**

**Alias summons:** Return to the Clerk of Court to request an **Alias** (2<sup>nd</sup> attempt at service) or **Pluries** (3<sup>rd</sup> 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 all of the other party(ies) by personal service, your case cannot proceed until you have obtained service on all parties in the case. Constructive service by publication is available for this procedure, however, those forms are not included in this package. The law regarding constructive service is complex and you may wish to consult an attorney regarding that issue.**

### **III. PROCEEDING WITH THE CASE: Contact the Resource Center for further instructions.**

Contact the Court's Information & Resource center at 727-582-7200 to request that your file be reviewed for readiness for hearing. **You will not be given a court date at the time you call.**

The Resource Center will take some information from you and will order the file to the proper staff for review. You will be contacted later with information concerning your court date or problems that may have been found with your filing.

If you have legal questions, the Resource Center staff may be able to direct you to community legal resources that may be available for low income individuals.

### **IV. HEARING ON STEPPARENT ADOPTION:**

#### **A. Notice of Hearing:**

- General Notice of Hearing – Form 12.923 must be sent to each party in the case that has not signed a consent or affidavit of non-paternity. Each party must receive notice of the hearing no less than 5 days in advance of the court date.

#### **B. Attendance at the hearing:** Both the stepparent adopting the child, and the child's parent who is married to the stepparent must appear at the hearing.

**Does the child have to come to the hearing?**

- **Under 12 years old:** The attendance of the minor child being adopted is allowed but not required.
- **Over 12 years old:** The attendance of the minor child being adopted is required.

C. Also bring with you to the final hearing:

- Driver's License, Florida Identification Card or Voter's Identification card.
- Certified copies** of all previous court orders affecting the child(ren) (custody, visitation, support, dependency), especially if those orders were entered by a Court in another state or county.
- Final Orders: Final Judgment of Stepparent Adoption – Form 12.981(b)(2). Note: you will need to provide one original and enough copies for all parties in the case.

## **VI. AFTER THE FINAL HEARING:**

**After the final hearing you will need to request at least one certified copy of the final order. The clerk of court will charge a fee for certified copies. The clerk of court routinely seals files of this nature after ten (10) days from the entry of the final order. After that period, if you must gain access to a sealed court file, it will require a court order to do so.**

### **PLEASE READ THE FOLLOWING CAREFULLY!!!**

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 judgement for their files are as follows:

- The other parent for purposes of stopping support orders, changing insurance, etc.
- Schools
- The Social Security Administration
- The Department of Vital Statistics in the State where the child was born – it is especially important that a copy of the final order is sent to this agency. If this is not done, the child 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 child may be a member of
- Any government agencies that may be providing services to the child 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)."**