

## STEPARENT ADOPTION

### NOTICE TO PARTIES WHO ARE NOT REPRESENTED BY AN ATTORNEY WHO IS A MEMBER IN GOOD STANDING OF THE FLORIDA BAR

This checklist is designed to help persons seeking to represent themselves in court without the assistance of an attorney. It is meant to serve as a guide only.

We do not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form drafted. Any person using these instructions and forms does so at his/her own risk.

To obtain Florida approved family law forms visit the Florida Court Self Help website at [www.flcourts.org](http://www.flcourts.org).

Please note that Florida law prevents our staff from providing legal advice.

**AFTER** all forms are filled out and **NOTARIZED** you must have them reviewed by **Family Court Case Management** which is located on the 2nd Floor of the Lake County Courthouse. You **DO NOT** need to schedule an appointment to have your paperwork reviewed.

#### **I. REVIEW OF DOCUMENTS WITH FAMILY COURT CASE MANAGEMENT**

##### **Additional items to bring for review with Family Court Case Management**

- If you are having the other party served you must have
  - a. An additional copy of the completed Petition
  - b. An additional copy of the completed Summons
  
- Three (3) stamped envelopes
  - a. One addressed to the Petitioning Party
  - b. One addressed to the Birth Parent
  - c. One left blank to be used if necessary

#### **II. INITIAL FILING**

##### **A. Petition**

- Joint Petition for Adoption by Stepparent - Form 12.981(b)(1)

##### **B. Required forms filed with initial petition**

- Civil Cover Sheet-Form 12.928
- Stepparent Adoption: Consent and Waiver by Parent - Form 12.981(a)(1) - This consent is signed by the other legal parent of the child.

- Stepparent Adoption: Affidavit of Non paternity- 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 acknowledgement or court proceeding.
- Stepparent Adoption: Consent of Adoptee - Form 12.981(a)(2) **An adoptee 12 years or older must sign a consent.**
- Certified copy of the child(ren)'s birth certificate
- UCCJEA Affidavit - Form 12.902(d)
- Notice of Related Cases - Form 12.900(h)
- Motion for Search of the Putative Father Registry - Form 12.981(a)(6)
- Application for Search of Florida Putative Father Registry - DH1963 this form may be obtained from the Clerk of Court or downloaded from the following link:  
[http://www.floridahealth.gov/certificates/certificates/birth/Putative\\_Father/documents/DH1965\\_Claim\\_of\\_Paternity\\_revised\\_07\\_12.pdf](http://www.floridahealth.gov/certificates/certificates/birth/Putative_Father/documents/DH1965_Claim_of_Paternity_revised_07_12.pdf).
- Indian Child Welfare Affidavit Act-Form 12.981 (a) (5)
- Summons: Personal Service on an Individual - Form 12.910(a)
- Process Service Memorandum - Form 12.910(b)

**Out of County/State Service Information:** If the other party resides outside of the county or the State of Florida, the party who filed the petition has two choices.

The first option is to complete and file the summons with the Clerk. The Clerk will sign and seal the summons, then return it to you. You then have the responsibility to forward the summons and paperwork to the out of county/state sheriff's office with the appropriate funds for service.

The second option: The party filing needs to contact the sheriff's office in the county which the other party resides in order to find out what is required for out of county/state service. Complete and file the summons with the Clerk. In addition, give the Clerk the payment required by the out of county/state sheriff and a pre- addressed stamped envelope addressed to the out of county/state sheriff. The Clerk's Office will forward the issued summons with the payment to the address provided for the out of county/state sheriff. **Most other states will not honor a Florida Affidavit of Indigence.**

**OR:**

- Stepparent Adoption: Consent and Waiver by Parent- Form 12.981(a)(1)
- C. Additional forms. The use of these forms depends on your situation. Please read all of the instructions included in the front of each of these forms to determine if you will need them.**
- Affidavit of Non-Paternity - Form 12.981(a)(3)

- Motion for Default/Default-Form 12.922 (a)(b)
- Notice for Trial- Form 12.924

### **Constructive Service Forms**

- Affidavit of Diligent Search - Form 12.981(a)(4) This form may be found under Family Law Forms at [www.flcourts.org](http://www.flcourts.org).
- Notice of Action - Form 12.913(a) This form may be found under Family Law Forms at [www.flcourts.org](http://www.flcourts.org).

**If consent has been obtained skip to  
Section V.**

### **III. SEARCHING THE PUTATIVE FATHER REGISTRY**

**Note:** Section 63.054, Florida States, requires that in each adoption, a search of Florida's Putative Father Registry must be conducted. You will need an order from the judge to do this, which you can request by filing a Motion for Search of the Putative Father Registry - Form 12.981 (a)(6).

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, ex. 9001 to obtain their forms and instructions for accomplishing the search.

Motion for Search of the Putative Father Registry - Form 12.981(a)(6)

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 Lake County Clerk of Court.

Application to Search the Florida Putative Father Registry - 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.

#### IV. SERVICE OF PROCESS

##### A. Personal Service

Summons returned "served" and the Original Return of Service has been filed with the Clerk.

After 20 days have passed from the day the biological parent (Respondent) was served, check to see whether the biological parent (Respondent) filed an answer or **any** papers within the 20 day period. If yes, you may check this item.

#### **If your summons is returned to the clerk**

#### **"NOT SERVED"**

1. **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 the other party**

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

Affidavit of Diligent Search and Inquiry - Form 12.981(a)(4) This form may be found under Family Law Forms at [www.flcourts.org](http://www.flcourts.org).

Notice of Action- Form 12.913(a) This form may be found under Family Law Forms at [www.flcourts.org](http://www.flcourts.org).

**If constructive service is used, the Court may grant only limited relief, in all cases it is best to have your petition personally served. This is a complicated area of the law and you may wish to consult with an attorney before using constructive service.**

**If proper service is not obtained, the court cannot hear your case.**

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

#### V. SETTING A HEARING

**Call Family Court Case Management (352-742-4301) to request a final hearing.** Your court records will be reviewed for completeness and you will either be given a court calendar date or you will be given further instructions for setting your final hearing.

## **VI. FINAL HEARING**

Make arrangements for child care if applicable. Children are not allowed to attend without prior Order, per Fla. Fam. L. R. P. 12.403.

The Petitioner(s)/Joint Petitioners is/are required to attend the final hearing. The adoption will not be granted if the Petitioner does not attend. Whether or not the attendance of the biological parent (Respondent) is required depends on if the Consent and Waiver has been signed by the biological parent. If the waiver has been signed, the Respondent is not required to attend the final hearing. If the Respondent was served, and disagrees to the adoption, he or she should be present at the final hearing.

**When can I expect my final paperwork to arrive?** You will most likely receive your paperwork on the day of the final hearing. If the paper work is mailed, it can take 10-14 days.

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at the Office of the Trial Court Administrator, Lake County Courthouse, P.O. Box 7800/550 W. Main Street, Tavares, FL 32778-7800, Telephone (352)-742-4221, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711 or (352) 742-3890.**