

INSTRUCTIONS FOR FILING A STEPPARENT ADOPTION WITH CONSENT

This packet is to be used to terminate the parental rights of a parent when a stepparent plans to adopt his or her **spouse's** minor child. The parent having legal custody of the minor child must sign the **petition**. In addition, the parent whose parental rights are being terminated must consent by signing the **Consent and Waiver by Parent**. This consent shall not be executed before the birth of the minor child. Both the stepparent and his or her spouse must sign the **joint petition**. A filing fee of \$401.00 is payable to the Brevard County Clerk of Courts by cash, check, cashier's check, money order, debit card, American Express, Discover, Master Card or Visa.

Immediately upon filing a case, per Administrative Order 09-26-B, petitioners in an adoption action must notify the Program Administrator at: Florida Department of Children and Families, 375 Commerce Parkway, Suite 101, Rockledge, FL 32955 by sending a copy of the **Joint Petition for Adoption by Stepparent** [Florida Supreme Court form 12.981(b)(1)]. The number to call is (321)604-4351. Petitioner shall also provide the name of the Judge assigned to the Petitioner's adoption case to the Program Administrator. It is suggested that all parties filing for a stepparent adoption read Administrative Order 09-26-B.

Procedure:

1. Have the non-custodial parent complete the Termination of Parental Rights Pending Stepparent Adoption: Consent and Waiver by Parent, [Florida Supreme Court form 12.981(a)(1)], and return it to you.
2. Complete the Joint Petition for Stepparent Adoption, [Florida Supreme Court form 12.981(b)(1)], (this one is to be signed by you and the stepparent), and attach a certified copy of the minor child's birth certificate, the Stepparent Adoption Uniform Child Custody Jurisdiction and Enforcement Act Affidavit, [Florida Supreme Court form 12.902(d)], the Affidavit Regarding Juvenile Dependency [form Law 1100], the Indian Welfare Act Affidavit, [Florida Supreme Court form 12.981(a)(5)], Notice of Related Cases [Florida Supreme Court form 12.900(h)] and the Civil Cover Sheet, [form Law 181]. If the minor child being adopted is 12 years of age or older, you will also need the Stepparent Adoption: Consent of Adoptee, [Florida Supreme Court form 12.981(a)(2)]. *Do not leave anything on these forms blank.* If a line does not apply put N/A.
3. Once the above forms are completed and notarized, including the non-custodial parent's consent, make yourself a copy of each form.
4. Complete the Final Judgment of Stepparent Adoption, [Florida Supreme Court form 12.981(b)(2)] and the Certified Statement of Final Decree of Adoption, [form HRS 527].
5. File ALL originals with the Clerk of Court, along with your filing fee. You may submit the paperwork either by U.S. mail to P.O. Box 219, Titusville, FL 32781-0219 or by visiting one of the Clerk of Courts locations.

NORTH BREVARD SERVICE COMPLEX

400 South Street, 2nd Floor
Titusville, Florida

MELBOURNE COURTHOUSE

51 S. Nieman Avenue
Melbourne, Florida

MOORE JUSTICE CENTER

Viera Complex
2825 Judge Fran Jamieson Way
Viera, Florida

MERRITT ISLAND OFFICE

2575 North Courtenay Parkway
Room 129
Merritt Island, FL

PALM BAY OFFICE

450 Cogan Drive S. E.
Palm Bay, FL

6. The Judge assigned to your case will be reflected on your filing fee receipt or you may contact the Clerk of Courts to determine this information.
7. If the birth mother and the birth father were never married and paternity has never been established, you will need to complete the Motion for Search of the Putative Father Registry, [Florida Supreme Court form 12.981(a)(6)], and the Order Granting Motion for Search of the Putative Father Registry, [Florida Supreme Court form 12.981(a)(7)]. Make **2 copies** of each completed form and retain one copy of each for your records. Prepare a self-addressed stamped envelope.
8. File the original completed Motion for Search of the Putative Father Registry and the Order Granting the Search for the Putative Father Registry with the Clerk of Courts. Send one copy of the completed Motion and Order and the self-addressed stamped envelope, to the Clerk of Courts to send to the assigned judge for signature. When the judge signs the order, you will be sent a copy in the self-addressed stamped envelope you have provided. If the copy received is not certified you may purchase a certified copy of this order from the Clerk of Courts.
9. Complete the Florida Putative Father Registry form, [Department of Health form DH1963. You may enter this form number into Google search and pull up the form directly]. Retain a copy of the form for your records. Send the Registry the original letter, the **certified copy** of the order signed by the judge instructing the Registry to conduct the search, a money order for \$9.00 made payable to the Registry and a self-addressed stamped envelope.
10. Upon receipt of the Certificate from the Putative Father Registry, make yourself a copy of the certificate. Ensure your case number is on the certificate and submit the original Certificate to the Clerk of Court to file.
11. Contact the assigned judge's office and schedule a hearing for termination of parental rights and stepparent adoption. (If the birthparents were not married you will need time to contact the Putative Father Registry, therefore, set your hearing *at least two (2) months* in the future.)
12. Complete the Notice of Hearing – General, [Florida Supreme Court form 12.923]. Make 2 copies of this completed form. Retain one copy for your records.
13. Make a copy of the Joint Petition for Stepparent Adoption. Attach this copy to the second copy of the Notice of Hearing. Mail both copies by certified mail, return receipt requested, to the parent that has signed the Termination of Parental Rights Pending Stepparent Adoption: Consent and Waiver by Parent. When you receive the signature card back from the post office, tape it to a blank sheet of paper and write the case number on the top right hand corner of the paper. Make yourself a copy of the paper and file the original return receipt with the Clerk of Courts.
14. Attend your hearing on the designated date. Bring an envelope stamped and addressed to the parent who signed the Termination of Parental Rights Pending Stepparent Adoption: Consent and Waiver with you to the hearing.

If you would like to have someone notarize or look over the completed forms before you file them, contact the Family Pro Se Coordinator at 321-617-7254 or email prosecoordinator@brevardclerk.us to set an appointment.