

**INSTRUCTIONS FOR FILING A STEPPARENT ADOPTION WHEN THE MOTHER
IS MARRIED TO SOMEONE OTHER THAN BIRTHFATHER AND
THERE IS NO LEGAL DETERMINATION OF PATERNITY**

This packet should be used in a proceeding to terminate parental rights when a stepparent is adopting their spouse's minor child and the mother and father of the minor child(ren) were never married, the mother was married to someone other than the birthfather when she became pregnant, and paternity has not been established by a valid acknowledgment or court order. This should not be done before the birth of the child. The parent or person having legal custody of the minor child must sign this **petition**. 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 person required to sign the Affidavit of Non Paternity, [Florida Supreme Court form 12.981(a)(3)], sign and notarize the document, and return it to you.
2. Complete the Joint Petition for Stepparent Adoption, [Florida Supreme Court form 12.981(b)(1)], (this form 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, [Supreme Court form 12.900(h)], the Civil Cover Sheet, [form Law 181]. If the minor child being adopted is 12 years of age or older, also use 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 Affidavit of Non Paternity, [Florida Supreme Court form 12.981(a)(3)], make 1 copy of each form and retain them for your records.
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]. Make 2 copies of the completed Final Judgment.
5. File ALL original completed forms and the 2 copies of the Final Judgment with the Clerk of Court, along with your filing fee.

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 Court to determine this information.
7. Contact the assigned judge's office and set a hearing for termination of parental rights and stepparent adoption. Set the hearing at least two (2) months in the future.
8. Complete the Notice of Hearing – General, [Florida Supreme Court form 12.923]. Make a copy of the completed document.
9. If the birth mother and the birth father were never married and paternity has never been established, complete the Motion for Search of the Putative Father Registry [Supreme Court form 12.981(a)(6)] and the Order Granting the Motion for Search of the Putative Father Registry, [Florida Supreme Court form 12.981(a)(7)]. Make **two (2) copies** of each completed form and retain one copy of each for your records. Prepare a self-addressed stamped envelope.
10. Submit the original completed Notice of Hearing, the original Motion for Search of the Putative Father Registry, a copy of the completed Order Granting the Motion for Search of the Putative Father, and the self-addressed stamped envelope, to the Clerk of Courts to send to the assigned judge for signature. The judge should sign the order and send you a copy in the envelope addressed to you. If the copy received is not certified you may purchase a certified copy of this order from the Clerk of Courts.
11. Complete the Florida Putative Father Registry, [Department of Health form DH1963. You may enter this form number into Google and pull up the form directly]. 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.
12. Upon receipt of the Certificate from the Putative Father Registry, make yourself a copy and submit the original to the Clerk of Court to file. Ensure your case number is on the Certificate.
13. Attend the hearing on the designated date.

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.