

**INSTRUCTIONS FOR FILING A STEPPARENT ADOPTION
WITH NO CONSENT AND SERVICE OF PROCESS**

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 this **petition**. The parent whose parental rights are being terminated will not consent in writing and therefore must be served with a copy of the papers by an official process server. 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. 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 [Florida Supreme Court form 12.900(h)], the Summons, [Florida Supreme Court form 12.910(a)], the Process Service Memorandum, [Florida Supreme Court form 12.910(b)], and 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.
2. Once the above forms are completed and notarized, make 2 copies of each form.
3. Complete the Final Judgment of Stepparent Adoption, [Florida Supreme Court form 12.981(b)(2)] and make 2 copies of the completed Final Judgment.
4. File ALL originals, **except** the Summons, and two copies of the Final Judgment with the Clerk of Court along with your filing fee. (Retain the Summons to be filed at a later date). 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

5. 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.
6. Contact the assigned judge's office and set a hearing for termination of parental rights and stepparent adoption. Set the hearing at least three (3) months in the future.
7. 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.
8. Submit the original completed Notice of Hearing, the original completed Summons, the second copy of forms already filed, as well as one copy of the Notice Hearing and one copy of the Summons to the Clerk, along with a money order for the papers to be served on the birthparent. (If the other party lives outside of Brevard County, you will also need to bring a stamped addressed envelope to the agency that will serve the papers, a money order for service made out to the serving agency, and an envelope stamped and addressed to Clerk of Court, P.O. Box 219, Titusville, Fl. 32781-0219.)
9. If the birth mother and the birth father were not married and paternity was never established, complete the Motion for Search of the Putative Father Registry [Florida Supreme Court form 12.981(a)(6)] and 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 Motion and Order for Search of the Putative Father Registry and one copy of the Motion and Order for Search of the Putative Father Registry along with 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 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 Letter to the Putative Father Registry, [Department of Health form DH1963. You may enter this form number into Google search and pull up the form directly]. Make yourself a copy of the letter. 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. Ensure your case number is on the certificate and submit the original Certificate to the Clerk of Court to file.
13. Once the birthparent is served with the Petitions to Terminate and for stepparent adoption, he/she will have 20 calendar days to respond in writing to the petitions.
14. See Summons Instructions, [form Law 1008] for further instructions.

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.