

SELF-HELP PROCEDURES FOR FILING A PETITION FOR STEPPARENT ADOPTION

These instructions are for a stepparent who is adopting his/her spouse's biological child. It should be filed in the county where the child resides. Both the stepparent and his/her spouse must sign the petition. Please read the instruction sheet on **General Information for Self-Represented Litigants along with this instruction sheet before proceeding.**

There are fees for filing this petition and for service by the Sheriff's Office (if needed). If you cannot pay the fees at the time of filing because of unemployment or insufficient income, you may meet the criteria to be declared indigent. You must complete a Civil Affidavit/Application for Indigent Status with the Clerk of Court. Once you have completed this form, the Clerk of Court will determine if you meet the criteria for indigency. If you meet the criteria, your filing fee will be waived. If obtaining service of process by the Sheriff, you will need to take a copy of the Civil Affidavit/Application to the Sheriff's Office along with your summons and attachments.

DEFINITIONS:

Petitioner -Parent who is married to the biological parent of the child to be adopted, and who files the petition to begin the action.

Respondent -The non-custodial birth parent who is being asked to give up his/her parental rights pending a stepparent adoption and whose consent should be obtained.

You must complete and file documents 1 - 8 with the Clerk of Court, then proceed according to your particular situation as indicated in either A, B, or C below. Additional forms you may need that are not in your packet are available from the Clerk of Court.

- 1.____ Form 12.981(b)(1) **Joint Petition for Adoption by Stepparent and Acknowledgment of Limitation of Services Provided (must be filed with your petition).**
- 2.____ Form 12.902(d) **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit.**
- 3.____ **Certified copy of the child(ren)'s birth certificate(s).**
- 4.____ Form 12.981(a)(5) **Indian Child Welfare Act Affidavit.**
- 5.____ Form 12.981(a)(2) **Consent of Adoptee** if child is age 12 or older.
- 6.____ Form 12.981(a)(1) **Consent and Waiver by Parent.** This form must be completed and signed by the parent who is giving up rights to and custody of the minor child. This consent cannot be signed before the birth of the child.

OR

____ Form 12.981(a)(3) **Affidavit of Non-paternity.** This form is to be completed when the father of the child was not married to the mother and paternity had not been established by court order. This consent can be signed before the birth of the child.

OR

____ **Certified copy of respondent's death certificate, if deceased.**

OR

____ Form 12.981(a)(4) **Affidavit of Diligent Search.** If you do not know where the parent is, you must make a serious effort to locate him/her through the diligent search

process so that you can serve him/her with the Petition for Stepparent Adoption

7.____ **Certificate of Search of the Florida Putative Father Registry.** This search is required in every adoption proceeding. If the search results reveal who and where the father is, you must then serve him with the Summons and Petition for Adoption by Stepparent. To get this search done, you must first file form 12.981(a)(6) **Motion for Search of Putative Father Registry** asking the judge to order the search along with the typed Form 12.981(a)(7) **Order Granting Motion for Search of Putative Father Registry - for the judge's signature.** **Provide these two forms along with a self-addressed stamped envelope to the Clerk of Court.** You will need to take a certified copy of the order and complete an Application for Search of the Putative Father Registry with the Department of Vital Statistics. They will perform the search and provide the Certificate of Search to you.

8.____ Form 12.900(a) **Disclosure from Non-lawyer** (this must be filed if a person who is not a lawyer helped you to complete the paperwork.

9.____ Form 12.981(b)(2) **Final Judgment of Stepparent Adoption.** A sample is provided in the packet. **The Final Judgment must be typed neatly, accurately and be in good condition for the Judge to sign.** Bring your Final Judgment plus two (2) copies and two (2) self addressed stamped envelopes (one for each party) to the final hearing.

A. IF YOU HAVE ALL DOCUMENTS AND REQUIRED CONSENTS:

1.____ When ALL required documents and time requirements have been met and you believe your case is ready for a final hearing, **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES - ONE ADDRESSED TO EACH PARTY.** Your case will be reviewed and a trial date, hearing date or further instructions will be provided to you by mail. PLEASE DO NOT CALL TO INQUIRE..

B. IF YOU DID NOT OBTAIN A CONSENT OR AFFIDAVIT OF NON PATERNITY FROM THE OTHER PARENT AND YOU KNOW HIS/HER CURRENT OR LAST KNOWN ADDRESS:

1.____ **Form 12.910(a) Summons: Personal Service on an Individual.** Tell the Clerk of Court that you need a Summons to serve the other parent with the documents and attach forms 1-7 above including the blank **Consent and Waiver by Parent and Affidavit of Nonpaternity** to the Summons. The Summons informs the respondent that he/she will have 20 days to respond to your petition. Take the Summons and attachments to the Sheriff's Office in the county where the party lives. The Sheriff's Office will send a Return of Service to you and to the Clerk of Court, stating whether the respondent was or was not served.

2.____ If the respondent fails to serve or file a response or any paper within the 20 days allowed, you must file Form 12.922(a) **Motion for Default.** If the other parent is not in the military, you must also file form 12.912(b) **Nonmilitary Affidavit** at this time.

3.____ When ALL required documents and time requirements have been met and you believe your case is ready for a final hearing, **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES - ONE ADDRESSED TO EACH PARTY.** Your case will be reviewed and a hearing date, trial date or further instructions will be provided to you by mail. PLEASE DO NOT CALL TO INQUIRE.

4.____ Bring you Final Judgment plus two (2) copies and two(2) self addressed stamped envelopes

to your final hearing.

C. IF YOU HAVE BEEN UNABLE TO FIND THE OTHER PARENT'S ADDRESS THROUGH DILIGENT SEARCH OR THE PUTATIVE FATHER REGISTRY:

IF your attempts to locate and serve the other parent through the Sheriff's Office have been unsuccessful, you must use constructive service (sometimes referred to as service by publication). The requirements for constructive service are complex, and you may want to seek advice from an attorney.

1.____ File the **Notice of Action for Adoption by Stepparent**. There is no Supreme Court form for this notice, therefore, you may wish to consult an attorney on what this notice must include. You will need to file this Notice with the Clerk of Court. Do not fill in the response date until you are presenting it to the Clerk of Court. It is recommended that you insert a response date at least 35 days, but no more than 60 days from the day you present it to the clerk for signing and filing. Get two copies: one for your records and one for the publication. The Notice must be published immediately with a qualified local newspaper for four (4) consecutive weeks in the county where the person last resided. If you cannot afford to pay to publish the Notice, you will need to file an Affidavit of Indigency, Form 12.902(a) and Financial Affidavit, Form 12.902(b) per paragraph 2 of the above instructions. If the clerk determines that you cannot afford these fees, they will post your Notice in a designated place for the required four-week period.

2.____ The respondent has until the date listed on the Notice of Action to file an answer. If he/she fails to answer your petition in the time allowed, you will need to file Form 12.922(a) **Motion for Default** and Form 12.912(b) **Nonmilitary Affidavit**.

3.____ When ALL required documents and time requirements have been met and you believe your case is ready for a final hearing, **FILE YOUR REQUEST FOR HEARING/TRIAL WITH THE CLERK OF COURT ALONG WITH TWO SELF-ADDRESSED STAMPED ENVELOPES - ONE ADDRESSED TO EACH PARTY**. Your case will be reviewed and a trial date, hearing date or further instructions will be provided to you by mail. PLEASE DO NOT CALL TO INQUIRE.

4.____ Bring you Final Judgment plus two (2) copies and two(2) self addressed stamped envelopes to your final hearing.

NOTICE OF LIMITATION OF SERVICES PROVIDED

This list of forms and procedural information should be considered as a guideline and not legal advice. It is best to consult with your own attorney, especially if your case presents significant issues regarding children, child support, alimony, retirement or pension benefits, assets or liabilities.

The personnel in the self-help program are not acting as your lawyer or providing legal advice to you. Self-help personnel are not acting on behalf of the Court or any judge. The presiding judge in your case may require amendment of a form or substitution of a different form other than any you may have obtained from the clerk's office, the self-help office or a legal forms provider. The form(s) you file are only a request of the Court. The judge is not required to grant the relief requested in a form. The personnel in the self-help program cannot tell you what your legal rights or remedies are, represent you in court or tell you how to testify in court. Self-help services are available to all persons who are or will be parties to a family case. The information you give to and receive from self-help personnel is not confidential and may be subject to disclosure at a later date. Nothing you may tell family court personnel is confidential. If another person involved in your case seeks assistance from this self-help program, that person will be given the same type of assistance you receive.

Clerk's Office Family Law Division: 595-4331

**Court Administration Family Law Self Help Office: Division L - 595-4407
Division M - 595-3735
Division P - 595-4497**