

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO.: 5.807-7/17

IN RE: CHAPTER 39 ADOPTIONS
_____:

A case in which a minor becomes available for adoption after the parental rights of each parent have been terminated by a judgment entered pursuant to chapter 39 is governed by section 39.812 and Chapter 63, Florida Statutes. All documents necessary for the adoption must be filed prior to the final hearing. A checklist of the required documents would assist the court in ensuring a timely disposition of the matter.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED AND ADJUDGED** as follows:

1. A final hearing will not be scheduled on Petition for Adoption unless a Notice of Compliance with Statutory Requirements for Adoption Initiated Under Chapter 39, Florida Statutes ("Notice of Compliance") along with a fully completed Checklist has been filed.
2. A copy of the Notice of Compliance with the Checklist is attached as Exhibit "A".

DONE AND SIGNED in Chambers, at West Palm Beach, Palm Beach County, Florida,
this 18th day of July, 2017.

The image shows a handwritten signature in black ink that reads "Krista Marx". The signature is written over a faint, circular official seal of the court. The seal contains the text "THE FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA" and "ADMINISTRATIVE OFFICE OF THE COURT".

Krista Marx
Chief Judge

EXHIBIT "A"

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

In the Matter of the Adoption of

JUVENILE DIVISION “ ___ ”
CASE NO.:

[ADOPTIVE NAME]
A minor child.

_____ /

**NOTICE OF COMPLIANCE WITH STATUTORY REQUIREMENTS FOR
ADOPTION INITIATED UNDER CHAPTER 39, FLORIDA STATUTES**

The undersigned hereby notifies the Court that 1) the attached checklist has been reviewed and substantially complied with as evidenced by the reviewer's initials; 2) all required information and documentation pertaining to this adoption has been provided to the Court; and 3) that this matter is now ready to be set for final hearing.

Date: _____

[Attorney Name], Esq.
[Firm Name]
[Firm Address]
[Email/Phone Number]
[Florida Bar Number]

CHAPTER 39 ADOPTION CHECKLIST

Pursuant to section 63.037, Florida Statutes (2016), a case in which a minor becomes available for adoption after the parental rights of each parent have been terminated by a judgment entered pursuant to chapter 39, is governed by section 39.812 and Chapter 63, Florida Statutes.

THE FOLLOWING CHECKLIST INCLUDES THE INFORMATION AND DOCUMENTATION REQUIRED FOR ADOPTION PROCEEDINGS INITIATED UNDER CHAPTER 39.

Please initial next to each entry indicating review and completion or mark the paragraph number of the petition where the information is located. If you are unable to obtain the information, please provide an explanation at the end of the checklist. If the entry is not applicable to the adoption please mark "NA" for Not Applicable.

I. PETITION FOR ADOPTION

- ___ A. The primary residence of prospective adoptive parents must be in Florida, except when adopting a special needs child as defined in § 409.166 Fla. Stat.
- ___ B. Adoption Entities may place a child out of state only in certain instances covered by § 63.207 Fla. Stat. If the Adoption Entity is placing the Minor Child out of state, it must file the proper Interstate Compact on the Protection of Children (ICPC) documentation pursuant to § 409.401 Fla. Stat.
- ___ C. The Petition for Adoption must be filed in the division of the circuit court which entered the judgment terminating parental rights, unless a motion for change of venue is granted pursuant to § 47.122. §§ 39.812(5); 63.102(2) Fla. Stat.
- ___ D. The Adoption Petition may not be filed until the judgment terminating parental rights becomes final. §39.812(5), Fla. Stat.

Date Final Judgment of TPR final: ___/___/___

Date Adoption Petition filed: ___/___/___

- ___ E. The Adoption Petition must be signed and verified by the petitioner(s), filed with the clerk of the court, and shall state pursuant to § 63.112 Fla. Stat:
- ___ 1. The date and place of birth of the person to be adopted, if known;
 - ___ 2. The name to be given to the person to be adopted;
 - ___ 3. The date petitioner acquired custody of the minor;
 - ___ 4. The name of the Adoption Entity placing the minor, if any;

- ____ 5. The full name, age, and place and duration of residence of the petitioner;
- ____ 6. The marital status of the petitioner, including the date and place of marriage, if married, and divorces, if applicable to the adoption by a stepparent;
- ____ 7. A statement that the petitioner is able to provide for the material needs of the child;
- ____ 8. A description and estimate of the value of any property of the person to be adopted;
- ____ 9. The case style and date of entry of the TPR Judgment or, if the adoptee is an adult or a minor relative or a stepchild of the petitioner, the address, if known, of any person whose consent to the adoption is required and, if such person has not consented, the facts or circumstances that excuse the lack of consent to justify a termination of parental rights; and
- ____ 10. The reasons why the petitioner desires to adopt the person.

II. ATTACHMENTS/EXHIBITS TO PETITION FOR ADOPTION

The following documents **must** be attached to, or filed along with, the petition for adoption pursuant to section 39.812, Florida Statutes:

- ____ A. A copy of the consent executed by the department must be *attached to* the petition, unless waived pursuant to § 63.062(7). *See* § 39.812(5), Fla. Stat.
- ____ B. A statement, signed by the prospective adoptive parents, acknowledging receipt of all information required to be disclosed under § 63.085(2); and
- ____ C. A form provided by the department which details the social and medical history of the child **and** each parent **and** includes the social security number and date of birth for each parent, if such information is available or readily obtainable.

The following documents **must** be filed with along with the petition for adoption pursuant to Chapter 63, Florida Statutes:

- ___ A. A certified copy of the court judgment terminating parental rights under chapter 39.

- ___ B. Favorable Preliminary Homestudy. A preliminary homestudy must be conducted before placing the minor in the intended adoptive home. § 63.092(3), Fla. Stat. The homestudy must be conducted within 1 year of child custody pursuant to 63.092(3), Fla. Stat.

Section 63.092(3)(a)-(h) requires the following:

- ___ 1. Documentation of interview with the adoptive parents;
 - ___ 2. Records check with the department's central abuse registry and criminal records checks through FDLE (See § 39.0138, Fla. Stat.);
 - ___ 3. An assessment of the physical environment of the home;
 - ___ 4. A determination of the financial security of the adoptive parents;
 - ___ 5. Documentation of counseling and education of the adoptive parents on adoptive parenting;
 - ___ 6. Documentation that information on adoption and the adoption process has been provided to the adoptive parents;
 - ___ 7. Documentation that information on support services available in the Community has been provided to the adoptive parents; and
 - ___ 8. A copy of each signed acknowledgement of receipt of the disclosure required by § 63.085(2), Fla. Stat.
- ___ C. A copy of any declaratory statement previously entered by the court pursuant to section 63.102.

 - ___ D. Certificate of the results of the search of Florida Putative Father Registry provided in section 63.054(7). *See* § 63.037, Fla. Stat.

This document is required ONLY if a search was previously completed and documentation of the search is not contained in the case file.

- ___ E. Documentation that an interview was held with the minor, if older than 12 years of age, unless the court, in the best interest of the minor, dispenses with the minor's consent under section 63.062(1)(c).

- ___ F. Final Home Investigation. The final home investigation must be conducted before the adoption becomes final. The investigation may be conducted by a licensed child-placing agency or a professional in the same manner as provided in section 63.092 to ascertain whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor.
 - Unless ordered by the court, no final home investigation, report or recommendation is required when the placement is a stepparent adoption or an adult adoption or when the minor is a relative of one of the adoptive parents. § 63.125(1), Fla. Stat.

 - Section 63.125(3)-(5) requires the following in the Final Home Investigation:
 - ___ 1. Evaluation of placement with a recommendation on granting the Petition for Adoption;
 - ___ 2. The information from the Preliminary Home Study;
 - ___ 3. Reports of the two post placement visits (one must be in the home);
 - ___ 4. The family social and medical history as provided in § 63.082.
 - ___ 5. Any other information relevant to the suitability of the intended adoptive home.
 - ___ 6. Any other relevant information, as provided in rules that the department may adopt.

- ___ G. Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) Affidavit.

- ___ H. Indian Child Welfare Act (ICWA) Affidavit.

The following is **NOT** required for adoption proceedings initiated under chapter 39. *See* Fla. Stat. § 63.037:

- Requirement for search of the Florida Putative Father Registry provided in section 63.054(7), if a search was previously completed and documentation of the search is contained in the case file;

- Disclosure requirements for the adoption entity provided in section 63.085(1);
 - However, adoptions initiated under Chapter 39 are not exempt from the disclosure requirements of section 63.085(2), Florida Statutes. *See* § 39.812, Fla. Stat.
- General provisions governing termination of parental rights pending adoption provided in section 63.087;
- Notice and service provisions governing termination of parental rights pending adoption provided in section 63.088; and
- Procedures for terminating parental rights pending adoption provided in section 63.089.

Comments: _____

