

# INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY LAW FORM 12.981(b)(1), JOINT PETITION FOR ADOPTION BY STEPPARENT (12/10)

## When should this form be used?

This form should be used when a stepparent is adopting his or her spouse's child. Both the stepparent and his or her spouse must sign this petition. You must attach all necessary consents or acknowledgments that apply to your case, as listed under the Special Notes section below. Florida Statutes require that consent to adoption be obtained from:

- the mother of the minor.
- the father of the minor if:
  1. the minor was conceived or born while the father was married to the mother;
  2. the minor is his child by adoption;
  3. the minor has been established by a court proceeding to be his child;
  4. he has filed an affidavit of paternity pursuant to section 382.013(2)(c) Florida Statutes; or
  5. in the case of an unmarried biological father, he has acknowledged in writing, signed in the presence of a competent witness, that he is the father of the minor, has filed such acknowledgment with the Office of Vital Statistics of the Department of Health within the required timeframes, and has complied with the requirements of section 63.062(2).

Determining whether someone's consent is required, or when consent may not be required-is a complicated issue and you may wish to consult an attorney. For more information about consenting to adoption, you should refer to Chapter 63, Florida Statutes, and sections 63.062 - 63.082 in particular.

This form should be typed or printed in black ink. The name to be given to the child(ren) **after** the adoption should be used in the heading of the petition. The stepparent is the petitioner, because he or she is the one who is asking the court for legal action. After completing this form, you and your spouse must sign it before a notary public or deputy clerk. You should then file the original and 1 copy with the clerk of the circuit court in the county where the minor resides unless the court changes the venue.

## What should I do next?

For your case to proceed, you must have the written consent of the other birth parent and the child, if applicable. The **court** may choose not to require consent to an adoption in some circumstances. For more information about situations where consent may not be required, see section 63.064, Florida Statutes. If you are attempting to proceed without the consent of the other birth parent, you may wish to consult with an attorney. Section 63.054, Florida Statutes, requires that in each adoption proceeding, the Florida Putative Father Registry be searched. You will need an order from the judge to do this, which you can request by filing a **Motion for Search of the Putative Father Registry**, Florida Supreme Court Approved Family Law Form 12.981(a)(6).

When you have filed all of the required forms and met the requirements as outlined above, you are ready to set a hearing on your petition. You should check with the clerk of court, family law intake staff or the judicial assistant to set a final hearing. If all persons required to consent have consented and the consents/affidavits of nonpaternity have been filed with the court, the hearing may be held

immediately. If not, notice of the hearing must be given as provided by the Rules of Civil Procedure. See Form 1.902, Florida Rules of Civil Procedure. If you know where the other birth parent lives, you should use **personal service**. If you absolutely do not know where he or she lives, you may use **constructive service**. In order to use constructive service you will need to complete and submit to the court **Stepparent Adoption: Affidavit of Diligent Search**, Florida Supreme Court Approved Family Law Form 12.981(a)(4). For more information about personal and constructive service, you should refer to the **“General Instructions for Self-Represented Litigants”** found at the beginning of these forms and the instructions to Florida Family Law Rules of Procedure Forms 12.910(a) and 12.913(b) and Florida Supreme Court Approved Family Law Form 12.913(a). However, the law regarding constructive service is very complex and you may wish to consult an attorney regarding that issue.

### **Where can I look for more information?**

**Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms.** See Chapter 63, Florida Statutes, and Florida Family Law Rule 12.200(a)(2) for further information.

### **Special notes...**

With this petition you must file the following:

- Consent form executed by the birth parent, **Stepparent Adoption: Consent and Waiver by Parent**, Florida Supreme Court Approved Family Law Form 12.981(a)(1) or **Stepparent Adoption: Affidavit of Nonpaternity**, Florida Supreme Court Approved Family Law Form 12.981(a)(3).
- If any person whose consent is required is deceased, a certified copy of the death certificate must be attached to this Petition.
- Consent form executed by the minor child(ren), if the child(ren) is/are over 12 years of age, **Stepparent Adoption: Consent of Adoptee**, Florida Supreme Court Approved Family Law Form 12.981(a)(2). The court can excuse filing of this form under certain circumstances.
- Certified copy of the child(ren)'s birth certificate.
- **Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit**, Florida Supreme Court Approved Family Law Form 12.902(d).
- If applicable, **Stepparent Adoption: Motion for Search of the Putative Father Registry**, Florida Supreme Court Approved Family Law Form 12.981(a)(6).

These family law forms contain a **Final Judgment of Stepparent Adoption**, Florida Supreme Court Approved Family Law Form 12.981(b)(2), which the judge may use. You should check with the clerk, family law intake staff, or judicial assistant to see if you need to bring a final judgment form with you to the hearing. If so, you should type or print the heading, including the circuit, county case number, division, and the child(ren)'s names, and leave the rest blank for the judge to complete at your hearing. You should decide how many **certified copies** of the final judgment you will need and be prepared to obtain them after the hearing. There is a charge for certified copies, and the clerk can tell you how much. The file will be sealed after the final hearing, and then it will take an order from a judge to open the file and obtain a copy of the final judgment.

**AN ADOPTIVE STEPPARENT WILL CONTINUE TO HAVE PARENTAL RIGHTS, INCLUDING CUSTODY AND TIME- SHARING, WHERE APPROPRIATE, IN THE EVENT OF A LATER DISSOLUTION OF MARRIAGE, AND MAY BE LIABLE FOR CHILD SUPPORT IN THE EVENT OF A LATER DISSOLUTION OF MARRIAGE. YOU**

**COULD BE LIABLE IN LITIGATION FOR THE ACTIONS OF THE ADOPTEE(S). THIS ADOPTION MAY ALSO AFFECT THE ADOPTEE'S INHERITANCE.**

Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of a **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900 (a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

IN THE MATTER OF THE ADOPTION OF

\_\_\_\_\_,  
{use name to be given to child(ren)} Adoptee(s).

**JOINT PETITION FOR ADOPTION BY STEPPARENT**

Petitioner, {full legal name} \_\_\_\_\_ being sworn,  
joined by the above-named child(ren)'s ( ) mother ( ) father, {full legal name} \_\_\_\_\_  
\_\_\_\_\_, being sworn, files this joint petition for adoption of the above-named  
minor child(ren), under chapter 63, Florida Statutes.

1. This is an action for adoption of a minor child(ren) by his or her (their) stepparent.
2. I desire to adopt the following child(ren):

	<b>Name to be given to child(ren)</b>	<b>Birth date</b>	<b>Birthplace</b>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____
f.	_____	_____	_____

A certified copy of the birth certificate(s) is/are attached.

3. The child(ren) has (have) resided with me since {date} \_\_\_\_\_  
I wish to adopt the child(ren) because I would like to legally establish the parent-child  
relationship already existing between the child(ren) and me. Since the above date, I have been  
able to provide adequately for the material needs of the child(ren) and am able to continue  
doing so in the future, as well as to provide for the child(ren)'s mental and emotional well-being.  
Other reasons I wish to adopt the children are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. I am \_\_\_\_\_ years old, and have resided at {street address}, \_\_\_\_\_  
{city} \_\_\_\_\_ {county} \_\_\_\_\_ {state} \_\_\_\_\_ for \_\_\_\_\_ years.

5. I married the ( ) father or ( ) mother of the child(ren) on {date} \_\_\_\_\_,  
in {city} \_\_\_\_\_ {county} \_\_\_\_\_, {state} \_\_\_\_\_. The following  
are the dates and places of my dissolutions of marriage, if any:

	<b>Date</b>	<b>Place</b>
a.	_____	_____
b.	_____	_____

6. A completed **Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (UCCJEA)**, Florida Supreme Court Approved Family Law Form 12.902(d), is filed with this petition.

7. A description and estimate of the value of any property of the adoptee(s) is as follows:

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8. Consent by the adoptee(s):

( ) is attached for: *Name(s)* \_\_\_\_\_

( ) is not required because the adoptee(s) is/are not 12 years of age: *Name(s)* \_\_\_\_\_

( ) was excused by the court for: *Name(s)* \_\_\_\_\_

9. The following person(s) is/are required to consent and the consent form or affidavit of nonpaternity is/are attached \_\_\_\_\_

10. The following person(s) whose consent is required has not consented. The facts/circumstances that excuse the lack of consent and would justify termination of this person's parental rights are:

Name	Address	Facts/circumstances
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. A copy of this Petition was served on all known persons whose consent is required but did not waive notice, as well as on all persons whose consent is required but did not provide consent. Proof of service is attached.

[Indicate if applicable:]

\_\_\_\_\_ A search of the Putative Father Registry maintained by the Office of Vital Statistics of the Department of Health has been requested, and if granted, the certificate from the State Registrar will be filed in this action.

WHEREFORE, I request that this Court terminate the parental rights of \_\_\_\_\_, *{name of parent whose rights are sought to be terminated}*, enter a Final Judgment of Adoption of the Minor Child(ren) by Petitioner Stepparent and, as requested, change the name of the adoptee(s).

**I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Stepparent  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or  
deputy clerk.]

\_\_\_\_\_ Personally known  
\_\_\_\_\_ Produced identification  
Type of identification produced \_\_\_\_\_

**I understand that I am swearing or affirming under oath to the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines and/or imprisonment.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of ( ) mother ( ) father  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC or DEPUTY CLERK

\_\_\_\_\_  
[Print, type, or stamp commissioned name of notary or  
deputy clerk.]

\_\_\_\_\_ Personally known  
\_\_\_\_\_ Produced identification  
Type of identification produced \_\_\_\_\_

**IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:** [ fill in all blanks]

I, *{full legal name and trade name of nonlawyer}* \_\_\_\_\_,  
a nonlawyer, located at *{street}* \_\_\_\_\_, *{city}* \_\_\_\_\_,  
*{state}* \_\_\_\_\_, *{phone}* \_\_\_\_\_, helped *{name}* \_\_\_\_\_,  
who is the petitioner, fill out this form.