

# STEPPARENT ADOPTION

## CHILD'S NATURAL PARENTS AND STEPPARENT ALL CONSENT

(Packet #1)

### REQUIREMENTS:

- 1) BOTH NATURAL PARENTS AND THE STEPPARENT MUST AGREE TO THE PETITION AND BE WILLING TO SIGN DOCUMENTS
- 2) THIS PACKET IS FOR THE STEPPARENT ADOPTION OF A MINOR CHILD (CANNOT BE USED FOR AN ADULT CHILD)
- 3) THE PETITIONER IS THE STEPPARENT WHO IS REQUESTING THE ADOPTION
- 4) YOU MUST FILE AN ORIGINAL COPY OF THE CHILD'S BIRTH CERTIFICATE
- 5) IF THE NATURAL PARENT WHOSE CONSENT IS REQUIRED IS DECEASED, A CERTIFIED COPY OF THEIR DEATH CERTIFICATE MUST BE FILED

If you choose to represent yourself (*pro se*) in your case, you should be aware that you will be required to follow the same rules that are required in cases filed by persons represented by attorneys. The judge assigned to your case is not necessarily required to grant what you request in a form. If you do not like the outcome of your case, you may not be able to change it. If you have any questions or concerns about your case, you should consult with an attorney.

If you do not know an attorney, you may call the Lawyer Referral Service at 221-7780. If you do not have the money to hire an attorney, you may apply to Bay Area Legal Services by calling 232-1343. You may also obtain legal information at the Legal Information Center at the George Edgecomb Courthouse (call 864-2280 for hours and information).

All instructions and forms distributed by the Thirteenth Judicial Circuit are provided merely as a public service to persons seeking to represent themselves in court without the assistance of an attorney. These documents are meant to serve as a guide only, and to assist pro se (self-represented) litigants with their cases. The Thirteenth Judicial Circuit does not guarantee that either the instructions or the forms will achieve the result desired by the parties or ensure that any individual judge will follow the procedures exactly or accept each and every form as drafted. Any person using these instructions and/or forms does so at his or her own risk, and the Thirteenth Judicial Circuit shall not be responsible for any losses incurred by any person in reliance on the instructions and/or forms.

**In no event will the Florida Supreme Court, The Florida Bar, or anyone contributing to the production of these forms, commentary, instructions, and appendices be liable for any direct, indirect, or consequential damages from their use.**

<b><u>FORMS CONTAINED IN THIS PACKET</u></b>	<b><u>FORM #</u></b>	<b><u>WHEN TO USE</u></b>
<a href="#"><u>General Information for Self-Represented Litigants</u></a>	Appendix C	For your information only
<a href="#"><u>12 Rules of Courtroom Civility</u></a>	12 Rules	Required to start case
<a href="#"><u>Nonlawyer Disclosure</u></a>	12.900(a)	Required if someone who is not a lawyer helps you with the forms
<a href="#"><u>Civil Cover Sheet</u></a>	12.928	Required to start case
<a href="#"><u>Joint Petition for Adoption by Stepparent</u></a>	12.981(b)(1)	Required to start case
<a href="#"><u>Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (UCCJEA)</u></a>	12.902(d)	Required to start case
<a href="#"><u>Indian Child Welfare Act Affidavit</u></a>	12.981(a)(5)	Required to start case
<a href="#"><u>Stepparent Adoption: Consent and Waiver by Parent</u></a>	12.981(a)(1)	Required to start case
<a href="#"><u>Stepparent Adoption: Consent of Adoptee</u></a>	12.981(a)(2)	Required only if the adoptee is over 12 years of age
<a href="#"><u>Notice of Related Cases</u></a>	12.900(h)	Required
<a href="#"><u>Notice of Hearing</u></a>	12.923	Use when a hearing date has been set
<a href="#"><u>Fee Schedule for Family Law Cases</u></a>	Fee	A schedule of fees for Family Law related cases
<a href="#"><u>Notice of Confidential Information Within Court Filing</u></a>	2.40(d)(2)	Use to notify the clerk of documents containing confidential information

# STEP BY STEP INSTRUCTIONS

## **STEP ONE - Complete the forms to start the case and have them notarized**

- 1) **FORMS MUST BE COMPLETED AND SIGNED IN BLACK INK AND MOST MUST BE NOTARIZED.** The clerk's office will notarize documents and charge a fee (see attached schedule). Please bring a valid ID.
- 2) **Names must be written the same way on all documents (no full names on one document and initials on another).**
- 3) **Complete the following forms and notarize the ones with a notary signature line:**
  - A) Civil cover sheet - (does not need to be notarized)
  - B) 12 Rules of Courtroom Civility - (does not need to be notarized)
  - C) Joint Petition for Adoption by Stepparent, Form 12.981(b)(1)
  - D) Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit, Form 12.902(d)
  - E) Consent of Adoptee, Form 12.981(a)(2) – (file only if the adoptee is over 12 years of age)
  - F) Indian Child Welfare Act Affidavit, Form 12.981(a)(5)
  - G) Notice of Related Cases, Form 12.900(h)

## **STEP TWO – Consent of the natural parent**

After the consenting natural parent has received a copy of the petition for adoption, the CONSENTING NATURAL PARENT should complete the Consent and Waiver by Parent, Form 12.981(a)(1), and have it notarized. The consent should not predate the petition. The consenting natural parent should make two copies of the signed and notarized consent form (one for their records). The original Consent and Waiver by Parent form should be filed with the clerk and a copy should be given or sent to the petitioner/stepparent.

## **STEP THREE – Make copies**

After you have completed the forms and have signed and notarized them, make 2 complete copies of everything you have signed (one copy is for your records). Copies can be obtained for a fee in the Court Business Center, on the 6<sup>th</sup> floor of the George Edgecomb Courthouse. You may also purchase copies for \$0.15 per page, before filing your case, from the Family Law Intake staff in room 101.

## **STEP FOUR - Filing your case**

- 1) Take the original set of completed and signed forms to the clerk on the 1<sup>st</sup> floor of the main courthouse and pay the filing fee.
- 2) The clerk will assign a case number and division.
- 3) You must also file:
  - a) A certified copy of the child's birth certificate,
  - b) A certified copy of the death certificate of the consenting natural parent, if that parent is deceased.

## **STEP FIVE – Scheduling the final hearing**

Contact the Case Management Unit (813-272-5173) to schedule the final hearing. You will be contacted by mail regarding a court date.

### **COURT REPORTER?**

If you want a court reporter for the hearing, you must arrange for this in advance and you must pay the court reporter's fee. If there is no record of the hearing and the judge rules against you, you may not be able to appeal the decision.

## **STEP SIX – The final hearing**

- \* The Petitioner **must** bring to the hearing a stamped envelope **addressed to the natural consenting parent**.
- \* **The adoptee should attend the hearing.**
- \* **It is very important that you obtain certified copies of the Final Judgment of Stepparent Adoption at the final hearing. Tell the judge’s judicial assistant on the day of your hearing that you will need to have at least 2 certified copies before leaving the courthouse. There will be a fee for certified copies.**

Normally the final hearing is when the petition will be considered and all issues will be decided. If you do not go to the final hearing your case may be dismissed.

HOW TO DRESS - Dress appropriately. No shorts, tank tops, or sandals. Do not chew gum.

### WHAT TO EXPECT

The hearing will take place in a hearing room or a courtroom. You will not be in front of a jury, just the judge. Do not interrupt the judge when he or she speaks. When speaking to the judge, address him or her as “Your Honor” or “Judge.”

Each court has at least one bailiff who is a deputy sheriff and is there to maintain order. When you arrive for your hearing, let the bailiff know that you are present and ready. He or she will announce your case when it is time for your hearing, and will tell you where to sit and where to place your belongings as you enter the hearing room. A bailiff will usually remain inside the room during your hearing. If witnesses are called, the bailiff will step out to bring the witness into the hearing room.

At your hearing, be prepared to discuss any issues covered in the petition and be able to provide proof of any facts by presenting evidence. Evidence is proof presented at a hearing in the form of witnesses (people), exhibits (documents), and objects (things). Not all evidence can be considered by the judge, however. Evidence must conform to the Rules of Evidence in Chapter 90 of the Florida Statutes to be admissible in court. Remember, the duty of establishing the facts that you want to present to the court is on YOU. You should provide the judge with admissible evidence to support the claims in your petition and your statements in court. Telling your story may not be enough to win your case.

Once the judge has heard the evidence, he or she will make a decision and sign your judgment. The final judgment will contain all the details of your case and the court’s decision. Once the judge signs your judgment/order, a copy will be given or mailed to you. The original judgment/order will go to the clerk’s office to be recorded in the public records, and filed in your court file. When the judge signs the final judgment, your case will be final.

**Family Forms and Packets - available for purchase at the Court Business Center**

**Form Packets with Instructions:**

- 1) Complete packets with all forms and self-help instructions are priced individually and available at the Court Business Center (CBC), in Room 630 (6th Floor) of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida.
- 2) Free online at:
  - a) [www.fljud13.org/SelfHelp.aspx](http://www.fljud13.org/SelfHelp.aspx) → Access Forms
  - b) [www.hillsclerk.com/About-Us/Forms](http://www.hillsclerk.com/About-Us/Forms) → Family Law

**Individual Forms (may not include necessary instructions):**

- 1) For \$.10 per page at the Court Business Center (CBC), in Room 630 (6th Floor) of the George Edgecomb Courthouse, 800 E. Twiggs Street, Tampa, Florida.
- 2) Free online at: [www.flcourts.org](http://www.flcourts.org) → then click on “Family Law Forms”

**YOU MAY FILE FORMS AT THE FOLLOWING LOCATIONS:**

**Tampa - George Edgecomb Courthouse – Main Location**

Clerk of the Circuit Court, 800 E. Twiggs Street, Room 101, Tampa, FL 33602

**Brandon – Brandon Regional Service Center**

Clerk of the Circuit Court, 311 Pauls Drive, Suite 110, Brandon, FL 33511

**Plant City – Plant City Courthouse**

Clerk of the Circuit Court, 301 N. Michigan, Room 1071, Plant City, FL 33563

**Ruskin/Sun City – SouthShore Regional Service Center**

Clerk of the Circuit Court, 410 30th Street SE, Ruskin, FL 33570