

INSTRUCTIONS FOR PETITION FOR ADOPTION OF A MINOR RELATIVE

This form should be used when a great-grandparent, grandparent, aunt, uncle, niece, nephew, or sibling is adopting a minor relative. The petitioner must obtain the written consent of the child(ren) to be adopted, if the child(ren) is/are twelve years of age or older, as well as the written consent of the child(ren)'s parents or legal guardian. You must attach all necessary consents or acknowledgements 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(ren) by adoption;
 3. the minor has been established by a court proceeding to be his child(ren);
 4. he has filed an affidavit of paternity pursuant to Section 382.013(2)(c), Florida Statutes;
 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 child(ren), 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), Florida Statutes; or
 6. his name is on the birth certificate.

The name to be given to the child(ren)/adoptee **after** the adoption should be used in the heading of the petition. After completing this form, you must sign it before a **Notary Public** or **Deputy Clerk**. You should then file the original with the **Clerk of Circuit Court** in the county where the child(ren) resides unless the court changes the venue.

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.

For your case to proceed, you must have the written consent of the child(ren)'s birth parents and the child(ren), 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.

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 Circuit Court, Family Law intake staff, or the Judicial Assistant to set a 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 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 birth parents live, you should use **personal service**. If you absolutely do not know where the parents live, you may use **constructive service**. In order to use constructive service, you will need to complete and submit to the court **Relative Adoption: Affidavit of Diligent Search, local approved form in the Third Judicial Circuit of Florida**. For more information about personal and constructive service, you should refer to the “**General Instructions for Self-Represented Litigants**” found at www.flcourts.org. However, the law regarding constructive service is very complex and you may wish to consult an attorney regarding that issue.

Section 63.054, Florida Statutes, requires that in each adoption proceeding the Florida Putative Father Registry be searched. Because the information contained in the registry is confidential, the petitioner must file a **Motion for Search of the Putative Father Registry, Florida Supreme Court Approved Family Law Form 12.981(a)(6)**, and if granted, he or she will receive an order from the judge authorizing the Department of Health, Office of Vital Statistics, to conduct the search and report the results to the court.

Chapter 63.0425, Florida Statutes, Grandparent’s right to notice...states that a grandparent may be noticed for the final hearing.

Special notes...with this petition you must file the following:

- Consent form executed by the birth parent – **Relative Adoption: Consent and Waiver by Parent**, local approved form in the Third Judicial Circuit of Florida.
- 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 twelve years of age, **Relative Adoption: Consent of Adoptee**, local approved form in the Third Judicial Circuit of Florida. The Court can excuse the 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, **Relative Adoption: Motion for Search of the Putative Father Registry**, local approved form in the Third Judicial Circuit of Florida.

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/she helps you. A nonlawyer helping you fill out these forms also must put his/her name, address, and telephone number on the bottom of the last page of every form he/she helps you complete.

IN THE CIRCUIT COURT OF THE THIRD 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).

PETITION FOR ADOPTION OF A MINOR RELATIVE

Petitioner, {full legal name} _____, being sworn, files this 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) relative.
2. I desire to adopt the following child(ren):

	Name to be given to child(ren)	Birth date	Birthplace
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____

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

3. The child(ren) has (have) resided in my care and custody 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 am related to the () father or () mother of the child(ren). I am the child(ren)'s
{relationship to child(ren), example – great-grandmother/great-grandfather,
grandmother/grandfather, aunt/uncle, sibling, niece, or nephew}

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:

_____.

8. Consent by the adoptee(s) {Use name to be given to the child(ren)}:

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
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1. _____

2. _____

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 parents(s) whose rights are sought to be terminated}*, enter a Final Judgment of Adoption of the Minor Child(ren) by Petitioner Relative 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 Petitioner/Relative
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____
E-Mail: _____

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 Clerk}

Personally known

Produced Identification

Type of Identification produced _____