Adult Adoption:

Appendix of Forms & Useful Information

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Florida's Children First
Fighting for Children's Rights

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You can download a Word version of this document on the Florida's Children First Website if you want to fill out the forms. www.floridaschildrenfirst.org - look in the Resources Section

Appendix A

Petition for Adult Adoption Instruction Sheet

Use this instruction sheet as a guide to help in filling out the following Petition for Adult Adoption. The person to be adopted must fill out Appendix "B"- Adult Adoptee Consent form. If that adult is married, his/her spouse must fill out Appendix "C"- Consent of Adult Adoptee's Spouse form. Everything has to be signed in the presence of a Notary Public.

Blank	What to write in the blank
1	The judicial circuit for the county where you live. See Appendix D for a list of circuits.
2	The county where you live and plan to file the petition.
3	Leave blank- to be filled in by the court.
4	Leave blank- to be filled in by the court.
5	The name of the adult to be adopted. If you want to change this adult's last name to your last name, put the new legal name you want the adopted adult to have.
6	The full legal name of the adult seeking to adopt another adult. (Adoptive parent)
7	The name of the county where the petitioner resides – in both places
8	Select this option if you want to protect the privacy of the parties.
9	The name of the adult who is being adopted.
10	Date of birth of the person to be adopted.
11	Place of birth of person to be adopted. Write the city, county and state.
12	You may use letters or numbers to describe each exhibit.
13 -15	If the adoptee was cared for by the adoptive parent as a child explain how old the child was when placed, and name the placing agency. Otherwise, in (15) provide a short statement giving the reason or reasons why you want to adopt the person you are seeking to adopt. You do not need to list every reason you can think of here.
16	Your age.
17	Your current address.
18	Length of time you have lived at your current address.
19	The current marriage license and <u>all</u> divorce decrees must be attached.
20	The full legal name you wish to give to your adopted adult. If you want to give this adult your last name, put your last name after the adult's first name.
21	Adopted adult's biological (or legal) father's name and date of birth.
22	Adopted adult's biological (or legal) father's address.
23	Adopted adult's biological (or legal) mother's name and date of birth.
24	Adopted adult's biological (or legal) mother's address.
25	Name of person to be adopted.
26	This can be approximate. This is to alert the court to inquire further if the person to be adopted has substantial assets that might be at risk if adopted.
27	Date that Termination of Parental Rights was ordered
28	Number of the Judicial Circuit Court where the Termination of Parental Rights was ordered
29	County where the court was located when Termination of Parental rights was ordered
30-31	**CONSENT** Mark an "X" next to line "a", and then go on to have the adult to be adopted fill out Appendix B- Consent of Adult Adoptee form. This form must be completed in order for the Petition for Adult Adoption to be processed. IF THE ADULT BEING ADOPTED IS MARRIED, list the full legal name of the adult's spouse. Mark an "X" next to line "b", and then go on to fill out Appendix C- Consent of Adult Adoptee's Spouse form. IF THE ADULT BEING ADOPTED IS NOT MARRIED, mark an "X" next to line "c".
32	If the birth or legal parents are alive and have not had their parental rights terminated, you must attach proof that you served them with notice of the Petition. (See Appendix F)
33+	**<u>YOU MUST COMPLETE THIS PORTION IN THE PRESENCE OF A NOTARY</u>** Printed name, address, telephone number, fax number (if applicable), date, and signature of the petitioner (the adult filling out this Petition and who is seeking to adopt the other adult named in the Petition).

IN THE CIRCUIT COURT OF THE _____(1)_____ JUDICIAL CIRCUIT,
IN AND FOR _____(2)_____ COUNTY, FLORIDA

Case No.: _____(3)_____
Division: _____(4)_____

IN THE MATTER OF THE ADOPTION OF

_____(5)_____,
{name to be given to person being adopted} Adoptee.

PETITION FOR ADOPTION OF ADULT BY ANOTHER ADULT

Petitioner, *{full legal name}* _____(6)_____, files this petition for adoption of the above-named adult, pursuant to Chapter 63, Florida Statutes, and states:

1. This is an action for adoption of an adult by another adult, Petitioner.

2. The court has jurisdiction over this matter in that the parties reside in Florida.

3. Venue is proper in ____(7)_____ County because the Petitioner(s) resides in ____(7) _____ County, Florida.

OR

The petition is being filed in _____(8)_____ County to protect the privacy rights of the parties.

4. I desire to adopt *{adult's full legal name}* _____(9)_____, who was born on *{date}* _____(10)_____, at *{city, county and state}* _____(11)_____. A copy of the adoptee's birth certificate is attached as Exhibit _(12)___ to this petition
.

5. The Adoptee came into the care and custody of the Petitioner(s) at the age of _(13)__ when s/he was placed into their care by the Court or *(explain)* _____(14)_____. Petitioner(s) and adoptee desire this adoption to establish legally the parent-child relationship already existing between them. Since the above date Petitioner has been able to provide adequately for the material needs of the adoptee and is able to continue doing so in the future, as well as to provide for the adoptee's mental and emotional well being and have the facilities and resources to provide for the care of the adoptee.

OR

I desire to adopt the adult because: _____(15)_____
_____
_____.
I am able to provide adequately for the material needs of the adoptee, as well as to provide for the adoptee's mental and emotional well being and have the facilities and resources to provide for the care of the adoptee.

6. I am __(16)__ years old, and I have resided at *{address}* _____(17)_____, Florida for __(18)__ years.

FILL OUT ALL FORMS IN <u>BLACK INK</u>

7. My marital status is ____ not married ____ married _____ divorced _____ legally separated. A copy of petitioner(s) current marriage license and all divorce decree(s) are attached as Exhibit __ (19)__.

8. The adoptee's name shall be: _____(20)_____.

9. The adoptee's birth or legal parents are:

_____(21)_____
Father's Name Birth date

_____(22)_____
Address

_____(23)_____
Mother's Name Birth date

_____(24)_____
Address

10. The Petitioner(s) affirms that s/he is a fit and proper person who desires to adopt ____(25)_____, and that such adoption will promote the best interests of the adoptee.

11. The adoptee does not have property of any value. **OR**

The adoptee has propery valued at approximately ___(26)____ .

12. **Parental rights have been terminated.** The minor child was permanently committed to the Department and community based care provider on ____(27)_____, through the ____(28)_____ Judicial Circuit, _____(29)_____ County, Florida through a Final Judgment of Termination of Parental Rights under F.S. 39. A Certified copy of the Final Judgment of Termination of Parental Rights is attached as Exhibit _(3)__. *{You MUST attach a certified copy of the order terminating parental rights to this Petition in addition to the required supplemental forms}*

13. **Consent.** [check **all** that apply]
___ a. The consent of the adoptee is attached as Exhibit ___.
___ b. The adoptee is married to *{full legal name of adoptee's spouse}* _____(30)_____, and the consent of the spouse is attached as Exhibit _(31)__.
___ c. The adoptee is not married.

14. Written notice of this final hearing was provided to the parents or proof of service of process showing notice has been served on the parents is attached as Exhibit _(32)___.

15. This Petition is filed in the Circuit Court of the ____(33)_____ Judicial Circuit in and for ____(34)_____ County Florida. The Court having jurisdiction over this matter is located at _____(35)_____. The Clerk of Court's phone number is _____(36)_____.

16. This petition is filed in good faith and the forgeoing facts are true and correct to the best of Petitioner's knowledge and belief.

WHEREFORE, I request that this Court enter a Final Judgment of Adoption of the adult by Petitioner and change the name of the adoptee.

STATE OF FLORIDA

COUNTY OF _____

The foregoing Petition for Adoption was sworn to and subscribed before me this ___ day of _____, 20__, by _____[Petitioner(s)], who is personally known to me or who has produced _____ as identification, and who upon being duly sworn and taking an oath, verifies that the information contained in this Petition is true and correct to the best of her knowledge and belief.

Dated: _____

_____
Signature of Party
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

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.

Appendix B

Consent of Adult Adoptee* form

*The adult adoptee is the person who is being adopted.

DO NOT SIGN THIS FORM OUTSIDE THE PRESENCE OF A NOTARY PUBLIC!
THIS FORM MUST BE SIGNED BY THE ADOPTEE AND THE NAMED WITNESSES
IN THE PRESENCE OF A NOTARY PUBLIC

IN THE CIRCUIT COURT OF THE _____JUDICIAL CIRCUIT,
IN AND FOR _____COUNTY, FLORIDA

Case No.: _____
Division: _____

IN THE MATTER OF THE ADOPTION OF

_____,
{name of person to be adopted} Adoptee.

CONSENT OF ADOPTEE

1. I, *{full legal name}* _____, being over the age of 12, consent to my adoption by *{name}* _____, to be his/her legal child and heir at law.

2. I have been told of my right to choose a person who does not have an employment, professional, or personal relationship with the adoption entity or prospective adoptive parents to be present when this affidavit is executed and to sign it as a witness. The witness I selected is: *{full legal name}*_____.

3. [only one]
( ) I consent to my name being legally changed to *{specify new name that you wish to have upon completion of the adoption process}* _____.
( ) I do not consent to a name change.

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

Dated: _____ _____
Signature of Adoptee
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

_____
Signature of Witness
Printed Name: _____
Business Address: _____
Home Address: _____

Driver's License or
State ID Card No.:_____

_____
Signature of Witness
Printed Name: _____
Business Address: _____
Home Address: _____

Driver's License or
State ID Card No.:_____

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 _____

Appendix C

Consent of Adult Adoptee's Spouse* form

*The adult adoptee's spouse is the husband/wife of the adult who is being adopted. If the person being adopted is married, this form must be completed by his/her spouse.

DO NOT SIGN THIS FORM OUTSIDE THE PRESENCE OF A NOTARY PUBLIC!
THIS FORM MUST BE SIGNED BY THE ADOPTEE'S SPOUSE AND THE NAMED WITNESSES
IN THE PRESENCE OF A NOTARY PUBLIC

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

IN RE: THE ADOPTION OF

_____ ,
{use name to be given to adult being adopted} Adoptee.

ADULT ADOPTION: CONSENT OF ADULT ADOPTEE'S SPOUSE

1. I, *{full legal name}* _____, am the ( ) wife ( ) husband of *{full legal name}* _____, who Petitioner, *{full legal name}* _____ _____ wishes to adopt.
2. I consent to the adoption of my spouse by Petitioner.
3. I understand my right to choose a person who does not have an employment, professional, or personal relationship with the adoption entity or the prospective adoptive parents to be present when this affidavit is executed and to sign it as a witness. The witness I selected is: *{full legal name}*_____.

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

Dated: _____

_____
Signature of Spouse
Printed Name: _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

_____
Signature of Witness
Printed Name: _____
Business Address:_____
Home Address: _____

Driver's License or
State ID Card No.:_____

_____
Signature of Witness
Printed Name: _____
Business Address:_____
Home Address: _____

Driver's License or
State ID Card No.:_____

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 _____, fill out this form.

Appendix D

Final Judgment of Adoption

Bring this document to the final hearing on your Petition for Adoption. When the Court has signed it ask the clerk for at least 3 certified copies of this document. (You might want to call in advance to find out how much the certified copies will cost.)

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No.: _____
Division: _____

IN THE MATTER OF THE ADOPTION OF

_____,
{name to be given to person being adopted} Adoptee.

FINAL JUDGMENT OF ADULT ADOPTION

Upon consideration of the Petition for Adult Adoption By Another Adult and the evidence presented, the Court finds that:

1. The Court has subject matter jurisdiction over the Petition for Adult Adoption.

2. The Court has jurisdiction over the adults subject to Petition for Adult Adoption.

3. Petitioner desires the permanent responsibility of a parent in this adoption.

4. ___ The birth or legal parents with intact parental rights have been properly noticed of this action.
OR

___ The adult adoptee's birth or legal mother
____ is deceased. A certified copy of the death certificate is attached.
____ previously had her parental rights terminated by a court of competent jurisdiction.

___ The adult adoptee's birth or legal father
____ is deceased. A certified copy of the death certificate is attached
____ previously had his parental rights terminated by a court of competent jurisdiction.

5. ___ The Adult adoptee is unmarried.
OR

___ The consent of the Adult Adoptee's Spouse is attached.
___ The Adult Adoptee's Spouse refuses to consent. The court has considered the reasons therefore and has found the withholding of consent to be unreasonable

6. The best interests of the adult to be adopted will be promoted by this adoption.

7. The adult to be adopted is suitable for adoption by Petitioner.

NOW, THEREFORE, IT IS ORDERED that:

1. The adult subject to the Petition is declared to be the legal child of Petitioner,_____ *{name}*

2. The adult subject to this Petition) shall be the child and legal heir at law of Petitioner, _____, *{name}*

and shall be entitled to all rights and privileges, and subject to all obligations, of a child born of Petitioner.

3. All legal relations between the adoptee(s) and the parent whose rights are being terminated and between the adoptee(s) and the relatives of that parent are terminated by this adoption, as are all parental rights and responsibilities of that birth parent.

4. This Final Judgment of Adoption creates a relationship between the adoptee(s) and Petitioner and all relatives of Petitioner that would have existed if the adoptee(s) was (were) a blood descendant of the Petitioner, born within wedlock, entitled to all rights and privileges thereof, and subject to all obligations of a child being born to Petitioner.

5. The adult subject to this petition) shall hereafter be known as *{full legal name(s)}*:

_____

DONE AND ORDERED at _____, Florida on _____.

_____

CIRCUIT JUDGE

COPIES TO: Petitioners (or their attorney)

Appendix E

Judicial Circuits and their Associated Counties

Instructions:
Using this Appendix, find the county in which you live and the corresponding judicial circuit. Once you locate the number of the judicial circuit, write that number in the **FIRST BLANK** of the Petition for Adult Adoption.

- First Circuit - Escambia, Okaloosa, Santa Rosa and Walton
- Second Circuit - Franklin, Gadsden, Jefferson, Leon, Liberty, and Wakulla
- Third Circuit - Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee and Taylor
- Fourth Circuit - Clay, Duval and Nassau
- Fifth Circuit - Citrus, Hernando, Lake, Marion and Sumter
- Sixth Circuit - Pasco and Pinellas
- Seventh Circuit - Flagler, Putnam, St. Johns and Volusia,
- Eighth Circuit - Alachua, Baker, Bradford, Gilchrist, Levy, and Union
- Ninth Circuit - Orange and Osceola
- Tenth Circuit - Hardee, Highlands, and Polk
- Eleventh Circuit - Dade
- Twelfth Circuit - DeSoto, Manatee, and Sarasota
- Thirteenth Circuit - Hillsborough
- Fourteenth Circuit - Bay, Calhoun, Gulf, Holmes, Jackson and Washington
- Fifteenth Circuit - Palm Beach
- Sixteenth Circuit - Monroe
- Seventeenth Circuit - Broward
- Eighteenth Circuit - Brevard and Seminole
- Nineteenth Circuit - Indian River, Martin, Okeechobee and St. Lucie
- Twentieth Circuit - Charlotte, Collier, Glades, Hendry and Lee

Appendix F

Other Forms and Information That You will Need.

I. Family Law Forms: The Florida State Courts Website has family law forms available for your download and use. The web address is http://www.flcourts.org/gen_public/family/forms_rules/index.shtml#petsup

1. Service of Process (Needed if one or both birth/legal parents are living and have not had parental rights terminated)
    a. Family law Form 12.910(a) Summons: Personal Service on an Individual.
    b. Family law Form 12.910(b) Process Service Memorandum

2. Notice of Hearing 12.923 (Must contact the judicial assistant to obtain a hearing time for the judge to consider the Petition for Adult Adoption.)

3. The Consent of Adult Adoptee and Consent of Adult Adoptee Spouse are at 12.981 (a)(2) and (c)(2). There is also a form petition for adoption, but the one in this packet has been tailored for your use.

II. Final Disposition Form – obtain from the court clerk.

III. Amended Birth Certificate:

After the court signs the order granting the adoption, you will have to submit the appropriate form to obtain an amended birth certificate. If the adult adoptee was born in another state, you will have to check with that state for the procedure. If the adult adoptee was born in Florida, you may be able to submit the form at the courthouse. If your Clerk of Court accepts the form, you will need to bring a check for $20 payable to Vital Records along with Florida Vital Records Form DH-527. (They will not accept cash). The form is available at http://www.doh.state.fl.us/planning_eval/vital_statistics/DH_527_08-08A.pdf.

FCF's Name Change Packet has more details on obtaining an amended birth certificate

IV. Name Change Documents:

Adoptees who change their name in the adoption must also change their name on all other legal documents and government forms, including Driver's License, Social Security, Immigration Documents, Medicaid and other government benefits. **Detailed information on updating these documents is contained in FCF's Name Change Packet.** Available at floridaschildrenfirst.org – under Resources.

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Florida's Children First

Fighting for Children's Rights

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