ADULT ADOPTIONS

BROUGHT TO YOU BY:



FLORIDA'S CHILDREN FIRST

FIGHTING FOR CHILDREN'S RIGHTS

FLORIDA YOUTH SHINE



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Basic Information on Adult Adoptions

I Thought Adoption Was Only For Children. . . .

Surprise! Florida and many other states allow adults to be adopted by other adults.

Many young people who spent time in state care as children really miss not having a permanent and legal connection to "parents." If you have developed a relationship with a caring adult or couple willing to be your forever parents you should consider adult adoption.

Who Has To Agree To The Adoption?

The consent of the adoptee's biological and legal parents is not required in an adult adoption. Consent is required of the adoptive parent(s), the adult being adopted, and the spouse of the person who is being adopted. Fla. Stat. 63.064(5). The court can grant the adoption without the adoptee's spouse's consent if the spouse is not available or unreasonably withholds consent.

Will We Have To Get A Home Study?

In most cases, a home study is not required for an adult adoption. Fla. Stat. 63.092(3). That means that someone who wanted to adopt you as a child, but had issues that wouldn't pass a home study may be able to adopt you as an adult.

But the court can order a home study for "good cause shown." If someone is concerned that the person who wants to adopt you might take advantage of you, they can ask the court to order a home study.

I Am Not Sure About Changing My Name. . . .

You are not required to change your name in an adult adoption, but you may if you chose. The Petition for Adoption lets you designate the name you will be known by after the adoption.

If you only want to change your name, but not your legal relationship, you can do that with a Petition for Name Change. FloridaNameChange.org will walk you through that process.

Will I Get A New Birth Certificate?

Yes, but that process is done after the Adoption is final and it is not done through the court. Rather, it is done with the Department of Vital Statistics. The State will issue a new birth certificate that names your adoptive parent(s) as your birth parent(s).

When Paul H. found out he was going to be a dad, there was one thing he knew for sure. His child needed grandparents. Paul's aunt and uncle had cared for him in junior high and were willing to adopt him. But because prior convictions they were not eligible to adopt a child. They adopted Paul as an adult - and now they are terrific grandparents!

If you decide to change your name, you will need to update your Social Security card, driver's license, passport and all other official documents.

Will My New Parents Be Required To Take Care of Me?

Nope. Parents are generally not obligated to financially support or otherwise care for adult children. (Except for some children with disabilities). If you are still young enough to qualify for car or health insurance under a parent's policy you will be eligible after the adoption - the same as biological children. If your adoptive parent dies without a will, you are entitled to the same inheritance as the other children. But parents don't have to leave any money, or the same amount of money to each of their adult children.

Will I Lose My Independent Living Benefits If I Get Adopted Before Age 21 or 23?

Only Extended Foster Care is cut off by adoption. Other independent living benefits such as Medicaid, tuition exemption, and Postsecondary Educational Services and Supports are not affected. If your new parents chose to provide you financial support, you should expect that their support will be considered on any needs assessment you complete.

My Parents' Rights Were Not Terminated, Can I Still Be Adopted?

Yes, the choice belongs to you. If you decide to be adopted as an adult, you will have to provide notice of the final hearing to your legal parent(s). Fla. Stat. 63.062(8)(b). They only must be provided notice, but they do not have to consent to the adoption.

The adoption will serve as a termination of the existing parental rights. That means you will not be entitled to any inheritance or other benefits that become payable to the legal children of that parent. (Although if you are already receiving a benefit from Social Security on a parent's record, you might be able to continue receiving that benefit after your adoption. Check with Social Security or a lawyer to find out for sure before you proceed).

Sounds Great! What Do I Do Next?

Get Legal Help If You Can.

Adoption, like all other legal matters is best handled by a lawyer. Many "family law" lawyers can do an adult adoption. If you do not have a lawyer, you can use the Florida Bar's lawyer referral service https://lrs.floridabar.org to find one. If you and your adoptive parent cannot afford an attorney, you can contact your local legal aid program for help.

If the adoptee was formerly involved in the child welfare system, Florida's Children First may be able to find a lawyer who will do the adoption without charging a fee. Contact us at FCF@floridaschildrenfirst.org for assistance. **We cannot find pro bono lawyers for stepparent adoptions**.

If You Can't Find A Lawyer, You Can Prepare the Documents Yourself.

Copies of the critical forms you need to fill out are attached. The Step-parent adult adoption forms are included in this packet and the Step-parent adoption forms (for minors), can be downloaded from the Florida State Courts website at: https://www.flcourts.gov/, then select Self-Help Information, then Family Law Forms.

- The adopting adult (parent) needs to complete the Petition for Adult Adoption and sign the petition in the presence of a notary public. Appendix A1.
- The adult being adopted (child) must fill out the Consent of Adult Adoptee form attached and sign the form in the presence of a notary public and two witnesses. Appendix A2
- If the adult being adopted is married, then his/her spouse must fill out the Consent of Adult Adoptee's Spouse form attached and sign the form in the presence of a notary public and two witnesses. Appendix C.

If your parent(s) are dead or had their rights terminated, you need proof of that fact:

- Death Certificate (or other proof).
- Certified Copy of the Order Terminating Parental Rights.

Denise J. went to live with her foster parents at age 16. After that age, her parents' rights were terminated, and her foster parents wanted to adopt her. The caseworker mistakenly told them that Denise would lose out on Independent Living benefits if they adopted her. She learned about adult adoptions from Florida Youth SHINE and decided she wanted to legally be a part of this family. Her foster parents are excited to be able to formally adopt her.

When Your Documents Are Ready, File Them With The Clerk of Courts.

Find the appropriate clerk of court - it should be the Clerk for the county where you or the adoptive parent(s) lives. Contact your local clerk of court for more filing information. See Appendix E or go to: http://www.flcourts.org/courts/circuit/circuit.shtml

The Clerk's website or staff can tell you the amount of the filing fee and any other paperwork (such as a civil cover sheet) that you will need to file your case. If you cannot afford the filing fees, you can ask for a determination of indigency (poverty) and a "Waiver" of court filing fees also available on the Florida State Court website https://www.flcourts.gov/. Once the Petition is filed the Clerk will give you the case number and Judge's name.

During high school Nancy P. lived with her supervisor and mentor from work as a non-relative placement. Although her mom's parental rights had been terminated, Nancy loved her mother who struggled with mental illness. Nancy did not want to betray her mother by getting adopted. After Nancy's mom died when she was 22, she reconsidered adult adoption as an option.

How to set the adoption for a hearing and who gets notice

Contact the Judge's Judicial Assistant (J.A.). or Court's Pro Bono office to request a hearing. If you do not ask for a hearing, it will not be set. Once set, prepare a Notice of Hearing, Appendix F, with the date, time, place, and Judge's name, and send it to the adoptee's biological or legal parent(s) by certified mail, unless their parental rights were previously terminated by a court order or they are deceased. If proof of service is not provided, the court will not grant the adoption. Bring the Final Judgment, Appendix D1 to the hearing for the Judge to sign.

Update Your Birth Certificate & Other Documents

After the hearing take the final judgment and the completed form in Appendix F, to the clerk of court within 30 days. Obtain at least 1 certified copy of the final Judgment and 1 new birth certificate. The legal names of all persons must be listed on the birth certificate form and must match the spelling as they appear in the final judgment of adoption. The Clerk will certify the bottom of the form then you can mail it along with a check/money order to Vital Records as instructed on the form. Take a certified copy of the Final Judgment and the new birth certificate to Social Security, Motor Vehicles, driver's license and school to update your record especially if adoptee changed their name. The adoptive parent(s) and adult adoptee should also update their wills, insurance policies, advance health care directives and other such documents.

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