

**INSTRUCTIONS FOR FILING A STEPPARENT ADOPTION
ABSENT PARENT'S WHEREABOUTS UNKNOWN**

This packet is to be used to terminate the parental rights of a parent when a stepparent plans to adopt his or her **spouse's** minor child. The parent having legal custody of the minor child must sign this **petition**. You need to obtain **constructive service** (also called service by publication) in a case to terminate parental rights pending stepparent adoption, when any required consent is unavailable because the address or location of the person whose consent is required is not known and cannot be determined. You **cannot** use service by publication **without first** conducting a diligent search to locate the person whose consent is required. Both the stepparent and his or her spouse must sign the **joint petition**. A filing fee of \$401.00 is payable to the Brevard County Clerk of Courts by cash, check, cashier's check, money order, debit card, American Express, Discover, Master Card or Visa.

Immediately upon filing a case, per Administrative Order 09-26-B, petitioners in an adoption action must notify the Program Administrator at: Florida Department of Children and Families, 375 Commerce Parkway, Suite 101, Rockledge, FL 32955 by sending a copy of the **Joint Petition for Adoption by Stepparent** [Florida Supreme Court form 12.981(b)(1)]. Petitioner shall also provide the name of the Judge assigned to the Petitioner's adoption case to the Program Administrator. It is suggested that all parties filing for a stepparent adoption read Administrative Order 09-26-B.

Procedure:

1. Conduct your diligent search. The Stepparent Adoption Affidavit of Diligent Search, [Florida Supreme Court form 12.981(a)(4)] gives you a list of all the places you must contact to complete your search. You do not need to contact all of the places listed, but you **DO** need to contact most of them. You will need to keep your own list of the phone number you called, the name of the person you talked to, what they told you and the date you contacted them. Keep this list to bring with you at the time of your hearing.
NOTE: Use the Stepparent Adoption Affidavit of Diligent Search, [Florida Supreme Court form 12.921(a)(4)] **ONLY** when you are searching for the birthmother. Use the Affidavit of Diligent Search [Florida Supreme Court form 12.913(c)] **ONLY** when you are searching for the birthfather.
2. Complete the Stepparent Adoption Notice of Action [Law 1045].
3. If you complete your search and **do find** the absent parent, contact the Family Pro Se Coordinator at 321-617-7254 to find out what papers you need. You will need a different packet and different procedures.
4. If you complete your search and **do not** find the absent parent, complete the Joint Petition for Stepparent Adoption, [Florida Supreme Court form 12.981(b)(1)], (this form is to be signed by you and the stepparent), and attach a certified copy of the minor child's birth certificate, the Stepparent Adoption Uniform Child Custody Jurisdiction and Enforcement Act Affidavit, [Florida Supreme Court form 12.902(d)], the Affidavit Regarding Juvenile Dependency [form Law 1100], the Indian Welfare Act Affidavit, [Florida Supreme Court form 12.981(a)(5)], Notice of Related Cases, [Florida Supreme Court form 12.900(h)], the Stepparent Adoption Affidavit of Diligent Search, [Florida Supreme Court form 12.981(a)(4)] and Stepparent Adoption Notice of Action, [form Law 1045]. If the minor child being adopted is 12 years of age or older, also use the Stepparent Adoption: Consent of Adoptee, [Florida Supreme Court form 12.981(a)(2)]. *Do not leave anything on these forms blank.* If a line does not apply put N/A.

5. Contact a local newspaper and ask them what they require to publish a legal ad.
6. Once the above forms are completed and notarized, make 1 copy of each form and retain the copies for your records.
7. Complete the Final Judgment of Stepparent Adoption, [Florida Supreme Court form 12.981(b)(2)] and the Certified Statement of Final Decree of Adoption, [form HRS 527]. Also, make an extra copy of the Final Judgment.
8. File ALL original completed forms with the Clerk of Court, the extra copy of the Final Judgment, and your filing fee. You may submit the paperwork either by U.S. mail to P.O. Box 219, Titusville, FL 32781-0219 or by visiting one of the Clerk of Courts locations.

NORTH BREVARD SERVICE COMPLEX

400 South Street, 2nd Floor
Titusville, Florida

MELBOURNE COURTHOUSE

51 S. Nieman Avenue
Melbourne, Florida

MOORE JUSTICE CENTER

Viera Complex
2825 Judge Fran Jamieson Way
Viera, Florida

MERRITT ISLAND OFFICE

2575 North Courtenay Parkway
Room 129
Merritt Island, FL

PALM BAY OFFICE

450 Cogan Drive S. E.
Palm Bay, FL

9. The Judge assigned to your case will be reflected on your filing fee receipt or you may contact the Clerk of Courts to determine this information.
10. Send the necessary information to the newspaper for publication.
11. If the birth mother and the birth father were never married and paternity has never been established, complete the Motion for Search of the Putative Father Registry [Florida Supreme Court form 12.981(a)(6)] and the Order for Search and Certificate – Putative Father Registry, [form Law 1079]. Make 2 copies of each completed form and retain one copy of each for your records. Prepare a self-addressed stamped envelope.
12. Submit the original completed Motion and Order for Search – Putative Father Registry, one copy of the completed Motion and Order, and the self-addressed stamped envelope, to the Clerk to send to the assigned judge for signature. When the judge signs the order you will be sent a copy in the envelope addressed to you. If the copy received is not certified you may purchase a certified copy of this order from the Clerk of Courts.
13. Complete the Letter to the Putative Father Registry, [form Law 1082]. Make yourself a copy of the letter. Send the Registry the original letter, the **certified copy** of the order signed by the judge instructing the Registry to conduct the search, a money order for \$9.00 made payable to the Registry and a self-addressed stamped envelope.
14. Upon receipt of the Certificate from the Putative Father Registry make yourself a copy and submit the original Certificate to the Clerk of Court to file. Ensure your case number is on the certificate.

15. When you receive proof of publication from the newspaper, make yourself a copy and submit the original proof of publication to the Clerk of Court to file. You may contact the Clerk at 321-637-5413 to inquire as to when the response is due
16. The day after the response is due, contact the Clerk of Court at 321-637-5413 and see if the absent parent has filed a written response. *Make sure you have your case number when you call.*
17. Contact the Family Pro Se Coordinator at 321-617-7254 for further instructions.

If you would like to have someone notarize or look over the completed forms before you file them, contact the Family Pro Se Coordinator at 321-617-7254 or email prosecordinator@brevardclerk.us to set an appointment.