

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 5.105-1/12*

IN RE: PROCEDURES FOR PRIVATE PLACEMENT
ADOPTION PROCEEDINGS PURSUANT TO
FLORIDA STATUTE CHAPTER 63

Chapter 63 of the Florida Statutes provides for the private adoption of children through adoption agencies or attorney intermediaries (“adoption entities”). Adoption proceedings are filed at the Main Judicial Center and the branch courthouses. Uniform procedures will ensure the timely disposition of the adoption proceedings.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED** as follows:

A. **PETITION FOR TERMINATION OF PARENTAL RIGHTS**

1. If a Petition for Termination of Parental Rights (“TPR”) is required in an adoption proceeding, the TPR must be filed separate from and prior to the filing of the Petition for Adoption in accordance with Florida Statute 63.102. In accordance with Florida law, a Petition for Declaratory Statement seeking prior approval of fees and costs can be filed at any time after an agreement is reached between the birth mother and the adoptive parents but will be assigned a case number separate and apart from the TPR. Pursuant to Chapter 63, the Clerk will only assess one filing fee.
2. **In order to ensure that a responsive pleading by a putative or legal father is accepted for filing and properly docketed, the Clerk & Comptroller’s office is directed to initiate a TPR proceeding, and to generate a case number, upon either the filing of a Petition for Termination of Parental Rights or upon the filing of a Notice of Intended Adoption Plan.**
3. The Clerk’s Office will assign the TPR a case number separate from the Petition for Adoption or the Petition for Declaratory Statement/Petition for Prior Approval of Fees and Costs (“Petition for Declaratory Statement”). If the Petition for Declaratory Statement is filed prior to the TPR, a Notice of Related Case will be filed with the TPR indicating the division to which the Petition for Declaratory Statement has been assigned.

4. All pleadings, motions or other papers filed in the TPR shall be presented to the Clerk for filing as separate documents and multiple pleadings, motions or other papers shall not be filed under one Notice of Filing. Should various pleadings, motions or other papers be filed under one Notice of Filing, the Clerk shall separately index and docket each pleading, motion or other paper.
5. Each court filing will contain the TPR case number and have a title that provides a clear description in order for the Clerk to identify the pleading for indexing and docketing.
6. An internal case management review of the file will be undertaken by the Court prior to the setting of the Final Hearing on the Petition for Termination of Parental Rights.
7. All proposed orders shall contain a signature line with the judge's name typewritten below.

B. PETITION FOR ADOPTION


1. The Petition for Adoption shall be assigned to the same family division that the Petition for Termination of Parental Rights or Petition for Declaratory Statement was assigned.
 - a. The Clerk shall not charge a filing fee for the Petition for Adoption if a filing fee for the Petition for Termination of Parental Rights had previously been paid.
 - b. A Notice of Related Case Form shall also be filed with each Petition for Adoption. The Notice of Related Case Form shall include the requested information for both the Petition for Termination of Parental Rights case as well as any other case that had been filed and which addressed the placement, adoption or care of the unborn or born child.
 - c. If a Petition for Declaratory Statement was previously filed, the Petition for Adoption shall be assigned the same case number and made part of that case file.
2. All pleadings, motions or other papers filed in the Petition for Adoption shall be presented to the Clerk for filing as separate documents and multiple pleadings, motions or other papers shall not be filed under one Notice of Filing. Should various pleadings, motions or other papers be filed under one Notice of Filing, the Clerk shall separately index and docket each pleading, motion or other paper.
3. Each court filing will contain the Petition for Adoption case number and have a title that provides a clear description in order for the Clerk to identify the pleading for indexing and docketing.
4. An internal case management review of the file will be undertaken by the Court prior to the setting of the Final Hearing on the Petition for Adoption.

5. All proposed orders shall contain a signature line with the judge's name typewritten below.
6. Pleadings wherein attorney's fees or costs/expenses are sought in excess of \$5,000.00 will contain sufficient detail such that the Court can review the invoice for reasonableness and determine whether the requested fees are in accordance with Rule 4-1.5 of the Rules Regulating the Florida Bar. At the judge's discretion, a hearing may be set so that testimony concerning the fees or costs/expenses may be presented to the Court.
7. In accordance with Florida Statute §63.102(3), the Petition for Adoption may be dismissed if it is not filed within 60 days after the entry of the final judgment terminating parental rights.

C. PETITION FOR DECLARATORY STATEMENT

1. When a Petition for Declaratory Statement as to an Adoption Contract is filed by the adoption entity, the Clerk of Court shall accept for filing the Petition for Declaratory Statement with the same confidentiality procedures as is required for a Petition for Adoption.
2. The Clerk shall charge the same filing fee as is charged for the filing of a Petition for Adoption. No additional filing fee shall be assessed for the filing of the Petition for Declaratory Statement if a filing fee has been paid for the TPR. The case number assigned to the Petition for Declaratory Statement shall be assigned to a subsequently filed Petition for Adoption.

DONE and SIGNED in Chambers at West Palm Beach, Palm Beach County, Florida, this 30 day of January, 2012.



Peter D. Blanc, Chief Judge

supersedes admin. order 5.105-5/11