

By the Committee on Judiciary; and Senator Campbell

308-2218-02

1 A bill to be entitled
2 An act relating to adoption; amending ss.
3 63.102, 63.122, F.S.; providing that a plea for
4 termination of parental rights and for adoption
5 may be combined in a single petition and
6 considered by the court during a single hearing
7 if the adoption is by a stepparent and the
8 parent whose rights are to be terminated has
9 executed a consent; amending s. 63.192, F.S.;
10 providing for a court to recognize a foreign
11 judgment concerning an adoption upon a finding
12 that the foreign order is authentic; providing
13 that such finding entitles the adoptee to a
14 certificate of foreign birth; providing an
15 effective date.

17 Be It Enacted by the Legislature of the State of Florida:

19 Section 1. Subsection (1) of section 63.102, Florida
20 Statutes, is amended to read:

21 63.102 Filing of petition for adoption or declaratory
22 statement; venue; proceeding for approval of fees and costs.--

23 (1) A petition for adoption may not be filed until 30
24 days after the date of the entry of the judgment terminating
25 parental rights pending adoption under this chapter, unless
26 the adoptee is an adult or the minor has been the subject of a
27 judgment terminating parental rights under chapter 39. If the
28 adoption is by a stepparent and the parent whose rights are to
29 be terminated has executed a consent under s. 63.082, the
30 petition for termination of parental rights and the petition
31 for adoption may be combined into a single petition.After a

1 judgment terminating parental rights has been entered, a
2 proceeding for adoption may be commenced by filing a petition
3 entitled, "In the Matter of the Adoption of" in the
4 circuit court. The person to be adopted shall be designated
5 in the caption in the name by which he or she is to be known
6 if the petition is granted. Any name by which the minor was
7 previously known may not be disclosed in the petition, the
8 notice of hearing, or the judgment of adoption.

9 Section 2. Subsection (1) of section 63.122, Florida
10 Statutes, is amended to read:

11 63.122 Notice of hearing on petition.--

12 (1) After the petition to adopt a minor is filed, the
13 court must establish a time and place for hearing the
14 petition. The hearing may not be held sooner than 30 days
15 after the date the judgment terminating parental rights was
16 entered or sooner than 90 days after the date the minor was
17 placed in the physical custody of the petitioner. However, if
18 the adoption is by a stepparent and the parent whose rights
19 are to be terminated has executed a consent under s. 63.082,
20 the court shall consider the petition for termination of
21 parental rights and the petition for adoption in a single
22 hearing.The minor must remain under the supervision of the
23 adoption entity until the adoption becomes final. When the
24 petitioner is a spouse of the birth parent, the hearing may be
25 held immediately after the filing of the petition.

26 Section 3. Section 63.192, Florida Statutes, is
27 amended to read:

28 63.192 Recognition of foreign judgment affecting
29 adoption.--A judgment of court terminating the relationship of
30 parent and child or establishing the relationship by adoption
31 issued pursuant to due process of law by a court of any other

1 jurisdiction within or without the United States shall be
2 recognized in this state, and the rights and obligations of
3 the parties on matters within the jurisdiction of this state
4 shall be determined as though the judgment were issued by a
5 court of this state. A court of this state shall recognize the
6 adoption status created by a foreign judgment upon the filing
7 by the adoptive parents of the foreign judgment, together with
8 a copy of the foreign order, and upon a finding by the court
9 that the foreign order is authentic. The petitioner need not
10 demonstrate that the adoption proceedings or the substantive
11 rights or due process of law applicable to an adoption under
12 the laws of the foreign jurisdiction were similar or
13 equivalent to those of this state at the time the foreign
14 judgment was entered. An order entered by a court under this
15 section entitles the adoptee to a certificate of foreign birth
16 issued pursuant to s. 382.017.

17 Section 4. This act shall take effect July 1, 2002.

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 Senate Bill 1518

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23 Streamlines adoptions proceedings for adoptions by stepparents
24 by allowing the petitions for termination of parental rights
25 and a petition for adoption to be consolidated and addressed
26 in a single hearing; and

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28 Allows the court to domesticate out-of-country judgments of
29 adoption for purposes of official recognition and issuance of
30 a foreign birth certificate.

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