

**INSTRUCTIONS FOR FLORIDA SUPREME COURT APPROVED FAMILY
LAW FORM 12.913(a)(3)
NOTICE OF ACTION FOR TERMINATION OF PARENTAL RIGHTS AND
STEPPARENT ADOPTION
(06/18)**

When should this form be used?

This form may be used to obtain **constructive service** (also called service by publication or posting) in an action involving a Joint Petition for Adoption by Stepparent. You may use constructive service for any person whose consent is required under the Florida Statutes and who has NOT executed a consent to the adoption. This includes:

- The mother of the minor child(ren);
- The father of the minor child(ren), if:
 - The minor child(ren) were conceived or born while the father was married to the mother;
 - The minor child(ren) is/are his children by adoption;
 - The minor child(ren) have been adjudicated by the court to be his child(ren) before the date a petition for termination of parental rights is filed;
 - He has filed an affidavit of paternity or was listed on the minor child's birth certificate before the date the petition for termination of parental rights was filed; or
 - In the case of an unmarried biological father, he has acknowledged in writing, signed in the present of a competent witness, that he is the father of the minor, has filed such acknowledgment with the Office of Vital Statistics for the Department of Health within the required timeframes, and has complied with the requirements of section 63.062(2), Florida Statutes; and
- Any person lawfully entitled to custody of the minor child if required by the court.

The location of the person must be unknown. You must complete and file a Stepparent Adoption: Affidavit of Diligent Search, Florida Supreme Court Approved Family Law Form 12.981(a)(4). This is a complicated area of the law and you should consult an attorney before using constructive service.

You should complete this form by typing or printing the appropriate information in black ink. You must insert the other party's name; last known address; physical description, including but not limited to age, race, hair and eye color, and approximate height and weight of the person; the minor child(ren)'s date of birth; and the minor child(ren)'s place of birth. **File** this form with the **clerk of the circuit court** in the county where your petition was filed. You should keep a copy for your records.

IMPORTANT INFORMATION REGARDING E-FILING

The Florida Rules of Judicial Administration now require that all petitions, pleadings, and documents be

filed electronically except in certain circumstances. **Self-represented litigants may file petitions or other pleadings or documents electronically; however, they are not required to do so.** If you choose to file your pleadings or other documents electronically, you must do so in accordance with Florida Rule of Judicial Administration 2.525, and you must follow the procedures of the judicial circuit in which you file. **The rules and procedures should be carefully read and followed.**

After the Stepparent Adoption: Affidavit of Diligent Search, Florida Supreme Court Approved Family Law Form 12.981(a)(4) is filed, the clerk will sign this form. You will need to publish notice once each week for four consecutive weeks in a “qualified” newspaper in the county where the person was last known to have resided. When in doubt, ask the clerk which newspapers are “qualified.” The newspaper will charge you for this service. If you cannot afford to pay the cost of publishing this notice, you may ask the clerk to post the notice at a place designated for such postings. You will need to file an **Application for Determination of Civil Indigent Status**, which you can obtain from the clerk. If the clerk determines that you cannot afford these costs, the clerk will post the notice of action. You are responsible for locating a “qualified” newspaper in the county where the other party last resided and paying the cost of publication.

Where can I look for more information?

Before proceeding, you should read “General Information for Self-Represented Litigants” found at the beginning of these forms. For further information, see rule 12.070, Florida Family Law Rules of Procedure, rule 1.070, Florida Rules of Civil Procedure, sections 61.501–61.542, Florida Statutes and chapter 49, Florida Statutes.

IMPORTANT INFORMATION REGARDING E-SERVICE ELECTION

After the initial service of process of the petition or supplemental petition by the Sheriff or certified process server, the Florida Rules of Judicial Administration now require that all documents required or permitted to be served on the other party must be served by electronic mail (e-mail) except in certain circumstances. **You must strictly comply with the format requirements set forth in the Rules of Judicial Administration.** If you elect to participate in electronic service, which means serving or receiving pleadings by electronic mail (e-mail), or through the Florida Courts E-Filing Portal, you **must** review Florida Rule of Judicial Administration 2.516. You may find this rule at www.flcourts.org through the link to the Rules of Judicial Administration provided under either Family Law Forms: Getting Started, or Rules of Court in the A-Z Topical Index.

SELF-REPRESENTED LITIGANTS MAY SERVE DOCUMENTS BY E-MAIL; HOWEVER, THEY ARE NOT REQUIRED TO DO SO. If a self-represented litigant elects to serve and receive documents by e-mail, the procedures must always be followed once the initial election is made.

To serve and receive documents by e-mail, you must designate your e-mail addresses by using the **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915, and you must provide your e-mail address on each form on which your signature appears. Please **CAREFULLY** read the rules and instructions for: **Certificate of Service (General)**, Florida Supreme Court Approved Family Law Form 12.914; **Designation of Current Mailing and E-mail Address**, Florida Supreme Court Approved Family Law Form 12.915; and Florida Rule of Judicial Administration 2.516.

Special notes...

If the other party fails to respond to your **petition** within the time limit stated in the notice of action that is published or posted, you are entitled to request a **default**. (See **Motion for Default**, Florida Supreme Court Approved Family Law Form 12.922(a), and **Default**, Florida Supreme Court Approved Family Law Form 12.922(b).) Remember, a person who is NOT an attorney is called a nonlawyer. If a nonlawyer helps you fill out these forms, that person must give you a copy of **Disclosure from Nonlawyer**, Florida Family Law Rules of Procedure Form 12.900(a), before he or she helps you. A nonlawyer helping you fill out these forms also **must** put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

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

Case No.: _____
Division: _____

IN RE: THE ADOPTION OF:

[Name to be given child(ren) Adoptees(s)].

NOTICE OF ACTION FOR TERMINATION OF PARENTAL RIGHTS AND STEPARENT ADOPTION

TO: *{name of Respondent}* _____
{Respondent's last known address} _____

YOU ARE NOTIFIED that a Joint Petition for Adoption by Stepparent has been filed against you and that you are required to serve a copy of your written defenses, if any, to it on *{name of Petitioner}* _____, whose address is _____, on or before *{date}* _____, and file the original with the clerk of this Court at *{clerk's address}* _____, before service on Petitioner or immediately thereafter. **If you fail to do so, a default may be entered against you for the relief demanded in the petition.**

The minor child(ren) are identified as follows:

Date of Birth

Place of Birth

Physical Description of Respondent:

Age: _____

Race: _____

Hair Color: _____

Eye Color: _____

Approximate Height: _____

Approximate Weight: _____

Copies of all court documents in this case, including orders, are available at the Clerk of the Circuit Court's office. You may review these documents upon request.

You must keep the Clerk of the Circuit Court's office notified of your current address. (You may file Designation of Current Mailing and E-Mail Address, Florida Supreme Court Approved Family Law Form 12.915.) Future papers in this lawsuit will be mailed or e-mailed to the addresses on record at the clerk's

office.

Dated: _____

CLERK OF THE CIRCUIT COURT

By: _____
{Deputy Clerk}

IF A NONLAWYER HELPED YOU FILL OUT THIS FORM, HE/SHE MUST FILL IN THE BLANKS BELOW:

[fill in **all** blanks] This form was prepared for the Petitioner.

This form was completed with the assistance of:

{name of individual}, _____,

{name of business} _____,

{address} _____,

{city} _____, {state} _____, {zip code}, _____, {telephone n