

Chapter 5

ADULT ADOPTIONS

5-1. Purpose. Many young adults who age out of foster care established no permanent legal connection to an adult. Adult adoption can create stability and a “sense of belonging.”

5-2. Definition. “Adult Adoption” is the legal process by which a legal child-parent relationship is created and the individual is a young adult over age of 18.

5-3. Preparation of Young Adults for an Adult Adoption.

a. It is recommended that all young adults in extended foster care be consulted regarding adult adoptions and provided reading materials regarding:

- (1) Benefits of an adult adoption;
- (2) Requirements for an adult adoption; and,
- (3) Procedures to complete an adult adoption.

b. It is recommended that all significant parties such as the young adult, potential adoptive parent, case manager, adoption and independent living staff, guardian ad litem, relatives, attorneys assisting with adult adoptions discuss the pros and cons of adult adoptions. Topics to be discussed include:

Siblings? (1) What will be my ongoing contact and relationship with birth family members?

(2) Is adult adoption in my best interest?

(3) Do I have to change my first and/or last names?

(4) Hotline and criminal history of the potential adoptive parent may be obtained if needed.

(5) What will the relationship of the young adult and potential adoptive parents look like after finalization? (For example: Will I live with them? Can I be added to adoptive parents' health insurance?)

(6) What do the family members, especially children of the potential adoptive parents, think about the adoption?

(7) Do I lose any college/post-secondary benefits?

5-4. Benefits.

a. The young adult will “legally” belong to a family and have a permanent relationship with a caring adult.

b. It may be possible for the young adult to be added to the health insurance of the adoptive parent and this option may also be considered. It is recommended that the CBC case manager assist the young adult and adoptive parent with this process, if needed. The Medicaid Office should be notified if the young adult's name is changed as a result of the adoption.

c. The young adult may be young enough to qualify for car insurance under the adoptive parents' policies.

d. If the adoptive parents pass away without a will, the young adult is entitled to the same inheritance as the birth children.

e. If a young adult meets all the qualifications for Postsecondary Education Services and Support (PESS), an adult adoption will not affect his/her eligibility or ability to receive these services.

f. If the young adult is receiving disability benefits at age 18 from his/her biological parents, the young adult may continue to receive those benefits if he/she is still in high school (no postsecondary education) until age 19. If the young adult is still in high school at age 19, the benefits will continue for 3 months after the young adult's 19th birthday or the end of the school term.

g. If the young adult is receiving SSI after the age of 18, the adoptive parent's income will not be considered in a redetermination. It may be necessary for the adoptive parent to become the payee for the SSI benefit.

h. Young adults are eligible to receive Pell Grants and the Florida Tuition waiver (until age 28) pursuant to s. [1009.25\(c\)](#), Florida Statutes (F.S.).

5-5. Procedures.

a. For young adults whose biological parents are deceased or whose parental rights were terminated prior to turning age 18, the following items will be needed:

- (1) A copy of the termination of parental rights order for biological parent(s); or,
- (2) A copy of the biological parents' official death certificates.

b. It is recommended that the case manager assist the young adult and prospective adoptive parent(s) in obtaining the necessary documents.

c. Although an attorney is not required, an attorney is recommended. For assistance in identifying an attorney, please visit www.floridaschildrenfirst.org website.

d. The prospective adoptive parent must complete the Petition for Adult Adoption and have it notarized.

e. The young adult must complete the Consent of Adult Adoptee form and have it notarized. The Consent of Adult Adoptee must also be witnessed by two individuals. The case manager may be one of the two witnesses.

f. If the young adult is married, the Consent of Adult Adoptee's Spouse form must be completed by the spouse and notarized. The Consent of the Adult Adoptee's Spouse form must also be witnessed by two individuals. The case manager may be one of the two witnesses.

g. If the young adult chooses to change his/her name, a name change packet must be completed.

h. All of the documents, including the termination of parental rights order and/or death certificates must be filed with the Family Law Clerk of Court. The documents must be filed in the county where the adoptive parent resides.

i. The court costs, including the filing fees, may be waived by the court. It is recommended that the attorney and young adult request a waiver of court costs in order for the court to consider waiving all or some of the court cost.

j. After a Judge is assigned to the case, it is recommended that the case manager, young adult, or adoptive parents contact the Judicial Assistant in the Judge's office to request that a hearing be set in order for the Petition to Adopt to be heard by the court.

k. Once a hearing date is determined, a Notice of Hearing form must be completed and sent to all parties.

l. For biological parents whose parental rights were not terminated prior to the young adult reaching the age of 18, the Family Law Form must be completed in order to serve the biological parents with notification of the hearing regarding the Petition to Adopt.

m. If proof cannot be provided that the biological parents were served, the court will not approve the adoption petition.

n. All of the documents, including proof that the biological parents have been served, must be provided to the Clerk of Court in the Family Law Division and filed with the court in the county where the adoptive parents reside.

5-6. Post Finalization.

a. The Final Judgment Disposition/Order for Adoption will be completed and signed by the Judge.

b. The adult adoptee and adoptive parent should obtain a Certified Statement of Final Decree of Adoption following the hearing.

c. It is recommended that after five business days from the hearing, the adult adoptee and adoptive parent obtain a signed certified copy of the final order from the Clerk of Court's office where the adoption finalization was held.

d. The adult adoptee and adoptive parent must obtain an amended birth certificate.

e. If the young adult was born in Florida, the adoptee and adoptive parents must apply for a new birth certificate at www.floridahealth.gov/certificates/certificates/birth/index.html.

f. Application for Amendment to Florida Birth Certificate and a Certified Statement of Final Decree of Adoption should be submitted to Florida's Bureau of Vital Statistics.

g. If the young adult was born in another state, it is recommended that the adoptee and the adoptive parent contact the county court in the state where the adoptee was born to determine the procedures for amending the birth certificate in that state. The following link provides contact information for the birth certificate requests in other states www.cdc.gov/nchs/w2w/florida.htm .

h. If the adult adoptee chooses to change his/her first and/or last names, all legal documents and government forms must reflect the new name(s). Documents that must be updated include, but are not limited to, Social Security Card, Driver License, Immigration Documents, Medicaid and any other government benefits.

i. The following websites contain information and forms that will assist in the adult adoption process.

(1) www.floridaschildrenfirst.org/adult-adoption-resources/

(2) <http://www.floridaschildrenfirst.org/wp-content/uploads/2011/06/Adult-Adoption-Blank-Forms.pdf>

