

PRIVATE ADOPTION INTERVENTION IN DEPENDENCY PROCEEDINGS § 63.082(6)

IN ALL CASES THE COURT MUST provide written notice of the parent’s right to participate in a private adoption plan including written notice of the required best interest factors in § 63.082(6)(e).

- at the arraignment hearing;
- in the order that approves the case plan; and
- in the order that changes the permanency goal to adoption pursuant to § 39.621.

IF AN ADOPTION ENTITY MOVES TO INTERVENE THE COURT MUST SET A HEARING PROMPTLY (TO BE CONCLUDED WITHIN 30 DAYS) TO DETERMINE:

- if the adoption entity filed the required documents to be permitted to intervene;
- if the prospective adoptive parents are properly qualified to adopt the child; and
- if change of placement/adoption is in the child’s best interests.

DETERMINING SUFFICIENCY OF THE MOTION:

Is a valid consent from the parent attached?

- Evaluate the specific requirements in section 63.082(1).

Is a preliminary home study attached?

- The homestudy is deemed sufficient unless the court has concerns regarding the homestudy provider’s qualifications or adequacy of the homestudy in determining the child’s best interests.
- The homestudy must be maintained as confidential in the file.
- If the proposed placement is out of state, the parties must comply with the ICPC.

Is evidence of the suitability of the placement provided?

IS CHANGE OF PLACEMENT/ADOPTION IN THE CHILD’S BEST INTERESTS

The court must consider and weigh **ALL RELEVANT FACTORS** to determine if a change of placement and adoption is in the child’s best interests (See text box.)

ENTER A WRITTEN ORDER WITHIN 15 DAYS OF THE HEARING TO GRANT THE MOTION THE COURT MUST DETERMINE:

- the adoption entity has filed the required documents to be permitted to intervene;
- the prospective parents are properly qualified to adopt the child; and
- the change of placement and adoption is in the child’s best interests.

REQUIRED BEST INTEREST FACTORS

- the permanency offered,
- the bond between the child and current caregiver,
- the stability of the current potential adoptive home and maintaining continuity;
- maintaining sibling relationships,
- the child’s preferences and wishes, if appropriate,
- whether a TPR has been filed under § 39.806(1)(f), (g), or (h),
- what is best for the child, &
- the parent’s right to determine an appropriate placement.

THE COURT MAY establish reasonable requirements for transfer of custody, including a reasonable period of time to transition to the prospective adoptive parents.

THE ADOPTION ENTITY SHALL at least every 90 days inform the court of the status of the adoption proceedings until finalization and every month until finalization provide supervision reports to DCF.

Motion to Intervene filed

Deadline to rule on Motion

Written Final Order must be entered

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Conduct evidentiary hearings as needed

30

45

Adoption Entity files status reports every 90 days until adoption final

Court promptly schedules hearing