

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

IN THE MATTER OF

THE TERMINATION OF PARENTAL RIGHTS
FOR THE PROPOSED ADOPTION
OF A MINOR CHILD:

CASE NO.: _____
FAMILY DIVISION

AAA
DOB: _____

A Minor Child.
_____ /

**VERIFIED PETITION FOR TERMINATION OF PARENTAL RIGHTS OF THE
MOTHER AND UNKNOWN UNMARRIED BIOLOGICAL FATHER
FOR THE PROPOSED ADOPTION OF A MINOR CHILD**

Comes now, the Petitioner, Lucia C. Pineiro, Esquire, the adoption intermediary, and files this Verified Petition for Termination of Parental Rights of the Mother and the Unknown Unmarried Biological Father for the Proposed Adoption of a Minor Child, pursuant to the Florida Statutes, Chapter 63.087 files this Verified Petition for Termination of Parental Rights of the Mother and the Unknown Unmarried Biological Father for the Proposed Adoption of a Minor Child, and states to the Court the following:

THE PARTIES AND LEGAL HISTORY

1. This Court has personal and subject matter jurisdiction of this cause pursuant to a Court order dated _____, and is hereby incorporated by reference. See attached Exhibit "A", *Final Judgment Awarding Temporary Custody*.
2. Venue is proper in Miami-Dade County as the adoption entity is located in Miami-Dade County, Florida and the minor Child and his court appointed temporary custodian have resided in Miami-Dade County, Florida for a period proceeding at least months.

3. This is a Petition for Termination of Parental Rights (“Petition”) of the minor male Child, AAA (hereafter “Child”) born on _____, in Miami-Dade County, Florida.

4. The Child was born on _____, in Miami-Dade County, Florida. See attached Exhibit “B”, *Copy of Child’s Birth Certificate*. A certified copy of the Child’s Birth Certificate will be filed with the Court.

5. The biological Mother of the Child is DDD (hereafter “Mother”), who was born on _____, in Miami-Dade County, Florida.

6. The Mother of the Child was not married at any time when conception of the Child may have occurred or at the time of the birth of the Child.

7. No man has filed an Affidavit of Paternity pursuant to s. 382.013(2)(c) before the date that a Petition for Termination of Parental Rights was filed with the court.

8. No man who has adopted the Child.

9. No man has provided child support on behalf of the Child.

10. No man has been adjudicated by a Court to be the Father of the Child before the date that a Petition for Termination of Parental Rights was filed with the Court.

11. The Mother in a related court case failed to identify the unmarried biological father before she signed the Consent for Temporary Custody and Waiver. See attached Exhibit “C”, *Copy of Consent and Waiver* dated _____.

12. A Florida Putative Father Registry check was conducted and is hereby incorporated by reference. See attached Exhibit “D”, *Copy of Florida Putative Registry Check*.

GROUND FOR TERMINATION OF PARENTAL RIGHTS

13. ABANDONMENT: A finding of abandonment resulting in a termination of parental rights must be based upon clear and convincing evidence that a parent or person having legal custody while being able, makes little or no provision for the child’s support or makes little or no effort to communicate with the child, which situation is sufficient to evince an intent to reject parental responsibilities.

13.1 The Biological Mother has abandoned the minor Child in Miami-Dade County. The Mother, while being able to do so, has failed to have

meaningful and ongoing contact with the minor Child on a consistent basis. The Mother's efforts to maintain a relationship with the Child constitutes only marginal efforts that do not evince a settled purpose to assume all parental duties.

13.2 The Mother has failed to provide the court ordered temporary custodian any form of child support payments

13.3 The Mother has been unable and unwilling to assume the basic parental duties in order to provide the Child with a safe, stable and nurturing home environment free from substance abuse and domestic violence.

13.4 The Mother has failed to provide the Child, on a continuous and ongoing basis, with the necessary, timely and appropriate medical, emotional, educational and psycho-social attention. The Mother knew or should have known of adverse effect this would have on the minor Child and yet she failed to take any steps to provide or protect the Child, in gross disregard of the Child's physical and/or mental and/or emotional well-being.

13.5 The Mother's willful disregard for the safety and/or welfare of the Child and her neglect towards the Child's has caused the Child to suffer developmental delays and exhibit behavioral problems. The Child, age 5, has an Individual Educational Plan ("IEP") through the school system and is placed in a specialized educational setting. Currently, the Child is receiving speech therapy and tutoring services. The Child was previously evaluated on numerous occasions due to his delays and behavior. Specific recommendations were made for the child to receive speech and individual therapy. However, the Mother failed to ensure that the Child receive the recommended services, which resulted in the Child repeating Kindergarten and regressing further in _____ behavior.

13.6 The Mother's has failed to timely and appropriately attend to the Child's medical needs. The responsibility of attending to Child's medical needs often times fell upon others because for most of the Child's life, the Mother has been an absent parent.

14. During the periods of time that the Mother actually had the Child in her physical custody, the Child was unkempt; neglected and placed at risk of harm

due to the ongoing domestic violence that occurred while the Child was with the Mother. The Child witnessed family violence on a frequent basis. The Mother's actions, acts/omissions, as set forth in this Petition caused threaten harm to the Child.

15. The Mother lacks the capacity to care for the Child to the extent that the Child's health and well-being will not be endangered if the Child is placed with her because the Mother does not have a stable place to live.

15.1 The Mother is living on the streets, using drugs and is hiding from the police, because upon information and belief, she is aware of the existing bench warrant for her arrest.

15.2 The Mother has an anger control problem that places the Child at signification risk of imminent harm. The Mother has violent episodes and is unable to control her anger and this places the Child at significant risk of harm.

16. The Mother has a history of maladaptive behaviors in Miami-Dade and Broward Counties dating back to 2005, which include but are not limited to illegal substance abuse; cocaine possession; prostitution; domestic violence / failure to protect the Child from threaten harm (domestic violence); child neglect and failure to provide for the Child's basic daily needs and failure to protect the child from harm. Additionally, the Mother has been arrested on numerous times. The charges include cocaine possession; grand theft; battery and uttering a forged document.

17. On _____, 20____, the Mother was arrested and charged with two felony counts, she was placed on probation status. On or about _____, 20____, the Mother was arrested for a probation violation. On _____, 20____, she was again placed on probation for a period of 14 months. The probation terms include but were not limited to: remain at liberty without violating any laws; ordered to attend anger management classes; submit and pay to drug testing; and pay restitution.

18. On _____, 20____, the State of Florida, Broward County, Department of Corrections filed an Affidavit of Violation of Probation against the

Mother for her failure to comply with the terms of the probations, specifically: a) the Mother committed another crime and was arrested in Miami-Dade County; failed to pay for drug testing and restitution; and failed to pay payments towards arrearages.

19. On _____, 20____, the probation was reinstated and modified and the Mother was given a new probation term of 36 months.

20. On _____, 20____, the State of Florida, Broward County, Department of Corrections filed another Affidavit of Violation of Probation against the Mother for her failure to comply with the terms of the probations, specifically: a) the Mother tested positive for cocaine; failed to pay the costs of supervision; failed to pay restitution and failed to make payments towards arrearages.

21. On _____, 20____, the State of Florida files its Affidavit of Violation of Probation with the Court, and the Court issues a Warrant for the Mother's arrest.

22. The Mother is aware that there is an active warrant for her arrest and is in hiding.

23. On _____, 20____, the Mother provided her Consent for Temporary Custody and Waiver to have the Court place the Child in the temporary custody of her aunt.

23.1 Since this time, the Mother has failed to provide child support for the care and maintenance of the Child.

23.2 The Mother, on occasions, has visited with the Child since _____, 20____. However, the Child's behavior following the supervised timesharing with the Mother has had an adverse reaction on the Child in that the Child's behavior deteriorates and the Child regresses.

MANIFEST BEST INTERESTS OF THE CHILD

24. The Child is only 5 years of age and is in need of a stable, safe and permanent home environment that the Mother is unable to provide for the child's developmental, cognitive, psychological, and physical needs.

25. The Mother has no insight as to the Child's developmental, educational and behavioral needs.

26. It is in the manifest best interest of the Child and the protection of the Child demands that this Court permanently deprive the Mother of any right that she may have to the Child.

27. The Court on _____, 20____, placed the Child in the temporary custody of a relative based upon the Mother's consent. However, the Court appointed custodian is no longer able to appropriately care for the Child.

28. The undersigned has matched a couple, a husband and wife, with the Child. The identified couple wish to provide a permanent home for the Child. The pre-adoptive parents have a positive Adoption Quality Home study.

28.1 Additionally, the pre-adoptive parents have contact with the Child and have formed a relationship with the Child.

28.2 This is a suitable permanent custody arrangement for the Child as they are willing to adopt the Child and provide for all of the Child's future needs.

29. The Mother and the unknown Unmarried Biological Father lack the ability and disposition to provide the Child with food, clothing, medical care or other remedial care and other material needs.

29.1 The Mother and the unknown Unmarried Biological Father lack the capacity to care for the Child to the extent that the Child's health and well-being will be endangered upon the Child's placement in their homes.

29.2 The present mental and physical needs of the Child and future needs of the Child, to the extent that such future needs can be ascertained based upon the present condition of the Child, require termination of the parental rights and duties.

30. The Child has the ability to form a significant relationship with parental substitutes, and it is likely that the Child will enter into a more stable and permanent family relationship as a result of permanent termination of the parents' parental rights and duties.

31. The Child has a developed a strong bond with the prospective adoptive family.

32. The Guardian Ad Litem who was appointed recommends that the Court grant the Verified Petition for Termination of Parental Rights of the Mother and the Unknown Unmarried Biological Father for the Proposed Adoption of a Minor Child and permanently deprive the Mother, DDD and the unknown Unmarried Biological Father of any right that that may have to the Child, AAA. The Guardian Ad Litem recommends that the termination of the parental rights to be in the manifest best interest of the Child

33. This Petition is filed in good faith.

WHEREFORE, Petitioner prays that this Court grants the Verified Petition for Termination of Parental Rights of the Mother and the Unknown Unmarried Biological Father for the Proposed Adoption of a Minor Child; permanently deprive the Mother, DDD and the unknown Unmarried Biological Father of any right that that may have to the Child, AAA; find that the termination of the parental rights to be in the manifest best interest of the Child; commit the Child, AAA, to the custody of the adoption entity so that the Child may be placed with the prospective adoptive parents, pursuant to Court order for subsequent adoption of the Child.

DATE: _____

Respectfully Submitted,

Lucy C. Piñeiro, Esquire
Adoption Intermediary
717 Ponce de Leon Blvd., Suite 309
Coral Gables, Fl. 33134
Phone: (305) 443-9488
Service Email: lucy@pineirolawpa.com

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this _____ day of March, _____, before me an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared, Lucia C. Piñeiro, AFFIANT, Petitioner, who is personally known to me or who produced the following as identification: and who upon being sworn by me says that she is filing this Verified Petition for Termination of Parental Rights of the Mother and the Unknown Unmarried Biological Father for the Proposed Adoption of a Minor Child in good faith and upon information, knowledge and belief, that the information contained in this Petition is true and accurate.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in the State and County aforesaid as of this _____ day of _____, 20____.

Signature of Notary Public

Printed Name of Notary Public

My commission expires: