

Fifth District Reinstates Judgment of Adoption

May 22, 2014

On May 21, 2014, the Fifth District Court of Appeal released: *In the Matter of the Adoption of D.P.P.*, No. 5D13-1766 (Fla. 5th DCA May 21, 2014) (*Not final until disposition of timely filed motion for rehearing*), reversing an order vacating a final judgment of adoption, effectively terminating the parent-child relationship between Appellant, G.P., and the parties' five-year-old child, D.P.P. The trial court set aside the final judgment concluding that because the uncontested petition for adoption was filed by two unmarried women, it failed to invoke the subject matter jurisdiction of the circuit court, and thus, the final judgment of adoption was void. The Fifth District reversed, holding the circuit court had subject matter jurisdiction and Appellee, C.P., was estopped from challenging the validity of the adoption judgment that she helped to procure. The appellate court stated: "The court's focus on the parties' status as unmarried adults and the erroneous caption of the petition as being a step-parent adoption was misplaced. These are pleading and procedural deficiencies, not jurisdictional defects. Such deficiencies do not automatically deprive the court of jurisdiction, void the judgment, or subject it to collateral attack." (footnote omitted). The court further stated that "it would be unconscionable to allow C.P. to invoke the jurisdiction of the court for the sole purpose of creating a parent-child relationship between G.P. and D.P.P. and then to allow her to destroy that same relationship because her relationship with G.P. has ended." The final judgment of adoption was reinstated.

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