

APPENDIX A

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

In the Interest of B.B.B., a child.

C.B.,

Appellant,

v.

THOMAS N. FISCHGRUND,

Appellee.

Case No. 2D18-1290

Opinion filed January 2, 2019.

Appeal from the Circuit Court for Pinellas
County; Patrice Moore, Judge.

C.B., pro se.

Thomas N. Fischgrund, pro se.

PER CURIAM.

Affirmed.

KHOUZAM, SLEET, and LUCAS, JJ., Concur.

APPENDIX B

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

January 23, 2019

CASE NO.: 2D18-1290

L.T. No.: 14-DR-9583FD

C. B.

v.

THOMAS N. FISCHGRUND

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Appellant's motion for rehearing is denied.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

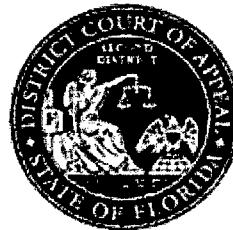
Jeanne T. Tate, Esq.

C. B.

Ken Burke, Clerk

ag

Mary Elizabeth Kuenzel
Mary Elizabeth Kuenzel
Clerk



APPENDIX 2

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR THE COUNTY OF PINELLAS UNIFIED FAMILY COURT
DIVISION

CRC 14-9583FD-U05

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

BABY BOY BELL
DOB: 1-20-15

FINAL JUDGMENT OF TERMINATION OF PARENTAL RIGHTS

THIS CAUSE came on to be heard on the 7th day of March, 2018, on the Amended Petition for Termination of Parental Rights. The Court, having reviewed the evidence, finds by clear and convincing evidence as follows:

1. The subject child, Baby Boy Bell, a male child, born January 20, 2015, verification of which has been filed herein, is within the jurisdiction of this Court pursuant to Chapter 63, Florida Statutes. The Court has jurisdiction over the parties, the child, and the subject matter of this action.
2. The Adoption Entity has standing to file this Petition for Voluntary Termination of Parental Rights pursuant to written authorization by the birth mother, said authorization has been filed herein.
3. The child has been surrendered by Cassandra Renea Bell, 9280 Thomas Road, Jonesboro, GA 30238, the birth mother of said child, who placed the child on or about January 21, 2015, with the Adoption Entity, consented to the termination of her parental rights and waived notice of these proceedings, said consent, surrender and waiver being filed herein. The Court finds that Ms. Bell's consent is valid, binding and irrevocable, has not been withdrawn,

and was obtained in accordance with the requirements of Chapter 63, Florida Statutes. The Court made this finding in its Order Denying Respondent's Motion to Withdraw, Vacate or Set Aside Her Adoption Consent entered February 27, 2018.

4. Cassandra Renea Bell, the birth mother, identified Chance Henderson, 1439 East View Road, Conyers, Georgia, as a potential unmarried biological father. Chance Henderson was served on October 25, 2014 with a Notice of Intended Adoption Plan in accordance with case law and Section 63.062, Florida Statutes. More than thirty (30) days have lapsed since Chance Henderson was personally served and he has failed to comply with the requirements of said Notice. Thus, he has waived and surrendered any rights in relation to the child and waived notice of this and any future hearings and proceedings. Further, Mr. Henderson has abandoned the child as defined in Chapter 63, Florida Statutes.

5. There has been no request for counsel and no proof of indigence by any potential unmarried biological father. Additionally, the birth mother knowingly and intentionally waived the right to counsel.

6. All parties entitled to notice have been notified of this proceeding as required by law or have waived the right to receive notice. A search of the Florida Putative Father Registry was conducted and an Affidavit stating that no man has registered has been filed herein; therefore, no additional notice or consent is required and the rights of any other possible unmarried biological father are terminated.

7. Additionally, the Court finds that the consent of any other possible unmarried biological father to the termination of parental rights or the adoption is not required pursuant to

because:

- b. The minor is not his child by adoption;
- c. The minor has not been established by court proceeding to be his child;
- d. He has not filed an affidavit of paternity pursuant to §382.013(2)(c);
- e. He is an unmarried biological father who has not acknowledged in writing, signed in the presence of a competent witness, that he is the father of the minor, has not filed such acknowledgment with the Office of Vital Statistics of the Department of Health within the required time frames, nor has he complied with the requirements of subsection (2) of §63.062 by filing a notarized claim of paternity form with the Florida Putative Father Registry; and
- f. He did not pay a fair and reasonable amount of the expenses incurred in connection with the mother's pregnancy and the child's birth, in accordance with his financial ability and was not prevented from doing so by the birth mother or others. In fact, he paid no support whatsoever to the birth mother during her pregnancy.

Pursuant to §63.062 of the Florida Statutes, as an unmarried biological father who has not complied with the conditions provided therein, any other possible unmarried biological father has waived and surrendered any rights in relation to the child, has waived any right to notice of these proceedings, and has waived any right he may assert to consent to the adoption.

Additionally, any other possible unmarried biological father is not a parent as defined in §63.032(12) of the Florida Statutes. Moreover, even if he was a parent, he has abandoned the child pursuant to §63.089 of the Florida Statutes.

8. The Court finds that it is manifestly in the best interests of the child to terminate the parental rights of Cassandra Renea Bell, to determine that Chance Henderson and any other

possible biological father has waived and surrendered any rights in relation to the child pursuant to §63.062, and to place the child in the custody of the Adoption Entity, for subsequent adoption.

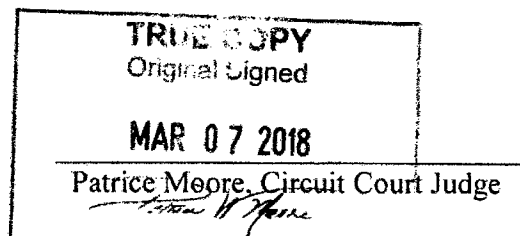
9. The Court finds that termination of parental rights is the least restrictive means to protect the child and serves the overriding principle that it is the ultimate welfare and the best interest of the child which must prevail.

10. The grandparents of the minor child do not have any rights in connection with this matter and no other person has had legal custody of the minor, other than the prospective adoptive parents.

IT IS ORDERED that the parental rights of Cassandra Renea Bell and Chance Henderson are terminated, and any other possible unmarried biological father is not a parent as defined in §63.032(12), Florida Statutes; that the consent of any other possible unmarried biological father is not required to the termination of parental rights or adoption of the minor child, as he has waived and surrendered any rights in relation to the child, pursuant to §63.062; that any other possible unmarried biological father has abandoned the child; and

IT IS FURTHER ORDERED that the child is permanently committed to the legal custody of the Adoption Entity, for subsequent adoption.

DONE AND ORDERED in Clearwater, Pinellas County, Florida this 7th day of March, 2018.



ANY PARTY TO THE PROCEEDING WHO IS AFFECTED BY AN ORDER OF THE COURT MAY APPEAL TO THE APPROPRIATE DISTRICT COURT OF APPEAL WITHIN THE TIME AND IN THE MANNER PRESCRIBED BY THE FLORIDA RULES OF APPELLATE PROCEDURE, WHICH IS 30 DAYS FROM THE DATE THIS ORDER IS RENDERED (FILED).

**Additional material
from this filing is
available in the
Clerk's Office.**