

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA

JUVENILE DIVISION

IN THE INTEREST OF:

CASE NO.:

MINOR CHILD(REN) _____ /

**ORDER OF ADJUDICATION, DISPOSITION, ACCEPTANCE OF CASE PLAN,
AND NOTICE OF HEARING**

THIS CAUSE came before this Court on _____, 20____, under Chapter 39, Florida Statutes, for the Arraignment/Adjudicatory Hearing and on _____, 20__, for the disposition of the Petition for Dependency and acceptance of the Case Plan filed by the Department of Children and Families. The Court, having reviewed the Petition, having heard testimony and argument of counsel, finds by a preponderance of the evidence as follows:

1. **Persons Present at the Arraignment/Adjudicatory Hearing:** The following persons were duly noticed and present:

- Attorney for the Department: _____
- Child Welfare Case Manager: _____
- Mother: _____
- Attorney for Mother: _____
- Father: _____
- Attorney for Father: _____
- Attorney for Guardian ad Litem: _____
- Guardian ad Litem: _____
- Attorney ad Litem: _____
- Legal Custodian: _____
- Other: _____

Counsel for Parents: The parent(s) or guardian was/were advised of the right to be represented by counsel throughout all hearings of the dependency proceedings.

The mother _____ appeared in Court with counsel, or _____ knowingly, voluntarily, and intelligently waived their right to legal counsel.

The father, _____ (name), _____ (check) appeared in Court with counsel or _____ knowingly, voluntarily, and intelligently waived their right to legal counsel.

2. **Persons Present at the Disposition Hearing:** The following persons were duly noticed

and present:

- Attorney for the Department: _____
- Child Welfare Case Manager: _____
- Mother: _____
- Attorney for Mother: _____
- Father: _____
- Attorney for Father: _____
- Attorney for Guardian ad Litem: _____
- Guardian ad Litem: _____
- Attorney ad Litem: _____
- Legal Custodian: _____
- Other: _____

Counsel for Parents: The parent(s) or guardian was/were advised of the right to be represented by counsel throughout all hearings of the dependency proceedings.

The mother _____ appeared in Court with counsel, or _____ knowingly, voluntarily, and intelligently waived their right to legal counsel.

The father, _____ (name), _____ (check) appeared in Court with counsel or _____ knowingly, voluntarily, and intelligently waived their right to legal counsel.

3. **Adjudication Based on Plea:** The child(ren) is/are dependent based on the following pleas:

Mother: The mother:

_____ Admitted freely, knowingly, voluntarily, and intelligently to the Petition.

_____ Consented freely, knowingly, voluntarily, and intelligently to the Petition.

_____ Consent by Non-Appearance:

_____ Failure to Appear at Arraignment Hearing: The mother was served with a summons and a copy of the Petition for Dependency and has failed to personally appear at the Arraignment Hearing on _____ (date). Pursuant to Fla. Stat. Sec. 39.506(3), the mother's failure to personally appear at the Arraignment Hearing shall constitute consent to the Petition for Dependency.

_____ Failure to Appear at Adjudicatory Hearing: The mother appeared at the Arraignment Hearing and the Court ordered the mother to personally appear at the Adjudicatory Hearing for the Petition for Dependency, stating the date, time, and location of the hearing. The mother failed to appear at the Adjudicatory Hearing on _____ (date). Pursuant to Fla. Stat. Sec. 39.506(3), the mother's failure to personally appear at the Adjudicatory Hearing shall constitute consent to the Petition for Dependency.

Father _____ (name): The father:

_____ Admitted freely, knowingly, voluntarily, and intelligently to the Petition.

_____ Consented freely, knowingly, voluntarily, and intelligently to the Petition.

_____ Consent by Non-Appearance:

_____ Failure to Appear at Arraignment Hearing: The father was served with a summons and a copy of the Petition for Dependency and has failed to personally appear at the Arraignment Hearing on _____ (date). Pursuant to Fla. Stat. Sec. 39.506(3), the father's failure to personally appear at the Arraignment Hearing shall constitute consent to the Petition for Dependency.

_____ Failure to Appear at Adjudicatory Hearing: The father appeared at the Arraignment Hearing and the Court ordered the father to personally appear at the Adjudicatory Hearing for the Petition for Dependency, stating the date, time, and location of the hearing. The father failed to appear at the Adjudicatory Hearing on _____ (date). Pursuant to Fla. Stat. Sec. 39.506(3), the father's failure to personally appear at the Adjudicatory Hearing shall constitute consent to the Petition for Dependency.

Adjudication Based on the Court's Findings After Adjudicatory Hearing:

The Department has proven by a preponderance of the evidence that the child(ren) are dependent at the Adjudicatory Hearing as to the:

_____ Mother

_____ Father _____(name)

4. **Findings of Fact:** The factual basis for the adjudication of dependency is as follows:

Findings as to Mother (insert findings):

Findings as to the father _____(name)(insert findings):

5. **Jurisdiction:** The minor child(ren) is/are of an age subject to the jurisdiction of this Court.

6. **Predisposition Study:** The Department filed a Predisposition Study and it is in compliance with the statutory requirements. The parents were provided a copy of the Predisposition Study.

7. **Case Plan:** The Department filed a case plan with the court. The case plan, permanency goal and tasks are incorporated into this order by reference. The terms of the case plan are consistent with the requirements of law and previous orders of this court. The case plan and goal is meaningful, reasonable and designed to address the facts and circumstances on which the court based the finding of dependency. The case plan is in the best interest of the children. The parents were notified of the right to participate in the preparation of the case plan and of the right to receive assistance from any other person in the preparation of the case plan. The parents have the ability to comply with the case plan. The permanency goal of the case plan is _____.

8. **Placement:**

_____ **Out-of-Home Placement:** It is in the best interests of the child(ren) to remain out of the parents' home at this time. The child(ren) is/are receiving safe and proper care. The child(ren)'s current placement is the least restrictive, is appropriate, is in a setting that is as family-like and as close to the parent's home as possible, is consistent with the child(ren)'s best interest and special needs, and is designed to maintain stability in the child's educational placement. Continuation of the child(ren) in that home is contrary to the welfare of the child(ren) because the home situation presents a substantial and immediate danger to the child(ren) which cannot be mitigated by the provision of the preventative services at this time. As specified in the Judicial Review Social Study Report/Case Plan

Update/Permanency Report filed by the Department of Children and Family Services/(CBC Name) for the purposes of this hearing, if the child(ren) are out of the home, reasonable efforts to prevent removal and eliminate the need for removal of the child(ren) from the home have been made by the Department of Children and Family Services/(CBC Name) and/or reunify; however, there is continued need for out-of-home placement to ensure the child(ren)'s health, safety and well-being, and reunification with the biological mother and/or father at this time would be detrimental to the welfare and contrary to the best interests of the child(ren).

Type of Out-of-Home Placement: The out-of home placement is:

_____ Foster Care with the Department. Diligent efforts were made by the Department of Children and Family Services/(CBC Name) to locate an adult relative or non-relative caregiver willing to care for the child(ren) in order to present that placement option to this Court instead of continued placement with the Department of Children and Family Services/(CBC Name). There are no known available relative or non-relative caregivers with whom the child(ren) can be placed at this time. A copy of the formal notice regarding a trust promulgated for the benefit of certain classes of children in care in Florida is attached as a means of providing notice. As set forth in the attached notice, representatives of the Department of Children and Family Services/(CBC Name) can provide additional information to the parents, custodians and Guardian ad Litem as might be appropriate with each specific case.

_____ Relative or non-relative placement.

_____ **In-Home Placement:** It is in the best interests of the child(ren) to remain or be returned to the custody of the parent(s), _____ (name) under Protective Supervision with the Department at this time. The child(ren) can safely be reunified or remain in the custody of the parent(s) specified in the paragraph under Protective Supervision with the Department of Children and Family Services/(CBC Name) so long as the parent(s) continue(s) to comply with the Case Plan. The Court finds the reasons for removal have been remedied and the safety, well-being, and physical, mental, and

emotional health of the child(ren) is/are not endangered by allowing the child(ren) to be reunified or remain in the custody of the parent(s) specified in this paragraph.

THEREFORE, based upon the foregoing findings, it is hereby **ORDERED AND ADJUDGED** that:

1. The minor child(ren), _____ (name) are adjudicated dependent and placed in the temporary custody of _____, under the supervision of the Department.

2. The Predisposition Study is:

_____ Accepted.

_____ Not accepted and a continuance was requested.

_____ Accepted with the following amendments:

3. The Case Plan is:

_____ Accepted. The parties are hereby order to comply with the Case Plan.

_____ Not accepted and a continuance was requested.

_____ Accepted with the following amendments:

4. **Consent to Treatment:** So long as the parents are unavailable, an authorized agent of the Department of Children and Family Services/(CBC Name), including an adult relative or non-relative caregiver if the child(ren) is/are placed with such relative or non-relative caregiver, may consent to the ordinary and necessary medical and dental examinations and treatment, including Early Periodic Screening, Diagnosis and Treatment (EPSDT) blood testing and other blood testing deemed diagnostically necessary by documented history or symptomatology; preventive care including ordinary immunizations, tuberculin testing, well-child care, but not including surgery, general anesthesia, HIV, and

controlled substance blood testing, or other extraordinary procedures for which separate Court order or informed consent as provided by law shall be required.

5. **Medical Information:** The parents, legal custodians, legal guardians, or other caregivers, as applicable, shall provide the Department with all known information on the medical care and history of the child that is currently in their possession, including the names of all current and former medical providers of the child, within 24 hours of this order, and shall execute appropriate authorizations to release the child's medical information and records. Upon presentation of a copy of this order, a legal custodian appointed in these proceedings, or in the absence of such a legal custodian, the Department, its community based care contracted providers, including shelter/foster parents, or the person primarily responsible for the case management of the child, is hereby authorized to obtain copies of the child's medical records from any entity, including but not limited to, public and private health care providers and facilities, and may execute appropriate authorizations to release the child's medical information and records. Providers and facilities may require identification and a signature to ensure compliance with state and federal medical records laws.

6. **Child(ren)'s Records:** The parents shall make all medical, dental, psychological, psychiatric records and school records of the child(ren) available to the Department of Children and Family Services/(CBC Name), and authorize the release of such records as needed for the continued supervision, care and custody of the child(ren). So long as the parents are unavailable, an authorized agent of the Department of Children and Family Services/(CBC Name), including an adult custodian, if the child(ren) is/are placed with such adult custodian, may consent to the release of such records as needed for the continued supervision, care and custody of the child(ren).

7. **Prior Orders.** All prior orders not inconsistent with this present order shall remain in full force and effect.

8. **Retention of Jurisdiction.** The Court retains jurisdiction over the parties hereto and subject matter hereof to make such other and further Orders as the Court may deem necessary and proper.

9. **Child Support Jurisdiction.** By order of this Court, jurisdiction is reserved or relinquished and transferred to the appropriate division of Circuit Court in all matters relating to paternity, support, insurance or reimbursement of the past public assistance obligation not addressed or disposed of by this court in these proceedings. The Title IV-D Child Support Enforcement Program, Section 409.2551-2597, Florida Statutes, shall be entitled to petition the Circuit Court for paternity, support, insurance or reimbursement of the past public assistance obligation. In reserving, relinquishing and transferring jurisdiction in the aforementioned matters to the appropriate division of the Circuit Court, this Court is fulfilling the requirements of Chapter 39, Florida Statutes.

10. **Travel:** The foster parents or the out-of-home caregiver(s) of the child(ren) shall have the right to travel with the child(ren) within the continental United States for a period not to exceed fourteen (14) consecutive days outside of the State of Florida without further order of the Court. Any visitation that is scheduled during the travel period will be made up within 30 days of the child(ren)'s return. If any party objects to such travel, a hearing shall be scheduled.

11. **Removal of Child(ren) from Jurisdiction:** The child(ren) shall not be removed from the Court's jurisdiction (Counties) without first obtaining the permission of the Department of Children and Family Services/(CBC Name).

12. **Judicial Review Hearing:** A Judicial Review hearing is scheduled for _____, at _____ a.m. / p.m., before the Honorable _____ (name of judge) or the Magistrate _____ (name of magistrate) at the _____ (name of courthouse/address).

13. **Additional Rulings:** _____

14. **Report of Missing Child(ren):** The custodians of any child(ren) subject to the jurisdiction of this Court are hereby directed to notify local law enforcement and the Department of Children and Family Services/(CBC Name) immediately at any time that the child(ren) is/are determined to be missing or the child(ren)'s whereabouts are unknown.

DONE AND ORDERED in _____, Florida this _____ day of _____, 200__.

CIRCUIT JUDGE

Copies to: