

**IN THE CIRCUIT COURT IN AND FOR COUNTY, FLORIDA
JUVENILE DIVISION**

IN THE INTEREST OF:

CASE NO:

_____ /

**ORDER ON MODIFICATION OF CUSTODY/PLACEMENT
AND NOTICE OF HEARING**

THIS CAUSE came before the Court on _____ (date), on the [Emergency] Motion to Modify Custody pursuant to Florida Statutes 39.522 and Florida Rules of Juvenile Procedure Rule 8.345, filed by the Department of Children and Families (Department)/CBC. The Court, having considered the Motion; and having been otherwise fully advised in the premises finds:

1. **Notice:** All persons entitled to notice of this hearing were properly noticed of the hearing and were provided a copy of documents filed for this hearing.

2. **Persons Present:** The following persons were 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: _____

3. **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.

4. The court has jurisdiction over the subject matter of this cause. The child(ren) is/are of an age subject to the jurisdiction of the court and is/are resident(s) of the State of Florida. The child(ren) was/were adjudicated dependent and continue(s) to be dependent.

5. **Placement.**

_____ **Out-of-Home Placement:** It is in the best interests of the child(ren) to remain or be placed out of the parents' home. The child(ren)'s 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.

Contrary to Welfare: Continuation of the child(ren) or returning the child(ren) to the 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 because:

Reasonable Efforts:

The Department of Children and Family Services made the following reasonable efforts to prevent or eliminate the need to remove or continue the removal of the child(ren) from the home:

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 on the foregoing finds of fact, it is hereby ORDERED and ADJUDGED that:

1. The minor child(ren) shall be placed in the care and custody of _____ (name of custodian) under the supervision of the Department/CBC.

2. The [Emergency] Motion to Modify Custody is granted.

3. **Visitation:** The frequency and nature of visitation or contact between the child(ren) and the parents is as follows:

Mother:

G Supervised visitation with the children. The visitation shall be supervised at all times by the permanent guardian or an adult approved by the Department. The visitation shall occur on a schedule agreed by the parties and at a place agreed by the parties. The frequency of the visitation shall be:

G Unsupervised visitation with the children. The frequency of the visitation shall be:

G No contact. Reason:

G Other conditions:

Father: _____

G Supervised visitation with the children. The visitation shall be supervised at all times by the permanent guardian or an adult approved by the Department. The visitation shall occur on a

schedule agreed by the parties and at a place agreed by the parties. The frequency of the visitation shall be:

G Unsupervised visitation with the children. The frequency of the visitation shall be:

G No contact. Reason:

G Other conditions:

4. **Travel:** The Department is authorized to permit the adult custodian(s) permission to take the child(ren) to another county within the State of Florida for no longer than seven (7) days and the adult custodian(s) is/are authorized through the Department to authorize emergency medical, surgical, and psychological/psychiatric evaluations and treatment of the child(ren), if necessary, during any said trip. No person shall remove the child(ren) from the State of Florida without a Court Order. The adult custodian(s) must notify the DCF or its contract provider in writing of their travel plans.

5. **Medical Consent:** When a parent, legal custodian, or legal guardian is/is not available to consent to medical care, notwithstanding a reasonable effort to obtain such consent, a legal custodian appointed in these proceedings, or in the absence of such a legal custodian, the Department, its Community Based Care contracted agents, including shelter/foster parents, or the person primarily responsible for the care management of the child(ren), is hereby authorized to consent to the ordinary and necessary medical, dental, and psychological examination and treatment of the child, including blood testing, preventative care, ordinary immunizations,

tuberculin testing and well-child care without further court order. Surgery, general anesthesia, provision of psychotropic medications, or other extraordinary medical procedures shall require a separate court order. Providers and facilities may require identification and a signature to ensure compliance with applicable state and federal law.

_____ The DCF/CBC is authorized to continue administering the child(ren)'s psychotropic medication. Absent the parent's authorization to continue psychotropic medications, said medications shall continue until further order of the court or unless changed by the child(ren)'s physician.

6. **Child(ren)'s Records:** The Department, its authorized agent/authorized designee, and/or agency responsible for providing services to this family is hereby authorized to obtain records regarding the above-named child(ren)'s medical, behavioral health and educational background so that a Comprehensive Behavioral Health Assessment may be conducted for the purposes of accomplishing permanency planning for the above-named child(ren). Any and all medial, behavioral health and educational records pertaining to the child(ren) shall be released to the Department, its authorized agent/authorized designee, and/or the agency responsible for providing services to this family so that a Comprehensive Behavioral Health Assessment may be conducted for the above-named child(ren). The Department of Children and Families is authorized to conduct a comprehensive behavioral assessment as defined in 39.01(17), Florida Statutes.

7. **Medical Information and Records:** 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(ren), including the names of all current and former medical providers of the child(ren), 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 agents, including shelter/foster parents, or the person primarily responsible for the case management of the child(ren), is hereby authorized to obtain copies of the child(ren)'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(ren)'s medical information and records. Providers and facilities may require identification and signature to ensure compliance with state and federal medical records laws.

10. All prior orders not inconsistent with the present order shall remain in full force and effect

11. This court shall retain jurisdiction over this cause to enter any such further orders as may be deemed necessary for the best interest and welfare of the minor child(ren).

12. **Additional Rulings:** _____

13. **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 _____ County, Florida, this _____ day of _____, 200__.

CIRCUIT JUDGE

NOTICE OF HEARING

**The Juvenile Court hereby gives notice of the Hearing in the above-styled cause
on before the Honorable Judge _____ (name) at the
_____ Courthouse at _____ (address) , or
as soon thereafter as counsel can be heard.**

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Office of the Court Administrator no later than 7 days before the proceeding at

PLEASE BE GOVERNED ACCORDINGLY.

Copies to: