

**IN THE CIRCUIT COURT OF THE (JUDICIAL CIRCUIT) JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR (COUNTY) COUNTY
JUVENILE DIVISION**

IN THE INTEREST OF:		CASE NO.:	
		CASE IDs:	
Child(ren)		DIVISION:	

**MOTION TO PLACE CHILD(REN) IN A PERMANENT PLACEMENT
WITH A FIT AND WILLING RELATIVE**

COMES NOW the Florida Department of Children and Families (the Department), by and through the undersigned legal counsel, and pursuant to Rule 8.345, Fla.R.Juv.P., and Fla. Stat. Sec. 39.6231, moves this Court for entry of an order to place the child(ren) in a permanent placement with a fit and willing relative. In support of its motion, the Department states as follows:

1. The above-named child(ren) was/were adjudicated dependent and subsequently placed in the temporary legal custody of a relative, _____(Name), under protective supervision.
2. The child(ren) has/have been in the placement for not less than the preceding 6 months.
3. The relative is suitable and able to provide a safe and permanent home for the child(ren).

4. The relative has made a commitment to provide for the child(ren) until the child(ren) reach(es) the age of majority and to prepare the child(ren) for adulthood and independence.

5. The relative agrees to give notice of any change in his or her residential address or the residence of the child(ren) by filing a written document in the dependency file of the child(ren) with the clerk of the court.

6. Reunification is not possible because of the circumstances from which the court previously based its finding that the children are dependent in the order of adjudication. In addition:

7. The permanent placement with a fit and willing relative is in the best interest of the child(ren) instead of adoption because: [For example: Adoption has been discussed with the current custodian, and the custodian does not want to adopt the child(ren). The child(ren) has/have spent a significant amount of time with the custodian since _____ and removal from this placement is not in the best interest of the child(ren). The custodian will not be approved to adopt because:

_____. The child(ren) is/are 12 years of age or older and does/do not want to be adopted. The custodian is protective of the child(ren) and all parties agree that the parent(s) should be able to maintain some contact with the child(ren).]

8. The Department recommends that the frequency and nature of visitation or contact between the child(ren) and the parents be as follows:

Mother: :

G Supervised visitation with the children. The visitation shall be supervised at all times by the relative custodian 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 child(ren). The visitation shall be supervised at all times by the relative custodian 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 child(ren). The frequency of the visitation shall be:

G No contact. Reason: _____.

G Other conditions: _____.

9. The frequency and nature of visitation or contact between the child(ren) and any grandparents, under F.S. 39.509: _____ [Name of Grandparent(s)]:

G Supervised visitation with the child(ren). The visitation shall be supervised at all times by the relative custodian 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:

☐ Unsupervised visitation with the child(ren). The frequency of the visitation shall be:

☐ No contact. Reason: _____.

☐ Other conditions: _____.

10. The frequency and nature of visitation or contact between the child(ren) and any siblings:

11. The proposed relative custodian agrees not to return the child(ren) to the physical care and custody of the person from whom the child(ren) was/were removed without the approval of the court.

12. Reasonable efforts were made to prevent, or eliminate the need for removal of the child(ren) from the home by the Department; however, there is a continued need for out-of-home placement to ensure the child(ren)'s health, safety and well being.

13. Reunification with the parent(s) at this time would be contrary to the welfare and not in the best interest of the child(ren).

14. Each party is hereby advised that placement with a fit and willing relative does not preclude the possibility of a child returning to the custody of the parent.

WHEREFORE the Department respectfully requests entry of an order to place the child(ren) in a permanent placement with a fit and willing relative, retaining jurisdiction and such other relief as the Court may deem proper.

Respectfully submitted,

By:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail/Facsimile/Inter-office mail this _____ day of _____, 2006, to:

By:

**IN THE CIRCUIT COURT OF THE (JUDICIAL CIRCUIT) JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR (COUNTY) COUNTY
JUVENILE DIVISION**

IN THE INTEREST OF:		CASE NO:	
		CASE IDs:	
Child(ren)		DIVISION:	

**ORDER PLACING CHILD(REN) IN A PERMANENT PLACEMENT
WITH A FIT AND WILLING RELATIVE**

THIS MATTER came on to be heard on _____, upon the motion of the Department of Children and Families(the Department), to place the child(ren) in a permanent placement with a fit and willing relative. The Court having reviewed the Motion and court file, having heard testimony and argument of counsel, and the court being otherwise fully advised of the premises, the Court finds as follows

1. The following persons were noticed of the above hearing and appeared as follows:

Mother	
Mother's attorney	
DCF Counselor	
HKI Case Manager	
Assist. Atty. General	
Guardian Ad Litem	_____
Guardian Ad Litem Atty.	_____
Other(s)	_____

2. The parents present were advised of their right to have an attorney represent them at the above hearing and at all stages of the dependency proceedings including the right to a court-appointed attorney under certain circumstances.

The Mother, _____(Name) , _____ appeared with counsel, _____ voluntarily and intelligently waived the right to counsel.

The Father, _____(Name) , _____ appeared with counsel, _____ voluntarily and intelligently waived the right to counsel.

3. The above-named child(ren) was/were adjudicated dependent and subsequently placed in the temporary legal custody of a relative, _____ , under protective supervision.

4. The child(ren) has/have been in the placement for not less than the preceding 6 months.

5. The relative is suitable and able to provide a safe and permanent home for the child(ren).

6. The relative has made a commitment to provide for the child(ren) until the child(ren) reach(es) the age of majority and to prepare the child(ren) for adulthood and independence.

7. The relative agrees to give notice of any change in his or her residential address or the residence of the child(ren) by filing a written document in the dependency file of the child(ren) with the clerk of the court.

8. Reunification is not possible because of the circumstances from which the court previously based its finding that the children are dependent in the order of adjudication. In addition: _____

9. The permanent placement with a fit and willing relative is in the best interest of the child(ren) instead of adoption because: {For example: Adoption has been discussed with the current custodian, and the custodian does not want to adopt the child(ren). The child(ren) has/have spent a significant amount of time with the custodian since _____ and removal from this placement is not in the best interest of the child(ren). The custodian will not be approved to adopt because:

_____. The child(ren) is/are 12 years of age or older and does/do not want to be adopted. The custodian is protective of the child(ren) and all parties agree that the parent(s) should be able to maintain some contact with the child(ren).]

10. Reasonable efforts were made to prevent, or eliminate the need for removal of the child(ren) from the home by the Department; however, there is a continued need for out-of-home placement to ensure the child(ren)'s health, safety and well being.

11. Reunification with the parent(s) at this time would be contrary to the welfare and not in the best interest of the child(ren).

12. The Department has made reasonable efforts to finalize the permanency plan by maintaining the child(ren)'s placement and providing services to the family to the extent that the child is now in a permanent placement. The child(ren) has/have reached permanency pursuant to this Order.

Accordingly, it is

ORDERED AND ADJUDGED that:

1. The Court shall retain jurisdiction of the child(ren).
2. The child(ren) is hereby placed in the permanent placement of a fit and willing relative, _____(Name).
3. The relative custodian shall have all the rights and duties of a parent, including, but not limited to, the right, duty, and authority to protect, train, and discipline the child(ren), to provide the child(ren) with food, shelter, and education, to provide and consent to necessary medical, dental, psychiatric, and psychological examination and treatment, and to obtain all records regarding the child(ren) including medical, mental health, and educational records.
4. The relative custodian shall not return the child(ren) to the physical care and custody of the parents from whom the child(ren) was/were removed, including for short visitation periods, without the approval of the court.
5. The relative custodian is required to inform the clerk of court and the Department, in writing, of any change in the residential address of the permanent guardian or physical residence of the child(ren) within 10 days of the change.
6. The relative custodian is ordered to follow the orders of this court and to protect the minor child(ren). If any order of this court is violated, the minor child(ren) may be subject to the temporary or permanent removal from the custody of the permanent guardian and the permanent guardian may be held in contempt of court.

7. The frequency and nature of visitation or contact between the child(ren) and the parents be 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 child(ren). 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 child(ren). The frequency of the visitation shall be:

G No contact. Reason: _____.

G Other conditions: _____.

8. The frequency and nature of visitation or contact between the child(ren) and any grandparents, under s. 39.509: _____ [Name of Grandparent(s)]:

Supervised visitation with the child(ren). 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:

Unsupervised visitation with the child(ren). The frequency of the visitation shall be:

No contact. Reason: _____.

Other conditions: _____.

9. The frequency and nature of visitation or contact between the child(ren) and any siblings:

10. All prior orders which relate to visitation, protection of the child(ren) and limitations on custody of the child(ren), so long as they do not conflict with the provisions of this order, shall remain in full force and effect unless modified by the court.

11. The Department shall continue to supervise the placement with the relative until further order.

12. This Court shall review the placement at least once every six months.

13. Each party is hereby advised that placement with a fit and willing relative does not preclude the possibility of a child returning to the custody of the parent.

14. The Court shall continue to conduct permanency hearings in order to reevaluate the possibility of adoption or permanent guardianship of the child.

15. All requests for modification of any order of this Court shall be submitted in the form of a motion setting forth the details of the request.

16. Additional findings/orders:

17. The parent(s) or relative custodian of any child subject to the jurisdiction of this court shall notify local law enforcement and the Department, immediately, at any time that a child is determined to be missing or that the child's whereabouts are unknown. The child(ren) shall not be released to any person without verification of the individual's authority to take custody of the child.

DONE AND ORDERED at (City), (County) County, Florida on _____.

Circuit Court Judge

Copies to:

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
JUVENILE DIVISION**

IN THE INTEREST OF:		CASE NO:	
		CASE IDs:	
Child(ren)		DIVISION:	

**ORDER PLACING CHILD(REN) IN A PERMANENT PLACEMENT
WITH A FIT AND WILLING RELATIVE
(ORDER FOR RELATIVE)**

THIS MATTER came on to be heard on , upon the motion of the Department of Children and Families(the Department), to place the child(ren) in a permanent placement with a fit and willing relative. The Court having entered an Order Placing Child(ren) in a Permanent Placement with a Fit and Willing Relative, being required to provide the relative custodian with a separate order pursuant to F.S. 39.6231, and being otherwise fully advised of the premises, the Court finds as follows:

1. The above-named child(ren) was/were adjudicated dependent and subsequently placed in the temporary legal custody of a relative, _____, under protective supervision.
2. The child(ren) has/have been in the placement for not less than the preceding 6 months.

3. The relative is suitable and able to provide a safe and permanent home for the child(ren).

4. The relative has made a commitment to provide for the child(ren) until the child(ren) reach(es) the age of majority and to prepare the child(ren) for adulthood and independence.

5. The relative agrees to give notice of any change in his or her residential address or the residence of the child(ren) by filing a written document in the dependency file of the child(ren) with the clerk of the court.

6. Reasonable efforts were made to prevent, or eliminate the need for removal of the child(ren) from the home by the Department; however, there is a continued need for out-of-home placement to ensure the child(ren)'s health, safety and well being.

7. Reunification with the parent(s) at this time would be contrary to the welfare and not in the best interest of the child(ren).

8. The Department has made reasonable efforts to finalize the permanency plan by maintaining the child(ren)'s placement and providing services to the family to the extent that the child is now in a permanent placement. The child(ren) has/have reached permanency pursuant to this Order.

Accordingly, it is

ORDERED AND ADJUDGED that:

1. The Court shall retain jurisdiction of the child(ren).
2. The child(ren) is hereby placed in the permanent placement of a fit and willing relative, _____.

3. The relative custodian shall have all the rights and duties of a parent, including, but not limited to, the right, duty, and authority to protect, train, and discipline the child(ren), to provide the child(ren) with food, shelter, and education, to provide and consent to necessary medical, dental, psychiatric, and psychological examination and treatment, and to obtain all records regarding the child(ren) including medical, mental health, and educational records.

4. The relative custodian shall not return the child(ren) to the physical care and custody of the parents from whom the child(ren) was/were removed, including for short visitation periods, without the approval of the court.

5. The relative custodian is required to inform the clerk of court and the Department, in writing, of any change in the residential address of the permanent guardian or physical residence of the child(ren) within 10 days of the change.

6. The relative custodian is ordered to follow the orders of this court and to protect the minor child(ren). If any order of this court is violated, the minor child(ren) may be subject to the temporary or permanent removal from the custody of the permanent guardian and the permanent guardian may be held in contempt of court.

7. The frequency and nature of visitation or contact between the child(ren) and the parents be 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 child(ren). 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 child(ren). The frequency of the visitation shall be:

G No contact. Reason: _____.

G Other conditions: _____.

8. The frequency and nature of visitation or contact between the child(ren) and any grandparents, under s. 39.509: _____ [Name of Grandparent(s)]:

G Supervised visitation with the child(ren). 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:

☒ Unsupervised visitation with the child(ren). The frequency of the visitation shall be:

☒ No contact. Reason: _____.

☒ Other conditions: _____.

9. The frequency and nature of visitation or contact between the child(ren) and any siblings:

10. All prior orders which relate to visitation, protection of the child(ren) and limitations on custody of the child(ren), so long as they do not conflict with the provisions of this order, shall remain in full force and effect unless modified by the court.

11. The Department shall continue to supervise the placement with the relative until further order.

12. This Court shall review the placement at least once every six months.

13. Each party is hereby advised that placement with a fit and willing relative does not preclude the possibility of a child returning to the custody of the parent.

14. The Court shall continue to conduct permanency hearings in order to reevaluate the possibility of adoption or permanent guardianship of the child.

15. All requests for modification of any order of this Court shall be submitted in the form of a motion setting forth the details of the request.

16. Additional findings/orders:

17. **The parent(s) or relative custodian of any child subject to the jurisdiction of this court shall notify local law enforcement and the Department, immediately, at any time that a child is determined to be missing or that the child's whereabouts are unknown. The child(ren) shall not be released to any person without verification of the individual's authority to take custody of the child.**

DONE AND ORDERED at (City), (County) County, Florida on

_____.

Circuit Court Judge

Copies to: