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Icon Key

- Time estimate
- Participant Guide pages inserted in Trainer Guide

Additional Readings / Resources

- Flip Chart
- FSFN Training Region

Discussion

Activity

PowerPoint Presentation/PPT

Handout

Trainer Tips

- Materials

Webpage

Video
To the Trainer

Core Course Description
Legal II is an overview of the basic functions of the dependency court system. Learners are provided an overview of the court system, and instruction on the hearings and petitions central to dependency litigation.

Course Time
Legal II is designed to be taught in 6 hours or one training day. A training day consists of 6 hours of actual instruction, a one hour lunch break, and two fifteen minute breaks.

Pre-requisite Skills and Case Flow
All courses are sequenced to accommodate pre-requisite skills and case flow; therefore, the courses must be scheduled using the course numbers 100-125. Following the post test, learners move into Phase II of the certification process. During Phase II, there are additional required courses and activities. This includes FSFN courses, classroom courses and field activities. Please reference In-Service course numbers 126-128.

Course Goals
The goal of Legal II is to provide the learner with basic information about:
- the dependency court process
- various court proceedings

Knowledge Base Competencies
The following Case Management (CM) Knowledge Base Competencies (organized by domain) are addressed in Legal II-The Court Process:

Professional and Legal Responsibilities, Documentation Requirements:
- K8. The importance of adhering to the provisions of federal and state statutes in child welfare casework.
- K9. Purpose and timeframes for dependency court hearings and petitions. (K23) Legal protections afforded to families and children by juvenile court intervention and the potential detrimental consequences if legal procedures are not followed.
- K10. Legal requirements and case manager’s role for the removal and placement of children.
- K11. A child’s statutory right to participate in case planning and attend court proceedings.
- K12. The role and responsibilities of participants in legal proceedings, including Children’s Legal Services, Children’s lawyer, Defense attorney, Judge, Guardian Ad Litem.
• K13. Caseworker's responsibilities in locating and contacting absent biological parents and putative fathers for court actions.
• K15. Organizational risk management issues.

Assessment:
• K32. Definitions of abuse, neglect and abandonment with maltreatment as specified in Florida Statute, and administrative code.

The following Protective Investigations (PI) Knowledge Base Competencies (organized by domain) are addressed in Legal II-The Court Process:

Child Protection Foundations:
• K5. Knowledge of Chapter 39 definitions of abuse, neglect, abandonment and harm.
• K6. Knowledge of statutory requirements for procedures and timelines for conducting protective investigations.
• K7. Knowledge of dependency proceedings and timelines for judicial intervention.
• K8. Knowledge of documents and filing timeframes for court documents.
• K11. Knowledge of general child welfare policy and legislation including the Adoption and Safe Families Act (ASFA), the Child Abuse Prevention and Treatment Act (CAPTA), the Indian Child Welfare Act (ICWA), the Fostering Connections Act, the Multi-ethnic Placement Act (MEPA), the Interstate Compact for the Placement of Children (ICPC), and Florida Administrative Code.

Interviewing:
• K34. Knowledge of what types of behavioral observations and relational interactions should be observed and documented to inform the decision-making process.

Initial Assessment and Problem Identification:
• K39. Knowledge of the definition and concepts of immediate and imminent safety threats, impending danger, and risk.

Safety Management:
• K43. Knowledge of reasonable efforts to prevent removal.
• K44. Knowledge of placement procedures required upon removal (i.e., background checks, home study, etc.).

Planning and Teaming:
• K48. Knowledge of factors and circumstances that indicate a need for a legal staffing in consideration of seeking court oversight and
supervision.

- K49. Knowledge of the role and responsibilities of legal counsel, judge, and Guardian Ad Litem in court proceedings.

**Course Objectives**

**Module 1: Using the Florida Dependency Court**

- Describe the structure of the Florida courts.
- Determine when to use the authority of the courts.
- Determine when Non-Judicial In-Home services can be offered.

**Module 2: Court Proceedings**

- Describe the purpose and importance of petitions in dependency cases.
- Identify the sequence, purpose, timeframes and standard of proof required for each hearing.

**Training Materials**

**Participant Handouts**

**Module 1: Using the Florida Dependency Court**

- PG1 UCCJEA
- PG2-4 Non-Judicial In-Home Services
- PG5 Non-Judicial In-Home Service Agreement
- PG6 Five Families

**Module 2: Court Proceedings**

- PG1 Court Hearings and Petitions (Flowchart)
- PG2-9 Court Hearings and Petitions Overview
- PG17 Blank Dependency Hearing Map

**Visual Aids**

**PowerPoint Slides**

- PPT1 Legal II: The Court Process
- PPT2 Module 1 Objectives
- PPT3 Florida Court Structure
- PPT4 UCCJEA
- PPT5 Court Involvement Begins
- PPT6 Reasons to Involve the Court
- PPT7 Findings that must be included in the Shelter Order
- PPT8-9 Considerations Prior to Court Action
- PPT10 Non-Judicial In-Home Services
- PPT11 Module 2 Objectives
- PPT12 A Dependent Child
PPT13 Basic Sequence of Court Involvement
PPT14 Shelter Petition
PPT15 Dependency Petition
PPT16 Contents of Shelter Petition
PPT17 Contents of Dependency Petition
PPT18-22 Grounds for TPR
PPT23 F.S. 39.8055
PPT24 TPR Petition
PPT25-27 Expedited TPR
PPT28-29 Shelter Hearing
PPT30 Shelter Review
PPT31 Dependency Petition
PPT32 Arraignment Hearing
PPT33 Stipulation
PPT34-35 Adjudicatory Hearing
PPT36-38 Disposition Hearing
PPT39 Initial Judicial Review Hearing
PPT40 Second Judicial Review Hearing
PPT41 Judicial Review Hearing for Children Awaiting Adoption
PPT42 Judicial Review Hearing Prior to Child's 18th Birthday
PPT43 Citizen Review Panels and/or Administrative Reviews
PPT44-46 Permanency Hearing
PPT47 Termination of Parental Rights
PPT48 Termination of Parental Rights Petitions s. 39.806(a)-(l)
PPT49 Expedited TPR
PPT50 Termination of Parental Rights Hearing
Module 1: Using the Florida Dependency Court

- Display PPT1, Legal II: The Court Process and PPT2, Module Objectives, and present an overview of the module by summarizing each of the objectives.

Background Knowledge/Experience

Prior to beginning instruction for this module, relate the module goal to the learners’ job, emphasizing the importance and “need to know.”

Goal: To provide basic information about the structure of the Florida dependency courts and how to use the courts appropriately.

¿ Has anyone ever been to any type of court hearing?
¿ What do you think are the differences between traffic court and a dependency case?

Topic ~ Structure of the Florida Courts

Materials

- PG1 UCCJEA
- PPT3 Florida Court Structure
- PPT4 UCCJEA
- PPT5 Court Involvement Begins...
- PPT6 Reasons to Involve the Court
- PPT7 Findings that must be included in the Shelter Order
- PPT8-9 Considerations Prior to Court Action
- Region/Circuit Court UCCJEA
Florida Courts

- Display and review PPT3, Florida Court Structure, and explain that the Florida judicial system consists of four levels of courts.

**Florida Supreme Court**
- The ultimate judicial power in the state.
- This court handles appeals filed on decisions of the District Court of Appeals, often dealing with the constitutionality of Florida laws.

**District Court of Appeals**
- Regionally located and deal with appeals filed on decisions of trial court.
- Any child, parent, GAL, or legal custodian affected by a court order who wishes to contest the decision of the juvenile court may file an appeal here.

**Circuit Courts**
- Have the legal right to hear any legal case that they elect to hear.
- Divided into seven divisions and all dependency cases are handled in the juvenile division.
- The purpose of the juvenile court is to hold hearings that determine, among other things, the authority of the court to intervene in a case and the manner or method of intervention.
- F.S. 39.013 outlines the jurisdiction of the courts in dependency cases.
- Jurisdiction attaches to a case once the initial shelter petition, dependency petition, or termination of parental rights petition is filed.

**County Courts**
- Handle traffic infractions, misdemeanors and small claim actions.
Display PPT4, UCCJEA, and discuss the following points. Refer class to PG1, UCCJEA, for additional information. (PG page inserted on the following page TG4)
Module 1: Using the Florida Dependency Court
Uniform Child Custody Jurisdiction Enforcement Act

What is the UCCJEA?
- A child custody "jurisdiction" statute.
- Used by the court to decide if it or another court can hear and decide the custody issues in a particular case.
- Designed to settle the issue of court jurisdiction when the courts of two or more states could have jurisdiction of a particular case.

Purposes
- Used in any case involving custody of or visitation with any minor children.
- Required even if the custody and visitation of the minor children are not in dispute.
- To reconcile differing rules of law in the states and to bring uniformity.
- Avoid jurisdictional competition/conflict with courts of other states in matters of child custody.
- Promote cooperation with the courts of other states.
- Avoid re-litigating the custody decisions of other states.
- Facilitate the enforcement of custody decrees of other states.

Use
- Sets rules to be used by courts to decide the connection a state has with a case.
- If the court decides that it is the most appropriate court to hear the case, it will decide to exercise jurisdiction.

A court in this state has temporary emergency jurisdiction if:
- the child is present in the state and has been abandoned.
- it is necessary in an emergency to protect the child or child’s sibling who is subjected to or threatened with maltreatment.

Information to be submitted to Court
- Child’s present address or whereabouts
- Places where the child has lived during the last 5 years
- Names and present address of the persons with whom the child has lived during the last 5 years
- If any party has participated in or has knowledge of any other custody proceeding
- Any knowledge of any other person not a party who has physical custody of the child or claims rights of legal custody
- Acknowledgement of continuing duty to inform the court of any proceeding which could affect this proceeding

Application to Indian Tribes
- Not subject to this part to the extent that it is governed by the Indian Child Welfare Act.
• Read the following scenario:

Two children are removed from the custody of the mother and sheltered in Orange County, FL. It is discovered that the children were previously adjudicated dependent and placed with the maternal grandmother under Judicial In-Home Services in Lee county. The court retained jurisdiction, but terminated services to the children, with the children remaining in the long term custody of their grandmother. The maternal grandmother had returned the children to the mother without court approval and the children are being removed in Orange county. The children have been placed in Orange county and the mother resides in Orange county.
Which county should have jurisdiction and why?

- Due to the fact that the mother resides in Orange County and the children have been sheltered in Orange County, jurisdiction should be in Orange County.
- Discuss what would occur in the transfer of jurisdiction.
- You would immediately notify CLS as soon as information regarding previous adjudication/jurisdiction is discovered.
- It is imperative that you complete thorough record checks on all children.
- Orange county CLS would contact Lee county CLS and request that the Lee county CLS file a motion to reopen the dependency case as well as a motion to transfer jurisdiction.
- The clerk of court will receive direction from the court to transfer the case.
- Orange County has to accept jurisdiction of the case.
- Advise of the importance to research priors, etc. in order to adequately assess if the children have previously been adjudicated and in which jurisdiction.
- **39.507** requires that there be only one adjudication/adjudicatory trial for any child alleged to be dependent.

*If you have access to the circuit UCCJEA it can be reviewed in conjunction with this discussion.*

- When the court obtains jurisdiction of any child who has been found to be dependent, the court retains jurisdiction, unless relinquished by its order, until the child reaches 18 years of age.
- If a youth petitions the court at any time before his or her 18th birthday requesting the court’s continued jurisdiction, the court may retain jurisdiction for a period not to exceed 1 year following the youth’s 18th birthday.
- This is for the purpose of deciding if appropriate aftercare support, Road to Independence Scholarship, transitional support, etc. have been provided.
Always Consult with CLS

- You must always talk with CLS if there are any questions about jurisdiction.
- Upon petitioning the court (shelter or adjudicatory) you must provide specific information to CLS for completion of the UCCJEA affidavit.

**Topic ~ When to Use the Authority of the Court**

**Materials**
- PPT5 Court Involvement Begins
- PPT6 Reasons to Involve the Court
- PPT7 Findings that must be included in the Shelter Order
- PPT8-9 Considerations Prior to Court Action

*Conduct a background probe to introduce when to use the court. It is not necessary to provide all of the answers to these questions. Inform the class that they will discuss when to use the court and participate in activities to become familiar with using the court.*

- Can you think of reasons when you would use the court?
- Do you think that most of your cases will be court involved?
- There are two ways to involve the court in child protection:
  - Removal of a child.
  - When a child needs Judicial In-Home Services that cannot be provided on a voluntary basis.
- Before the court is involved, you must gather the facts or proof of the allegation(s) and meet with CLS to decide if there is legal sufficiency.
- The facts and information provided are used to draft the petition.
- Display PPT5, Court Involvement Begins
Reasons to Involve the Court

What are some specific family situations which you think would require court intervention?

- Display PPT6, Reasons to Involve the Court following the discussion.

<table>
<thead>
<tr>
<th>Reasons to Involve the Court</th>
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<tbody>
<tr>
<td><strong>You must initiate court action when:</strong></td>
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<tr>
<td>• Parents/legal custodians do not accept/refuse services &amp; the child is in imminent danger/harm</td>
</tr>
<tr>
<td>• A crime was committed (e.g., sexual abuse)</td>
</tr>
<tr>
<td><strong>Other reasons to involve the court:</strong></td>
</tr>
<tr>
<td>• Impose services when refused or inadequate progress is made &amp; the risk continues</td>
</tr>
<tr>
<td>• Secure immediate physical safety of the child</td>
</tr>
<tr>
<td>• Removal (temporarily or permanently)</td>
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</tbody>
</table>

Court Action or Not?

*As you present key points below, list them on a flipchart, so the class can use them during the activity*

- When you must intervene on behalf of children, it is not enough to protect them from immediate harm.
- Throughout your involvement, efforts must be made to ensure that children are brought up in stable, safe, permanent families, rather than in temporary and unstable foster placements.
- The need to provide permanent homes in a timely manner for maltreated children is the fundamental principle behind the Adoption and Safe Families Act of 1997.
Reasonable Efforts

- To prevent unnecessary removal and/or judicial action, you must take strong, affirmative steps to assist families on a voluntary basis.
- You must meet reasonable efforts requirements as set forth by federal and state law.
- Present PPT7, Findings that must be included in the Shelter Order.

Findings that must be included in the Shelter Order:
1. Reasonable efforts were made to prevent/eliminate the need to remove the child from home; or
2. If preventive services were not offered due to emergency placement, the lack of services was reasonable under these circumstances; &
3. Leaving the child at home is contrary to their welfare/health

- The intention of reasonable efforts is that you offer a full range of services as an alternative to placement and/or judicial action.
Considerations Prior to Court Action

Consider the following when deciding if court action is appropriate. The following questions are contained on PPT8-9.

- Present PPT8-9, Considerations prior to Court Action.

- If the answers to the above questions are yes, you can be confident the correct decision is to involve the court.
Topic ~ Non-Judicial In-Home Services

Materials

♦ PG2-4  Non-Judicial In-Home Services
♦ PG5  Non-Judicial In-Home Service Agreement
♦ PG6  Five Families
♦ PPT10  Non-Judicial In-Home Services
♦ F.A.C. 65C-30.010

Conduct a background probe to introduce Non-Judicial In-Home Services. It is not necessary to provide all of the answers to these questions. Inform the class that they will discuss Non-Judicial In-Home Services and participate in activities to become familiar with using Non-Judicial In-Home Services.

? Do you think people respond better when they are acting voluntarily or when they are court ordered?

? Do you think that involving the court makes your job tasks easier?

Statutory Authority for Non-Judicial In-Home Services

Review the statutory cites and enhance the information on the PPT with the additional information that follows the PPT.

- Display PPT10, Non-Judicial In-Home Services.

- 39.301(9)(a) allows for services to be offered, without court involvement and oversight, if the investigation results assess that Non-Judicial In-Home Services are in the best interest of the child and the public.
• **39.301(15)(a)** identifies cases that may be appropriate for Non-Judicial In-Home Services provided high risk factors are not present:
  - Child(ren) in need of immediate or long-term care through medical or other health care
  - Homemaker services
  - Day care
  - In-Home Services, or
  - Intensive family preservation services

• If services are refused by the caregiver and there is need for protection of the child, the child must be taken into protective custody or the court petitioned.

• The written findings of the administrative review, documenting the decision for Non-Judicial In-Home Services, must be made part of the case file.

• PIs, in consultation with the supervisor, use the Safety Assessment to assess child safety and document the risk level to the child.

• Mitigating factors, such as the degree of cooperation by the caregivers and their ability to follow through with planned action and referrals must be considered in making this decision.

**Non-Judicial In-Home Services**

**Activity Goal:** The class will learn the criteria for Non-Judicial In-Home Services and the associated job task requirements.

Refer class to **PG2-4, Non-Judicial In-Home Services.** *(PG pages inserted on the following pages TG13-15)*

• Assign groups one of the following questions to answer using **PG2-4, Non-Judicial In-Home Services.**
  ? What are the criteria for Non-Judicial In-Home Services?
  ? What are the PI’s responsibilities?
  ? When should a Case Manager consider termination of services?
  ? When should a Case Manager staff a Non-Judicial In-Home Services case with the supervisor?
  • Facilitate group presentations ensuring key points from the PG are covered.

*Answers to the above questions can be pulled directly from the PG. In addition, specific system of care/agency protocol must be added.*
Non-Judicial In-Home Services

F.A.C. 65C-30.010

Non-Judicial In-Home Services may be appropriate for cases in which court involvement is not needed to ensure child safety or effective service provision, even if there is legal sufficiency to file a petition for court ordered services.

Non-Judicial In-Home Services Criteria

- can assure child’s safety without judicial oversight
- can ensure effective service delivery through voluntary service provision
- may or may not have legal sufficiency to proceed with a dependency petition
- includes those families who have been referred for family preservation services
- does not include cases where children are considered to be at high risk

Responsibilities

Before offering Non-Judicial In-Home Services to the family, consult with your supervisor using the Safety Assessment tool to assess the risk level to the child and consider:

- if the parents or legal custodians are of a young age
- if the parents or legal custodians use illegal drugs
- domestic violence is present in the home
- arrest of the parents or legal custodians on charges of manufacturing, processing, disposing of, or storing, either temporarily or permanently, any substances in violations of Chapter 893
- criminal, domestic violence and abuse/neglect history of the parents or legal custodians and others who live in or frequent the home
- presence of any chronic or severe abuse or neglect or multiple maltreatments
- prior investigations of maltreatment and the findings of the investigations
- history of non-compliance or non-cooperation during previous interventions
- mitigating factors, such as the degree of cooperation by the parents or legal custodians and their ability to follow through with planned actions and referrals

Document in the case file the factors considered in the staffing with your supervisor; and the decision that was made regarding the risk level to the child and if Judicial Services will be pursued.

You and your supervisor must reach consensus that the child is not at high risk and child safety and effective service delivery can be ensured without court involvement.

Final decision is made at the Case Transfer Staffing.
Case Transfer Staffing

If Non-Judicial In-Home Services are offered prior to the Case Transfer Staffing, the family must be informed that Non-Judicial In-Home Services are contingent on agreement at the staffing. Procedures for resolving disagreements are available in each region/circuit. Staffing with CLS to decide legal sufficiency is optional.

Once Non-Judicial In-Home Services are accepted by the family, a case plan must be negotiated with the parents/legal custodians and signed within 30 days of the staffing.

Non-Judicial In-Home Services Agreement

Parents or legal custodians must sign a Non-Judicial In-Home Services agreement, to document their:

- understanding of the nature of the services
- obligation to cooperate and the sanctions that may result if progress is not made in ameliorating the conditions that led to the maltreatment

All adults living in the home who provide any level of child care or supervision must sign the agreement, including:

- step-parents, paramours, extended family and roommates.

If both biological parents, a parent and a stepparent, a parent and a paramour, a parent and a roommate, or two legal custodians are residing in the home, both must sign the agreement.

Parents who do not live in the home, but will be involved in developing and complying with the case plan must sign the agreement.

Criteria to Consider for Termination

The following criteria must be considered when assessing for the termination of services.

- The parents and if appropriate to the child’s age and level of understanding:
  - are aware of their own needs and have demonstrated a willingness and ability to use others in time of need
  - perceive and are able to verbalize changes that they have made
  - have a support network available and are able and willing to use that network
  - have improved self-concepts
- The parent is developing outside interests.
- Each parent recognizes when their spouse needs help and tries to meet the spouse’s needs.
- The parent and the child have close contact with at least one person who can recognize a crisis in the family and intervene to remedy the situation.
- The parent’s immediate crises, such as housing, illness, and unemployment, have been resolved.
- Obstacles to the parent getting help are minimal.
- The parent has realistic expectations of the child(ren) and the child is capable of meeting these expectations.
- The parent sees the child as an individual.
- The parent is aware of alternative methods of disciplining the child.

Lack of Compliance
Cases must be staffed with your supervisor when:
- a decision is needed for continued services.
- the family is not complying with the case plan.
- the family is not cooperating as agreed.
- the family is not showing substantial progress toward the amelioration of the issues that resulted in the maltreatment.

Legal Sufficiency & Case Closure
If the family requests closure of the case and it is decided that the case should not be closed or a decision is made that Judicial In-Home Services are necessary, a staffing must be held with CLS to decide if there is legal sufficiency to file a dependency petition.
- Non-compliance or lack of cooperation by the family may be a factor in establishing legal sufficiency and the need for continued services on a court ordered basis.
If agreement cannot be reached regarding legal sufficiency, the agency’s conflict resolution process must be followed.
When legal sufficiency cannot be established and a family has requested closure of their Non-Judicial In-Home Services case, the case must be closed.
If legal sufficiency exists, you and your supervisor must assess if Non-Judicial In-Home Services will continue or a dependency petition will be filed.
When you and your supervisor decide that Non-Judicial In-Home Services will be terminated and the case closed, and the family disagrees, the parent/caregiver may request a staffing or administrative review.

CLS Staffing and Documentation
- Following each staffing with CLS, the CLS attorney will provide you with a signed and dated statement indicating: a staffing was held; the attorney’s recommendation regarding legal sufficiency; and the action to be taken.
- You must provide detailed documentation of the CLS staffing in the FSFN case notes: the decisions made in the CLS staffing, including the decision not to invoke the authority of the court; and the reasons the case is being closed.
The Non-Judicial In-Home Services Agreement

- **65C-30.010** - parents/legal custodians must sign an agreement to document that they understand the nature of the services, their obligation to cooperate and the sanctions that may result if progress is not made in ameliorating the conditions that led to the intake.
- All adults living in the home who provide any level of child care or supervision must sign the agreement.
- The final decision regarding Non-Judicial In-Home services is made at the Case Transfer Staffing.
- Each region/circuit has procedures for resolving Case Transfer Staffing disagreements between investigative and case management staff.

Refer learners to PG5, **Non-Judicial In-Home Services Agreement**. *(PG page inserted on the following page TG17)*

*Provide copies of the specific agreement that is used locally, if it is not consistent with the included agreement form.*
Non-Judicial In-Home Services Agreement

Case Name: ________________________________________________
Parent/Caregiver’s Name(s): __________________________________

We understand and agree to participate, on a voluntary basis, in receiving protective services. As part of our participation in receiving these services, we agree to the following conditions:

- A Case Manager will work with us in our home to help resolve family issues and build family strengths.
- We agree to actively participate in the development of and the carrying out of the family case plan to the best of our ability.
- We understand that services may be discontinued by the agency at any time, by notification to us orally or in writing. If we disagree with the discontinuation of services we may request a staffing or administrative review by agency staff to determine our continued eligibility for services.
- We understand that we may request the discontinuation of services at any time, by notification to the agency orally or in writing. The agency will assess the situation and, if it disagrees with this request, a petition may be filed for Judicial In-Home Services.
- We understand that if we do not cooperate with the recommended services, do not substantially comply with the case plan, or do not make sufficient progress toward improving the conditions that resulted in the abuse or neglect intake, the agency may petition the court for Judicial In-Home Services. We understand that by law the Case Manager is required to report any subsequent abuse/neglect allegations to the Florida Abuse Hotline for investigation and further action as deemed necessary.
- We agree to notify the Case Manager in advance of any change in address or of any additional people moving into our home. We also agree to notify the Case Manager of any people who are currently frequent visitors in our home or later become frequent visitors.
- We agree to immediately notify law enforcement (local police or sheriff) if a child in our home runs away or otherwise is missing.
- We also agree to the release of information such as medical, psychological, psychiatric and educational information as may be necessary in order to complete a family assessment and formulate and complete the family case plan.

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<th>Date</th>
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<th>Supervisor’s Signature</th>
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Name & Phone Number: ________________________________________________________________

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<th>Parent/Caretaker’s Signature</th>
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Other Signatures (as appropriate): Signature & Relationship/Role

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Module 1: Using the Florida Dependency Court
Non-Judicial In-Home Services or Petition the Court?

**Activity Goal:** Learners will provide rationale for providing Non-Judicial In-Home Services or petitioning the court using five family scenarios.

**Materials**

- PG6  Five Families

*Depending on class size, this activity can be completed by groups, as a class or individually.*

Refer learners to **PG6, Five Families**. Advise them to read each scenario and assess for each family if they would offer Non-Judicial In-Home Services or file a petition with the court. *(PG page inserted on the following page TG19)*

Refer the class to the flipchart, **Court Action or Not?** And to **PG2-4, Non-Judicial In-Home Services as resources.** *(PG pages inserted on the following pages TG20-21)*

- Advise learners to consider/address the following and include the information in their presentations:
  - Type of maltreatment
  - Available resources
  - Risk factors
  - Applicable services
  - Additional evidence/information that they may need to make the decision
- Facilitate group presentations.

*There is no answer key to this activity as existing region/circuit services, protocols, etc. will play a role in the final decision. You must assure that learners focus on the above information.*
Activity: Five Families

For each family assess if you would petition the court or offer Non-Judicial In-Home Services.

The ADAMS family consists of a mother, father, a 12-year-old son, and a 10-year-old daughter. They live in an isolated area with several extended family members. The son misses a lot of school and appears very temperamental. The school called with concerns about the son’s emotional health. Your first visit to the home did not go well. It was difficult to keep everyone in the room at the same time, and they denied any need for help. The parents showed an indifference to their son. He appeared very unresponsive and apathetic. The parents did not seem to place a high priority on their son’s needs, noting that he was a “boy” and did not require the same attention as their daughter. They indicated that their son should be able to “take care of himself” and their conversation kept returning to the scholastic achievements of the daughter.

The BUTLER household consists of an 18-year-old mother and her 9-month-old child. They live in a housing project with subsidized rent. The child’s father had been involved with the family until recently. An intake was received from the emergency room when the child was brought in with a suspicious fracture. The mother says that the child fell out of his crib. The mother willingly meets with you and the discussion seems to go well until the child cries. The mother then becomes angry and wonders why the child is doing this to her and why he does not love her.

The CLINTON family consists of the father, stepmother and a 16-year-old daughter. According to the stepmother, the father is quite successful in business despite his humble beginnings, and is popular with his colleagues and friends. His success has continued despite the death of his wife five years ago, and the rumors of downsizing at his company. The father and daughter have been very close since the mother’s death, and he has given his daughter everything. Yet, the daughter does not go out much and spends a lot of time alone in her room. She won’t wear her nice clothes and seems to wear layers of old clothes. Despite good grades, she seems to have a lot of anxiety over attending school and other activities. The father is never around during your visits. The school counselor called in alleging a sexual relationship between the father and daughter.

The DELAWARE family consists of a 28-year-old mother, her 19-year-old boyfriend, and five children ranging in age from 2 to 13. The oldest child is sometimes in charge while the mother goes out with the boyfriend. The house is dirty and there are some conditions that may be hazardous to the health of the children. The school complains about the children’s clothing and states that they have an odor. The children have not attended school for a while due to a persistent lice problem. The police have been called to the home on various occasions for fighting and loud parties. Their last visit was in February when the neighbor called to report that the 2-year-old was walking on the road with no shoes.

The ELK family consists of a 23-year-old father, 22-year-old mother and 7-year-old son. The mother is well known by the child protection staff due to her years spent in foster care. The mother admits that her husband has been drinking a lot, but states that everything will be okay as soon as he finds a good job. She notes that the father loves his son and would not hurt him; the injuries the child has suffered when alone with the father have all been unfortunate accidents. The mother reports that the son is doing well in his special needs classes at school.
Non-Judicial In-Home Services

F.A.C. 65C-30.010

Non-Judicial In-Home Services may be appropriate for cases in which court involvement is not needed to ensure child safety or effective service provision, even if there is legal sufficiency to file a petition for court ordered services.

Non-Judicial In-Home Services Criteria
- can assure child’s safety without judicial oversight
- can ensure effective service delivery through voluntary service provision
- may or may not have legal sufficiency to proceed with a dependency petition
- includes those families who have been referred for family preservation services
- does not include cases where children are considered to be at high risk

Responsibilities
Before offering Non-Judicial In-Home Services to the family, consult with your supervisor using the Safety Assessment tool to assess the risk level to the child and consider:
- if the parents or legal custodians are of a young age
- if the parents or legal custodians use illegal drugs
- domestic violence is present in the home
- arrest of the parents or legal custodians on charges of manufacturing, processing, disposing of, or storing, either temporarily or permanently, any substances in violation of chapter 983
- criminal, domestic violence and abuse/neglect history of the parents or legal custodians and others who live in or frequent the home
- presence of any chronic or severe abuse or neglect or multiple maltreatments
- prior investigations of maltreatment and the findings of the investigations
- history of non-compliance or non-cooperation during previous interventions
- mitigating factors, such as the degree of cooperation by the parents or legal custodians and their ability to follow through with planned actions and referrals

Document in the case file the factors considered in the staffing with your supervisor; and the decision that was made regarding the risk level to the child and if Judicial Services will be pursued.

You and your supervisor must reach consensus that the child is not at high risk and child safety and effective service delivery can be ensured without court involvement.

Final decision is made at the Case Transfer Staffing.
Case Transfer Staffing
If Non-Judicial In-Home Services are offered prior to the Case Transfer Staffing, the family must
be informed that Non-Judicial In-Home Services are contingent on agreement at the staffing.
Procedures for resolving disagreements are available in each region/circuit.
Staffing with CLS to decide legal sufficiency is optional.
Once Non-Judicial In-Home Services are accepted by the family, a case plan must be negotiated
with the parents/legal custodians and signed within 30 days of the staffing.
Non-Judicial In-Home Services Agreement
Parents or legal custodians must sign a Non-Judicial In-Home Services agreement, to document
their:
• understanding of the nature of the services
• obligation to cooperate and the sanctions that may result if progress is not made in
  ameliorating the conditions that led to the maltreatment
All adults living in the home who provide any level of child care or supervision must sign the
agreement, including:
• step-parents, paramours, extended family and roommates.
If both biological parents, a parent and a stepparent, a parent and a paramour, a parent and a
roommate, or two legal custodians are residing in the home, both must sign the agreement.
Parents who do not live in the home, but will be involved in developing and complying with the
case plan must sign the agreement.
Criteria to Consider for Termination
The following criteria must be considered when assessing for the termination of services.
• The parents and if appropriate to the child’s age and level of understanding:
  • are aware of their own needs and have demonstrated a willingness and ability to use others
    in time of need
  • perceive and are able to verbalize changes that they have made
  • have a support network available and are able and willing to use that network
  • have improved self-concepts
• The parent is developing outside interests.
• Each parent recognizes when their spouse needs help and tries to meet the spouse’s needs.
• The parent and the child have close contact with at least one person who can recognize a
  crisis in the family and intervene to remedy the situation.
• The parent’s immediate crises, such as housing, illness, and unemployment, have been resolved.
• Obstacles to the parent getting help are minimal.
• The parent has realistic expectations of the child(ren) and the child is capable of meeting these expectations.
• The parent sees the child as an individual.
• The parent is aware of alternative methods of disciplining the child.

Lack of Compliance
Cases must be staffed with your supervisor when:
• a decision is needed for continued services.
• the family is not complying with the case plan.
• the family is not cooperating as agreed.
• the family is not showing substantial progress toward the amelioration of the issues that resulted in the maltreatment.

Legal Sufficiency & Case Closure
If the family requests closure of the case and it is decided that the case should not be closed or a decision is made that Judicial In-Home Services are necessary, a staffing must be held with CLS to decide if there is legal sufficiency to file a dependency petition.
• Non-compliance or lack of cooperation by the family may be a factor in establishing legal sufficiency and the need for continued services on a court ordered basis.
If agreement cannot be reached regarding legal sufficiency, the agency’s conflict resolution process must be followed.
When legal sufficiency cannot be established and a family has requested closure of their Non-Judicial In-Home Services case, the case must be closed.
If legal sufficiency exists, you and your supervisor must assess if Non-Judicial In-Home Services will continue or a dependency petition will be filed.
When you and your supervisor decide that Non-Judicial In-Home Services will be terminated and the case closed, and the family disagrees, the parent/caregiver may request a staffing or administrative review.

CLS Staffing and Documentation
• Following each staffing with CLS, the CLS attorney will provide you with a signed and dated statement indicating a staffing was held; the attorney’s recommendation regarding legal sufficiency; and the action to be taken.
• You must provide detailed documentation of the CLS staffing in the FSFN case notes: the decisions made in the CLS staffing, including the decision not to invoke the authority of the court; and the reasons the case is being closed.
Review ~ Module 1: Using the Florida Dependency Court

- Display PPT2, Module Objectives.

- Ask learners the following questions to review Module 1.

  1. What are the four levels of the Florida judicial system? Which level hears dependency cases?
     - Florida Supreme Court
     - District Court of Appeals
     - Circuit Courts
     - County Courts
     - Dependency cases are heard in the Circuit Court - Juvenile Division

  2. What is the purpose of the UCCJEA? What type of information does it contain?
     - Allows for states to decide if they have jurisdiction of a custody case or if they have to honor the custody decrees of other states.
     - Name and present address or whereabouts of children.
     - Places where the child has lived during the past 5 years.
     - Name and present address of the persons with whom the child has lived during the past 5 years.
     - Any knowledge of any other court proceeding concerning the custody of the children.

  3. What are some circumstances in which the court must be involved in a case?
     - When parents are unable or refuse services offered and the child is in imminent danger or harm
     - In any case where a crime has been committed
     - To impose services when progress is not being made
     - To ensure the immediate physical safety of the child
     - When removing children

  4. What are some factors to consider when assessing if a case is high risk?
     - Young age of parents or legal custodians
     - Use of illegal drugs
• Domestic violence
• Arrest of parents on charges of manufacturing, processing, disposing of, or storing any substances in violation of chapter 893.

What are the specific findings that must be included in the shelter order?

• Reasonable efforts
• If preventive services were not offered due to an emergency placement, the lack of such services was reasonable under the circumstances
• Continuation of the child in the home is contrary to the safety of the child
Module 2: Court Proceedings

- Display PPT11, Module 2 Objectives and present an overview of the module by summarizing each of the objectives.

Background Knowledge/Experience

Prior to beginning instruction for this module, relate the module goal to the learners' job, emphasizing the importance and "need to know."

Goal: To provide basic information about dependent children and the dependency court process.

What do you think is the definition of a dependent child?

Topic ~ Definition of Dependent Child

Materials

- PPT12 A Dependent Child
- PPT13 Basic Sequence of Court Involvement

- Dependency cases revolve around a "dependent child."
- Present and discuss PPT12, A Dependent Child F.S.39.01 (15).
Basic Sequence of Court Involvement

- Display and review PPT13, Basic Sequence of Court Involvement.

- Discuss the following bullet points while the PPT is displayed.
  - Before you involve the court, you must gather the facts or proof of the allegations that led to the decision to go to court and present facts to CLS for a petition to be drafted.
  - Court involvement begins with either the shelter petition upon removal or the dependency petition if the child remains at home with Judicial In-Home Services or the TPR petition (if expedited grounds exist).
  - A petition is submitted to the court to request a specific judicial action.
  - A shelter petition is a legal document requiring that the court places or continues the child in out-of-home care.
  - A dependency petition is a legal document that requires the court to take jurisdiction over the family and enter an order to protect the children.
  - A hearing is conducted. The judge examines facts for legal sufficiency, makes findings and issues a court order.
  - 39.502(17) The parent or legal custodian, attorney, GAL and foster or pre-adoptive parents must be provided with at least 72 hours’ notice, verbally or in writing of all proceedings or hearings relating to children in their care or children they are seeking to adopt to ensure the ability to provide input to the court.
  - 39.502(18) requires the court to provide to the parent or legal custodian of the child, at the conclusion of any hearing, a written notice containing the date of the next scheduled hearing.
Topic ~ Purpose and Importance of Petitions

Materials

♦ PPT14  Shelter Petition
♦ PPT15  Dependency Petition
♦ PPT16  Contents of Shelter Petition
♦ PPT17  Contents of Dependency Petition
♦ PPT18-22  Grounds for TPR
♦ PPT23  F.S. 39.8055
♦ PPT24  TPR Petition
♦ PPT25-26  Expedited TPR
♦ Circuit Shelter Petition
♦ Circuit Dependency Petition
♦ Circuit TPR Petition
♦ Rules of Juvenile Procedures

Establishing the “Need to Know”

Conduct a background probe to introduce petitions in dependency cases.

? What is a dependency petition? What kind of information do you think it contains?

• Petitions are very important because they:
  • Drive the subsequent tasks of the case planning process.
  • Provide a focal point for the decisions made in court.
• You must provide detailed, accurate, and thorough information to CLS who is responsible for writing the petition.
- Display PPT14, Shelter Petition.

**The Shelter Petition**

| Explains why the child was removed | Includes evidence for probable cause & reasonable grounds for removal | Specifies that reasonable efforts were made, or describes the emergency/danger that prevents service provision & warrants removal |

- Review your region/circuit petition to allow learners to view the information required in the shelter petition.

### Dependency Petition

- Display PPT15, Dependency Petition.

**The Dependency Petition**

| Sets evidence limits for court submission: - Outlines the issues & what you are trying to prove | Any relevant facts you fail to include in this petition are excluded from adjudicatory hearing | Drives subsequent case plan interventions |

- All relevant facts that can be proven must be included.
- Provides information to the judge about the problems to be addressed in the case plan and thus provides a focal point for assessing progress of the case at the judicial review.
- An amended petition can be filed at any time prior to the conclusion of the adjudicatory hearing to include any new information that may surface as the investigation continues.

**Review your region/circuit petition to allow learners to view the information contained in the dependency petition.**
Florida Rules of Juvenile Procedure - Content for Petitions

- While the format of petitions varies, the Florida Rules of Juvenile Procedure specifies content that must be contained in both the shelter and dependency petitions.

Rule 8.305: Contents of Shelter Petition

- Display PPT16, Contents of Shelter Petition.

<table>
<thead>
<tr>
<th>Contents of Shelter Petition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child’s name, address, date of birth, &amp; sex</td>
</tr>
<tr>
<td>Parents legal custodian’s name &amp; address (if known) &amp; how each was notified of the shelter hearing</td>
</tr>
<tr>
<td>Removal date/time</td>
</tr>
<tr>
<td>Statement that child is of an age subject to Court’s jurisdiction</td>
</tr>
<tr>
<td>Reasons child needs shelter placement</td>
</tr>
<tr>
<td>Reasonable efforts (if any) taken to prevent/eliminate need for removal/continued removal</td>
</tr>
<tr>
<td>Placement recommendation</td>
</tr>
<tr>
<td>Signature of petitioner &amp; CLS</td>
</tr>
</tbody>
</table>

- If name, address, date of birth, and sex of the child is unknown, designate the child by any name or description by which he or she can be identified with reasonable certainty.

- If reasonable efforts were not made, a description of the emergency that prevented these efforts must be documented.

Rule 8.310: Contents of Dependency Petition

- Display PPT17, Contents of Dependency Petition.

<table>
<thead>
<tr>
<th>Contents of Dependency Petition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sufficient facts to show the child is legally dependent</td>
</tr>
<tr>
<td>Allegations to the identity &amp; residence of parents/legal custodians (if known)</td>
</tr>
<tr>
<td>The child’s age, sex, &amp; name</td>
</tr>
<tr>
<td>Two or more children may be subject of the same petition</td>
</tr>
<tr>
<td>Two or more allegations of dependency may appear in same petition, in separate counts</td>
</tr>
<tr>
<td>Must describe voluntary services &amp; or dependency mediation offered to parents/legal custodians &amp; the outcome of each</td>
</tr>
<tr>
<td>Signature in good faith</td>
</tr>
</tbody>
</table>

- The petition does not need to contain allegations of acts or omissions by both parents.
TPR Petition

- When a TPR petition is filed, a separate petition for dependency is not filed.
- A Termination of Parental Rights (TPR) petition may be filed at any time that one of the grounds for expedited TPR exists.
• **39.8055** - Requirements to file a petition to terminate parents’ rights; exceptions.

• Display **PPT23, F.S. 39.8055**.

![F.S. 39.8055](image)

• A TPR petition may not be filed if:
  - the child is being cared for by a relative
  - documentation in the report provides a compelling reason for the court to decide it is not in the best interests of the child

Display **PPT24, The TPR Petition**.

![TPR Petition](image)
Expedited TPR

- TPR can be expedited (i.e. no requirement for reasonable efforts to preserve and reunify the family offered) if any of the events in F.S. 39.806(1)(e)-(l) are present or have occurred.
- If TPR is expedited, a case plan with the goal of reunification does not have to be offered to the parent(s). The following are grounds for expeditious filing:

- Display PPT25-27, Expedited TPR.
Topic ~ Sequence, Purpose, and Timeframes for Dependency Court Hearings and Petitions

Materials
- PG1 Court Hearings and Petitions (Flowchart)
- PG2-9 Court Hearings and Petitions Overview
- PG17 Blank Dependency Hearing Map
- PPT29-51 Court Hearings and Petitions Power Point Slides
- Wall poster Court Hearings and Petitions Flowchart

Establishing the “Need to Know”

Conduct a background probe to introduce the sequence of dependency court hearings.

Why is it important to know the different types of hearings and associated timeframes for dependency cases?

Court Hearings and Petitions - Sequence of Court Involvement and PG Review

Refer to PG1, Court Hearings and Petitions (Flowchart) and PG2-10, Court Hearings and Petitions Overview.

- Introduce and review the flowchart by using the wall poster and PPTs27-49.
- Each slide contains information on the topics in the same order as the overview. Encourage learners to follow using the PG and wall poster/PPTs.

You may present the content of PG1-10, Court Hearings and Petitions Overview or assign groups for review and presentation. (PG pages inserted on the following pages TG10-19)
Court Hearings & Petitions Overview

Removal/Judicial In-Home Services
Court involvement begins when a:

- child is removed, or
- dependency petition requesting Judicial In-Home Services is filed for a child staying at home.
- TPR petition is filed when expedited grounds exist

Permanency hearings must happen within 12 months of a child’s removal. The initial case plan limits are 12 months from:

- removal, or
- court approval of the case plan, whichever comes first.

Continuances (time extensions) for all parties may not total more than 60 days within the 12-month case plan period.

“T he continuance of the request for an extension of time beyond the 60 days will be granted only for extraordinary circumstances necessary to preserve the constitutional rights of a party or when substantial evidence demonstrates that the child's best interests will be affirmed without the granting of a continuance or extension of time.” F.S. 39.0136.

Continuances and extensions of time are limited to the number of days absolutely necessary to complete a necessary task, F.S. 39.042(14)(f).

Removal of a child:

- The pivotal legal event in a dependency case.
- Child safety is critical: You must remove when you assess that a child’s safety is at risk, whether at initial contact or later assessment.
- The legal process starts when the child is removed.

Placing children under Judicial In-Home Services, you must:

- write a case plan,
- file a Dependency petition,
- attend judicial reviews every 6 months to report the family’s progress toward the case plan goals.
- continually monitor the family to assess any potential risk of harm to the child.

Shelter Petition, FL Rules of Juvenile Procedure P 8.385
The shelter petition explains why the child was removed:

- includes evidence for probable cause and reasonable grounds for removal, shows that the need to remove the child will not be eliminated by appropriate and available services, F.S. 39.042(8)(d).
- specifies that “reasonable efforts” to prevent removal have been made
- unless the child’s safety is an immediate issue. In this case, the petition must describe the emergency or danger that warranted the removal, F.S. 39.042(8)(h)5.a.-d.
Shelter Hearing, F.S. 39.402
The shelter hearing is held within 24 hours of removal.
- Did the child need to be removed from the home?
- Must the child remain sheltered?
- Is there a relative/non-relative willing and able to care for the child if they cannot return home?
F.S. 39.402(8)(d) and (h)4.: The court may order shelter care for 72 hours while you gather additional documentation relevant to the child’s risk.
- The parents/legal custodians may request a 72-hour continuance if they don’t have an attorney and want one. If they cannot afford counsel, they have the right to be represented by appointed counsel.
  - If the continuance is granted, the child remains in shelter care.
- The judge will offer mediation.
- Standard of proof: Probable Cause

Shelter Orders
- requires parents to provide financial information so that child support can be calculated (within 28 days after the order).
- 39.402(10)(a): Must contain written findings if reasonable efforts were made.
  - Must describe services that could prevent the need for removal and the date you expect these services to become available.
  Do NOT create a “laundry list” of services that would be beneficial if they existed. Identify specific services that are contractually available, accessible and can later be put in place, but are unavailable or inappropriate at the present time. If no services exist, that is what must be documented.
- 39.402(10)(b): If services are not available to prevent/eliminate the need for the child’s removal/continued removal, the written finding must contain an explanation describing why the services are not available.
- The court must set visitation rights. You must provide justification to the court if visitation is ordered, but will not begin within 72 hours of the shelter hearing.
- 39.402(17): At the shelter hearing, the court will ask the parent if they have any relatives to consider for the child’s placement.
- The parent must tell the court who these relatives are and where they can be located.
- The court will advise the parents of their continuing duty to inform the court/agency of any relatives to consider for the child’s placement.
- 39.402(18): The court will advise the parents that they must substantially comply with their case plan. If they do not, their parental rights can be terminated and the child’s out-of-home placement may become permanent.
Shelter Review, F.S. 39.402(12) and (16)
- Purpose: The court reviews if the child should remain in shelter through adjudication.
- Held no later than 30 days after placement in shelter
  - in conjunction with the arraignment hearing F.S. 39.402(16); and,
  - when the court finds it necessary.
- If conducted by a non-juvenile court judge:
  - The juvenile court judge must hold another hearing within two working days.

Dependency Petition, FL R Juv P 8.310, F.S. 39.501
- Presents maltreatment evidence
- Addresses the legal definition of maltreatment
- Standard of Proof: Preponderance of evidence proves maltreatment elements.
  - If the relevant facts for each element are not included, the petition is dismissed.
- Notices parents/caregivers (includes live-in paramour) of allegations.
  - The child’s parents/legal custodians must receive a copy of the dependency petition at least 3 business days before the arraignment hearing.
- Evidence in the dependency petition affects the case plan and termination of parental rights.
  - The case plan can only be used to address behaviors that parents/legal custodians admit to, or were found by a court to have committed. It cannot be used to force parents/legal custodians to correct any other behaviors.
- F.S. 39.301(9)(b): A dependency petition must be filed in all high-risk cases. Agencies have the discretion to define what constitutes a high risk case.

Arraignment Hearing, F.S. 39.506
- Purpose: Formally presents the dependency petition containing maltreatment allegations.
- Parents admit, consent, or deny the allegations.
  - If parents admit or consent to the allegations, a disposition hearing is held within 15 days.
  - If parents deny the allegations, an adjudicatory hearing is held within 30 days.
- If parents are noticed, but fail to appear at arraignment, the court will find that they consent to the adjudication of dependency of the child.
Adjudicatory Hearing, F.S. 39.507
- Did the parent(s) abuse, abandon, neglect or harm the child(ren)?
- Held within 30 days of arraignment.
- A trial without a jury (conducted by the judge).
- Standard of Proof: Preponderance of evidence
- Parents/legal custodians are allowed to obtain discovery (information disclosed by the opposing party) provided F.S. 39.202, is not violated.
- 39.507(7)(a): Only one order adjudicating each child is entered. This order sets the child’s legal status, and is based on the conduct of one parent, both parents, or a legal custodian.
- 39.507(7)(b): Another hearing to present evidence may be held about the conduct of one parent, both parents, or a custodian. With court approval, supplemental findings made beyond a preponderance of the evidence may be entered. The child’s dependency status may not be retried or re-adjudicated.
- 39.507(7)(c): If a court adjudicates a child and the child is in out-of-home care, the court will ask the parent(s) if there are relatives who might serve as a placement for the child.
- The parents must tell the court and all parties who these relatives are and where to locate them.
- The court will tell the parents that failure to substantially comply with the case plan may result in the termination of their parental rights, and the child’s out-of-home placement may become permanent.

Disposition Hearing, F.S. 39.521
- Purpose: Decide and order appropriate protections, services, and placement of a child adjudicated dependent.
- Held within 30 days after the adjudicatory hearing, if parents deny the allegations:
  - Where should the child be placed?
  - What case plan is needed to eliminate the reasons for removal?
- Must file with the court 72 hours before the disposition hearing, but no later than 60 days after removal.
- Case plan
- Predisposition study (PDS): includes the home study and diligent search
  - The judge may grant an exception to the PDS requirement if they find that all the information they need is available in other court documents.
- The Case Plan
  - Must be served on all located parties at least 72 hours before the disposition hearing.
  - Judicial approval often occurs at this hearing.
  - If the court does not approve the case plan, or finds it needs to be amended or revised, a hearing is set within 30 days for case plan review and approval.
Stipulation, FL Rules of Juvenile Procedure 8.315(c)
- An agreement signed by all parties that prevents many subsequent court proceedings.
  - A judicial review must be held to review compliance by the parties.
  - A written stipulation may be submitted at any dependency court proceedings to address these issues:
    - visitation
    - case plan
    - mediations
    - evidence submission
    - after motions are filed, agreement with orders
- Reduces trial time - can get the case to permanency more quickly.
- Frequently part of a mediated settlement - always includes a case plan.

Judicial Review Hearings, F.S. 39.521(1)(c) and 39.701
- The court will conduct a judicial review at least every 6 months until the child attains permanency.
- Missing Children: Regularly scheduled judicial reviews must continue for any missing child until they turn 18 or the court terminates supervision. 65C-30.013
- A JRSS/CPU must be submitted at judicial review.
- The requirements of the JRSS/CPU are listed in F.S. 39.701(8)(a) 1. - 12.
- There are few exemptions from judicial review. Refer to F.S. 39.704.

Initial Judicial Review Hearing
- Purpose: Review the case plan permanency goal.
- When the court finds that it is unlikely that the child will be reunified within 12 months of removal, a motion to amend the case plan under 39.6013 and use concurrent planning 39.701(10)(a) must be filed within 10 business days following receipt of the written finding.
- Must be held within 90 days after disposition or the hearing approving the case plan, whichever is earlier, but no later than 6 months after the removal date.
- You must prepare:
  - JRSS/CPU
  - case plan update
Second Judicial Review Hearing
- Appropriateness of child’s permanency plan is decided.
- Must be held within 6 months of the first review, but no later than 12 months after removal.
  - If held at 12 months, the child’s permanency plan must be presented. (refer to the topic, "Permanency Hearing" PG14)

Judicial Review Hearing for Children Awaiting Adoption
- Must be held every 6 months to review the current placement and progress towards an adoption:
  - placement, or,
  - finalization.

Judicial Review Hearing before Child’s 18th Birthday, F.S. 39.701(7)(a)-(c)
- Held within 90 days after a child’s 17th birthday
- The court is given information related to Independent Living services
- Includes updated case plan and JRSS/CPU with all requirements under s. 39.701(7)(b)

Citizen Review Panels and/or Administrative Reviews
- Judicial reviews may be handled by a citizen review panel (F.S. 39.701(2)(b)), or if a formal agreement exists in the region/circuit, an administrative review will be held (F.S. 39.701(3)(d)).
- After citizen review panels conduct two consecutive reviews, a judicial review must then be held in front of the court.
- The purpose of judicial reviews, administrative reviews, and citizen-panel reviews is to monitor the family’s progress while working toward the goals of the case plan.
- Administrative hearings may occur if there is a formal agreement in the region/circuit, but, an administrative review may not be substituted for the first judicial review or any subsequent 6-month reviews.
Permanency Hearing, F.S. 39.621
- A permanency hearing must be held within 12 months after removal or 30 days after a court finds that reasonable efforts are not required.
- At the permanency hearing, the court decides:
  - if the permanency goal for the child is appropriate or must be changed;
  - when the child will reach one of the permanency goals; and
  - if reasonable efforts were made to finalize the permanency plan.
- You need to conduct a permanency planning staffing
  - to prepare for a permanency hearing,
  - whenever it is necessary to ensure that you have all the information you need to support your permanency recommendation.
- 65C-29.006(8)
  - Staffings must be held early enough to give you time to write a comprehensive JRSS/CPFU draft - you must provide this draft to CLS at least 10 working days before the judicial review hearing.
39.621(3)(a)
- Within at least 3 business days before the permanency hearing, the JRSS/CPFU must be filed with the court and copies must be served to all parties.
- 65C-30.013(5)(b): Four instances when a permanency hearing occurs:
  - within 30 days of a court finding that reasonable efforts to reunify are not required;
  - no later than 12 months from the date the child was removed from his or her home;
  - no less frequently than every 12 months if the child remains in out-of-home care and under Judicial In-Home Services;
  - when a child has been in out-of-home care for the past 12 out of 22 months. This hearing specifically addresses termination of parental rights.
- Adoption is the primary permanency option when the court finds against reunification.
  - If the child is placed with a relative or a relative of a half-sibling, the court will not require the relative to adopt the child.
  - If the court finds that adoption is not best for the child, permanency options to pursue are:
    - permanent guardianship,
    - permanent placement with a fit and willing relative, or
    - placement in another planned permanent living arrangement (e.g. - independent living). F.S. 39.621.
- If the child has a sibling who was previously adopted:
  - The sibling’s adoptive parents must be given the chance to apply to adopt the child.
  - Their application is given the same consideration as a relative’s application.

39.8055(1): A petition to terminate parental rights must be filed within 60 days after a:
- child is not returned to the physical custody of their parents 12 month after the child was
  sheltered or adjudicated dependent, whichever occurs first.
- TPR petition was not filed, and the child has been in out-of-home care for 12 of the most
  recent 22 months.
- parent has been convicted of the murder, manslaughter, aiding or abetting the murder or
  conspiracy or solicitation to murder the other parent, or another child of the parent, or felony
  battery that resulted in serious bodily injury to the child or to another child of the parent.
- court finds that reasonable efforts to reunify the child and parent are not required.

39.8055(2): The above applies unless:
- the child is being cared for by a relative.
- there is a court documented, compelling reason that filing a TPR petition is not best for the
  child.
- A TPR petition may be filed at any time that one of the grounds for TPR exist. The petition
  may be filed by CLS, a GAL, or any other person who has knowledge of the alleged facts or is
  informed of them and believes they are true.

Grounds for termination of parental rights include F.S. 39.806(1)(a)-(l):
- child was voluntarily surrendered by parent
- child was abandoned (60 day diligent search cannot identify/locate parent)
- severe or continuing maltreatment (continued involvement threatens the child regardless
  of services provided)
- incarcerated parent, under certain circumstances F.S. 39.806(1)(d)1-3
- parents have materially breached the case plan; “materially breached” means:
  - The parent(s) failed to substantially comply for 12 months after the child’s adjudication
    or placement into shelter care, whichever occurs first.
  - Parent(s) are unlikely or unable to substantially comply with the case plan before the
    time for compliance expires.
  - The parents are able, but fail to maintain frequent and regular contact with the child
    through frequent and regular visitation or communication.
- egregious conduct or failure to prevent egregious conduct
- aggravated child abuse, sexual battery, sexual abuse, or chronic abuse
- parent committed the murder, manslaughter, aiding or abetting the murder, or conspiracy
  or solicitation to murder the other parent or another child, or a felony battery that resulted
  in serious bodily injury to the child or to another child
- involuntary TPR of the child’s sibling
• Parent(s) have a history of extensive, abusive, and chronic use of alcohol or a controlled substance and have failed to complete available treatment during the 3 year period before the TPR petition was filed.
• The child’s blood, urine, or meconium contained alcohol, controlled substance or metabolites of the substances that was not the result of medical treatment for the mother or infant. And, the child’s mother has at least one other child adjudicated dependent due to exposure to a controlled substance or alcohol after she had the opportunity to participate in substance abuse treatment.
• On 3 or more occasions the child, or another child of the parent(s), was placed in out-of-home care due to conditions caused by the parent(s).
• The TPR petition:
  • presents evidence for the TPR grounds listed in F.S. 39.806
  • confirms that parents were informed of their right to counsel, were offered a case plan (unless expeditious filing occurs), and the child was adjudicated dependent
  • establishes that the child’s manifest best interests will be served by granting the petition

**Expedited TPR**

TPR can be expedited (sped up) when any conditions in F.S. 39.806(1)(b)-(d) or (f)-(l) have occurred.
• You are not required to offer reasonable efforts to preserve and reunify the family.
• If expedited:
  • TPR petition is filed - not dependency petition.
  • Case plan goal is Adoption, so that services continue until the court issues an order.
  • You do not have to offer a case plan with a goal of reunification to the parent(s).

**Termination of Parental Rights Hearings**
• Purpose: to decide if parental rights should be terminated, freeing the child for adoption.
• There is no “Termination of Parental Rights Hearing.” It is a trial, and has its own:
  • advisory hearing (F.S. 39.808);
  • adjudicatory hearing (F.S. 39.809) and;
  • disposition hearing (F.S. 39.811)
• TPR hearings are very serious and are governed by different rules than the hearings previously discussed.
• Standard Proof: Clear and convincing evidence
- Display PPT28-29, Shelter Hearing.

  Shelter Hearing
  - Held within 24 hours of removal
  - A 72 hour continuance may be granted

  Shelter Hearing (continued)
  - Standard of proof is "probable cause"
  - The court will:
    - Visitation rights are considered
    - The court will:
      - ask the parent to identify & provide the location of relatives who may provide placement
      - advise the parents that if they fail to substantially comply with the case plan, their parental rights may be terminated

- Display PPT30, Shelter Review.

  Shelter Review
  - Court reconsider shelter placement

- Display PPT31, Dependency Petition.

  Dependency Petition
  - Filed within 21 days of shelter hearing or within 7 days after any party files a demand for early filing, whichever comes first
  - Parents must be served w/ a copy at least 3 business days before arraignment hearing
  - Presents maltreatment evidence
  - Addresses legal definitions of the specific maltreatments
  - Serves as notice to the parents of what is being alleged
  - Affects the case plan and TPR
  - Case plans cannot be used to force parents to correct behavior not admitted to or found by the court to have been committed

- Display PPT32, Arraignment Hearing.

  Arraignment Hearing
  - Present allegations - Parents admit, consent or deny
  - If parents admit/consent, disposition hearing is held within 15 days
  - If parents deny, adjudicatory hearing (trial) is held within 30 days
  - Failure to appear at arraignment when served with notice constitutes consent to the adjudication of dependency
  - No evidence is presented; therefore there is no burden of proof
- Display PPT33, Stipulation.

  **Stipulation**
  - Not a hearing
  - Agreement signed by all parties that prevents the need for many subsequent court proceedings
  - Reduces trial time
  - Frequently part of mediated settlement
  - Must always include a case plan

- Display PPT34-35, Adjudicatory Hearing.

  **Adjudicatory Hearing**
  - Held within 30 days of arraignment hearing
  - Trial conducted by a judge without a jury
  - Standard of proof: "preponderance of the evidence"
  - When the court adjudicates a child who is out-of-home care, they must again ask parent(s) about relatives to consider for placement
  - Court must advise parents that parental rights may be terminated if they fail to substantially comply with case plan
  - Only one order can be entered for each dependent child in the case
  - Court must find if each parent maltreated the child in a later evidentiary hearing

- Display PPT36-38, Disposition Hearing.

  **Disposition Hearing**
  - Purpose: to find & order protections, services, & placement of a dependent child
  - Occurs within 15 days of arraignment hearing if "consent" or "admit" or within 30 days after adjudicatory hearing if "deny"
  - Case plan, PDS, (home study & diligent search) must be filed 3 business days prior to the disposition hearing, but no later than 60 days after removal

  **Disposition Hearing (continued)**
  - The court may grant an exception to predisposition study requirement by separate order with the judge's order of disposition upon finding that all family and child information is available in other documents filed with the court.

  **Disposition Hearing (continued)**
  - Case plan must be served on all parties at least 3 business days prior
  - Judicial approval of the case plan often occurs at this hearing
  - If the court does not approve the case plan at the disposition hearing, or if amendments/revisions need to be made, the court must set a hearing (Judicial Approval of Case Plan) within 30 days after disposition to review & approve the case plan.
- Display PPT39, Initial Judicial Review Hearing.

- Display PPT40, Second Judicial Review.

- Display PPT41, Judicial Review Hearing for Children Awaiting Adoption.

- Display PPT42, Judicial Review Hearing Prior to Child’s 18th Birthday.
- Display PPT43, Citizen Review Panels and/or Administrative Reviews.

- Display PPT44-46, Permanency Hearing.

- Display PPT47, Termination of Parental Rights.
- Display PPT48, Termination of Parental Rights Petition - s.39.806 (1)(a)-(l).

- Display PPT49, Expedited TPR.

- Display PPT50, Termination of Parental Rights Hearing.
Dependency Hearing Map

**Activity Goal:** Learners will complete a “map” of the dependency hearings in order to recognize the hearings, associated timeframes and standard of proof.

- Divide class into groups and advise the groups to complete the blank map using the prepared envelope of paper strips **TG25, Dependency Hearing Map Game Pieces** (no reference materials should be used)
- Advise learners of the following directions:
  - “hearings” must be put in chronological order
  - “purpose” refers to the reason the hearing takes place
  - “timeframe” refers to the legally required period of time in which the hearing must occur
  - “standard of proof” is the standard that evidence must meet to support an allegation
- Lead a class discussion covering the correct sequence, and provide each with a copy of **TG26, Dependency Hearing Map Key** as an addition to their PG.
- Review hearings and timeframes periodically during the remainder of the training.

*Advise learners that this information is reviewed in Removal and Placement to allow for further familiarity.*
# Dependency Hearing Map Game Pieces

<table>
<thead>
<tr>
<th>Court Hearing</th>
<th>Purpose</th>
<th>Timeframe</th>
<th>Standard of Proof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter</td>
<td>Establishes probable cause that reasonable grounds for removal exist and the provision of appropriate and available services will not eliminate the need for placement.</td>
<td>Held within 24 hours of removal</td>
<td>Probable Cause</td>
</tr>
<tr>
<td>Arraignment</td>
<td>Provides parents or legal custodian with the opportunity to admit, deny, or consent to findings of dependency alleged in the petition.</td>
<td>No later than 28 days after the shelter hearing, or within 7 days after the date of filing the dependency petition if a demand for early filing has been made by any party</td>
<td>N/A</td>
</tr>
<tr>
<td>Adjudicatory</td>
<td>Decides a state of dependency of the child.</td>
<td>As soon as practicable after dependency petition is filed, but no later than 30 days after the arraignment.</td>
<td>Preponderance of Evidence</td>
</tr>
<tr>
<td>Disposition</td>
<td>Reviews and approves a predisposition study and case plan.</td>
<td>Within 15 days after arraignment, if parent or legal custodian admits or consents. Within 30 days after conclusion of the adjudicatory hearing, if parent or legal custodian denies.</td>
<td>N/A</td>
</tr>
<tr>
<td>Judicial Reviews</td>
<td>Reviews the child’s status and the parents’ progress towards the goal, objectives, and tasks of the case plan. Assesses progress towards establishing permanency for the child. Ensures youth’s aftercare support or SIJS.</td>
<td>No later than 90 days after disposition or approval of the case plan No later than 6 months after removal and every 6 months thereafter. No later than 6 months after date of removal to review the child’s permanency goal. 39.701(10)(e); Within 90 days after child’s 17th birthday.</td>
<td>N/A</td>
</tr>
<tr>
<td>Permanency</td>
<td>Decides when the child will achieve the permanency goal or if modifying the current goal is in the best interest of the child.</td>
<td>No later than 12 months after removal or no later than 30 days after court establishes that no reasonable efforts are required, whichever comes first. Must be held every 12 months for any child under supervision or awaiting adoption.</td>
<td>N/A</td>
</tr>
<tr>
<td>TPR Advisory</td>
<td>Informs parties of their rights; appoints counsel for the parties; and appoints a guardian ad litem for the child if not already appointed.</td>
<td>As soon as possible after all parties are served with a copy of the petition and a notice of the date, time, and location of the advisory hearing.</td>
<td>N/A</td>
</tr>
<tr>
<td>TPR Adjudicatory</td>
<td>Considers the elements required for termination of parental rights.</td>
<td>Within 45 days after the TPR advisory hearing.</td>
<td>Clear and Convincing Evidence</td>
</tr>
</tbody>
</table>
# Dependency Hearing Map Key

<table>
<thead>
<tr>
<th>Court Hearing</th>
<th>Purpose</th>
<th>Timeframe</th>
<th>Standard of Proof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter 39.402</td>
<td>To establish probable cause that reasonable grounds for removal exist and the provision of appropriate and available services will not eliminate the need for placement. 39.402(8)(d)1</td>
<td>Held within 24 hours of removal. 39.402(8)(a)</td>
<td>Probable Cause 39.402(1)</td>
</tr>
<tr>
<td>Arraignment 39.506</td>
<td>To provide parents or legal custodian with the opportunity to admit, deny, or consent to findings of dependency alleged in the petition. 39.506(1)</td>
<td>No later than 28 days after the shelter hearing, or within 7 days after the date of filing the dependency petition if a demand for early filing has been made by any party 39.506(1)</td>
<td>N/A</td>
</tr>
<tr>
<td>Adjudicatory 39.507</td>
<td>To decide a state of dependency of the child. 39.507(1)(b)</td>
<td>As soon as practicable after dependency petition is filed, but no later than 30 days after the arraignment. 39.507(1)</td>
<td>Preponderance of Evidence 39.507(1)(b)</td>
</tr>
<tr>
<td>Disposition 39.506</td>
<td>To review and approve a predisposition study and case plan. To decide how to best remedy a family’s problems and reach permanence for the child. 39.506(1)(a)</td>
<td>Within 15 days after arraignment, if parent or legal custodian admits or consents. 39.506(1) Within 30 days after conclusion of the adjudicatory hearing, if parent or legal custodian denies. 39.506(8)</td>
<td>N/A</td>
</tr>
<tr>
<td>Judicial Reviews 39.701</td>
<td>To review the child’s status and the parents’ progress towards the goal, objectives, and tasks of the case plan 39.701 To assess progress towards establishing permanency for the child. To ensure youth’s aftercare support or SIJS</td>
<td>No later than 90 days after disposition or approval of the case plan 39.701(1)(c); No later than 6 months after removal and every 6 months thereafter. 39.701(3)(a); No later than 6 months after date of removal to review the child’s permanency goal. 39.701(10)(e); Within 90 days after child’s 17th birthday. 39.701(7)(a)</td>
<td>N/A</td>
</tr>
<tr>
<td>Permanency 39.621</td>
<td>To decide when the child will achieve the permanency goal or if modifying the current goal is in the best interest of the child. 39.621(1)</td>
<td>No later than 12 months after removal or no later than 30 days after court establishes that no reasonable efforts are required, whichever comes first. Must be held every 12 months for any child under supervision or awaiting adoption. 39.621(1)</td>
<td>N/A</td>
</tr>
<tr>
<td>TPR Advisory 39.808</td>
<td>To inform parties of their rights, to appoint counsel for the parties, and to appoint a guardian ad litem if not already appointed. 39.808(2)</td>
<td>As soon as possible after all parties are served with a copy of the petition and a notice of the date, time, and location of the advisory hearing. 39.808(1)</td>
<td>N/A</td>
</tr>
<tr>
<td>TPR Adjudicatory 39.809</td>
<td>To consider the elements required for termination of parental rights. 39.809(1)</td>
<td>Within 45 days after the TPR advisory hearing. 39.809(2)</td>
<td>Clear and Convincing Evidence 39.809(1)</td>
</tr>
</tbody>
</table>
Review ~ Module 2: Court Proceedings

- Display PPT11, Module 2 Objectives.

- Ask learners the following questions to review Module 2.
  - What is the definition of a dependent child?
  - Found by the court to have been:
    - Maltreated
    - Surrendered for adoption
    - Voluntarily placed with an expired case plan or parents failed to substantially comply
    - Voluntarily placed and the parent signed a consent
    - Have no parent capable of providing supervision or care
    - At substantial risk of imminent harm
  - What does the Shelter Petition identify?
    - Why the child was removed; evidence for probable cause and reasonable grounds for removal.
  - What does the Dependency Petition identify?
    - Allegations against parents; provides information to the judge about the problems that need to be addressed in the case plan.
  - What are some of the grounds for termination of parental rights?
    - Refer to 39.8055; 39.806 and/or PG - Court Hearings and Petition Overview
  - What is the sequence for the dependency court hearings?
    - Shelter
    - Arraignment
    - Adjudicatory
    - Disposition
    - Judicial Review Hearings
    - Permanency Hearing
    - Termination of Parental Rights process