

IN THE SUPREME COURT OF FLORIDA

**IN RE: AMENDMENTS TO THE
FLORIDA RULES OF JUVENILE
PROCEDURE**

CASE NO.:

**THREE-YEAR CYCLE REPORT OF
THE JUVENILE COURT RULES COMMITTEE**

Joel M. Silvershein, Chair, Juvenile Court Rules Committee (the Committee), and John F. Harkness, Jr., Executive Director, The Florida Bar, file this three-year cycle report of the Juvenile Court Rules Committee under *Fla. R. Jud. Admin.* 2.140(b). All rule and form amendments have been approved by the full Committee and, as required by *Rule* 2.140(b)(2), reviewed by The Florida Bar Board of Governors. The voting records of the Committee and the Board of Governors are shown on the attached list of rules (see Appendix A).

As required by *Rule* 2.140(b)(2), the proposed amendments were published for comment in the June 15, 2011, Florida Bar *News* and posted for comment on The Florida Bar's website (see Appendix D). One comment was received, from Joseph Palmer, an Assistant Public Defender in Volusia County. (See Appendix E.) Mr. Palmer suggested that *Fla. R. Juv. P.* 8.305 include a requirement that the state provide a copy of the petition and police report to the public defender 24 hours before arraignment. The proposal was considered by the Delinquency Subcommittee and the full Juvenile Court Rules Committee, which declined to adopt the proposal by a vote of 26-0-1 because it is contrary to current discovery and confidentiality rules. See, e.g., *Rule* 8.060.

After the first publication of the proposed amendments, additional amendments were made to *Form* 8.947, Disposition Order – Delinquency, to conform to recent case law. (See further discussion below.) Accordingly, pursuant to *Rule* 2.140(b)(2), the amended form was published for comment in the October 15, 2011, Florida Bar *News* and posted on The Florida Bar's website. (See Appendix F.) No comments were received. The amended form was also resubmitted to the Board of Governors and approved by a vote of 28-0.

The Committee also initially proposed amendments to *Form* 8.991, Final Order Dismissing Petition for Judicial Waiver of Parental Notice of Termination of Pregnancy. However, 2011 legislative amendments to section 390.01114, Florida Statutes, made the revisions no longer correct. See Ch. 2011-227, Laws of Fla. The

Committee voted 19-0 to remove this form from the 3-year cycle package. This action was noticed in the December 15, 2011, *Florida Bar News* and posted on The Florida Bar's website. (*See* Appendix G.) No comments were received. The decision to remove the form was also approved by the Board of Governors by a vote of 35-0.

The proposed rules and forms are attached in the full-page format (*see* Appendix B) and in the two-column format (*see* Appendix C). An explanation of the amendments and the reasons for the changes are as follows:

In February 2007, Chief Justice R. Fred Lewis asked the Juvenile Court Rules Committee to review the recommendations in the National Juvenile Defender Center's (NJDC) Assessment and propose any necessary rule changes. The Committee's proposed amendments in response to the NJDC Assessment that were adopted in the last three-year cycle. However, the discussions on those amendments generated further review of all of the delinquency rules, including a side-by-side comparison with the Rules of Criminal Procedure. Additional amendments are proposed in this report as a result of that review.

Rule 8.035, Petitions for Delinquency. Multiple amendments have been made to this rule to conform it to the parallel adult rule, *Fla. R. Crim. P.* 3.140, Indictments; Informations. Subdivision (a)(1) has been amended to add a requirement that the petition be a "plain, concise, and definite written statement of the essential facts constituting the offense charged." This tracks the language found in *Rule* 3.140(b). New subdivision (a)(6) conforms to *Rule* 3.140(e), prohibiting incorporation of counts by reference in another count. New subdivision (c) conforms to the requirements of *Rule* 3.140(m) regarding provision of a copy of the indictment or information to the defendant. The subject of the second sentence of existing subdivision (d), regarding a statement of particulars, has been moved to a new subdivision (e) for emphasis. This conforms to *Rule* 3.140(n), which is a separate subdivision. Subsequent subdivisions have been redesignated.

Rule 8.070, Arraignments. A new second sentence has been added to subdivision (b), to conform the rule to *Fla. R. Crim. P.* 3.170(j), which requires that a defendant/child not be required to plead "until he or she has had a reasonable time within which to deliberate thereon."

Rule 8.075, Pleas. A new sentence has been added to the introductory paragraph of the rule, adding the same language from *Rule* 3.170(j). Subdivision

(e) has also been amended to add “nolo contendere” to the types of pleas that may be withdrawn. This amendment conforms this subdivision to *Rule* 3.170(f).

Rule 8.080, Acceptance of Guilty or Nolo Contendere Plea. Multiple amendments have been made to this rule:

(1) A new subdivision (b) has been added requiring that pleas be taken in open court. This amendment conforms the rule to *Fla. R. Crim P.* 3.172(b). Subsequent subdivisions have been redesignated.

(2) A new subdivision (b)(8) has been added requiring that the child be advised before entering a plea that a plea of guilty or nolo contendere to certain sexual offenses may require the child to register as a sexual offender. This amendment reflects sexual offender registration requirements in section 943.0435(1)(a)1d, Florida Statutes.

(3) A new subdivision (b)(10) has been added to require that the child be advised before pleading that a plea may have deportation and immigration consequences consistent with *Fla. R. Crim. P.* 3.172(c)(8).

The minority view on this rule amendment is as follows: In adult criminal cases, a plea of guilty or no contest, with or without an adjudication, can result in that person being deported. See 8 *U.S.C.* § 1227. However, that conclusion does not hold true for a child adjudicated for a delinquent act. As noted in *In Re Devison-Charles*, 22 I. & N. Dec. 1362, 1365–1366 (B.I.A. 2000), for over 60 years, the immigration court has recognized that findings of juvenile delinquency are not convictions for immigration purposes. Similarly, Florida recognizes that an adjudication of a delinquent act is not a conviction, nor does it deem a child who has been found guilty to be a criminal by reason of the adjudication. See § 985.35(6), Fla. Stat. See also *E.A.R. v. State*, 4 So. 3d 614, 617 (Fla. 2009) (recognizing juvenile justice system as rehabilitative alternative to more punitive adult criminal system).

Children before a court under the Florida Rules of Juvenile Procedure are accused of acts of delinquency, not crimes. Adoption of the language of *Rule* 8.080(b)(10) would be ill-advised because of the long-time recognition on the part of the Board of Immigration Appeals that a person cannot be deported based on the adjudication for a delinquent act. Consequently, the minority requests that the Court reject the proposed amendment creating *Fla. R. Juv. P.* 8.080(b)(10).

(4) Subdivision (e) has been amended to require that before the court accepts a plea, the parties shall advise the court of any plea agreement and may advise the court of any reasons for it. The court must advise the parties whether the court accepts or rejects the plea agreement and may state its reasons for any rejection of a plea agreement. *See Fla. R. Crim. P. 3.171.*

Rule 8.115, Disposition Hearing. A new sentence has been added to subdivision (a), which requires that if disposition is to be pronounced by a judge other than the judge who conducted the adjudicatory hearing or accepted a plea of guilty or nolo contendere, the judge must become acquainted with what transpired at the adjudicatory hearing or the facts concerning the plea and offense. This change conforms the rule to *Fla. R. Crim. P. 3.700(c)(1)*.

Rule 8.201, Commencement of Proceedings. This rule has been amended by adding three new proceedings to subdivision (a) that constitute the commencement of a dependency proceeding: a petition for an injunction under section 39.504, Florida Statutes; when a petition or affidavit for an order to take a child into custody is filed, see section 39.401(1), Florida Statutes, and *Fla. R. Juv. P. 8.300(a)*; or when any other petition authorized by Chapter 39, Florida Statutes, is filed. Subdivision (b) has also been amended to conform to these amendments.

Rule 8.225, Process, Diligent Searches, and Service of Pleadings and Papers.

The Committee believes that one of the primary reasons for delays in permanency for children is the lack of a legally sufficient and effective diligent search. Under sections 39.503(5) and 39.803(5), Florida Statutes, if the location of a parent is unknown, the Department of Children and Families (the department) must conduct a diligent search to locate the parent for service of a dependency petition or a petition to terminate parental rights. Furthermore, the diligent search is a prerequisite for constructive service of a petition to terminate parental rights. *See* §§ 49.031, 49.041, Fla. Stat. An effective diligent search will often result in the location and service of the parent. A legally sufficient diligent search will avoid successful challenges of an order terminating parental rights based on the diligent search process.

The Committee has approved revisions to *Rule 8.225* concerning the diligent search process. Currently, there is no procedure for the court to review the affidavit of diligent search to determine whether there are deficiencies in the search process. In *Rule 8.225(b)(3)*, it is proposed that the court review the affidavit of diligent

search and enter an order regarding whether the petitioner has completed the process as required by law. This allows the court to identify deficiencies in the affidavit of diligent search and prevent delays in permanency for children.

In *Rule* 8.225(b)(3), the Committee has also added a requirement that the clerk not certify a notice of action for constructive service unless the court has entered an order finding that the petitioner has conducted a diligent search as required by law. This change should prevent challenges to constructive service if the clerk inadvertently certified the notice of action before filing of the affidavit of diligent search.

In dependency proceedings, there has not been uniformity of practice regarding a court's action after filing of an affidavit of diligent search. The Committee hopes to create uniformity and clarify that in a dependency proceeding the court may proceed to grant the requested relief as to a parent whose location is unknown, without further notice.

The Committee has also addressed another delay in permanency for children — the lack of effective procedures for the identification and establishment of paternity in dependency and termination of parental rights proceedings. All prospective fathers have the ability to establish paternity no later than the adjudicatory hearing on a petition for termination of parental rights. *See* § 39.803(8), Fla. Stat. Children could be placed with a custodian for months before a termination of parental rights petition is filed. If prospective fathers are not identified and paternity is not established as soon as possible in the dependency proceedings, prospective fathers may appear late in the proceeding and claim rights to a child who may have bonded with his or her custodians. This situation could emotionally harm a child and delay permanency.

To address this issue, the Committee created *Rules* 8.225(c)–(f) to specify procedures for the establishment of paternity. *Rule* 8.225(c)(1) has no substantive changes from the language in current *Rule* 8.225(b)(1). This subdivision addresses a court's inquiry to determine the identity of parents and prospective parents under sections 39.503(1)–(2) and 39.803(1)–(2), Florida Statutes.

Proposed *Rule* 8.225(c)(2) contains language similar to current *Rule* 8.225(b)(5), which provides that if the court inquiry fails to identify any person as a parent or prospective parent, the court shall so find and proceed without further notice. However, the Committee clarified the procedure if the court determines that

a parent is unknown by adding “and may proceed to grant the requested relief of the petitioner as to the unknown parent without further notice.”

Rule 8.225(d) adds language from sections 39.503(3) and 39.803(3), Florida Statutes. These provisions require that if the inquiry identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person. *Rule 8.225(e)* has no substantive changes from current *Rule 8.225(b)(5)(A)*, which provides that the failure to serve the parents whose identity or residence is unknown shall not affect the validity of an order of adjudication if the court finds the petitioner has completed a diligent search.

Proposed *Rule 8.225(f)* creates a process for the identification of parents and establishment of parenthood in dependency and termination of parental rights proceedings. *Rule 8.225(f)(1)* requires the court to determine the identity of all parents and prospective parents at the first hearing in the proceeding. This subdivision further specifies that a prospective parent may establish paternity under Chapter 742, Florida Statutes, and allows the dependency court to conduct proceedings under Chapter 742.

Although current law allows prospective parents to become parents in the proceeding by completing a sworn affidavit of parenthood, there is no requirement that the court advise the prospective parent of this right. Proposed *Rule 8.225(f)(2)(A)* requires the court to advise any prospective parent of this right. This requirement does not apply, however, if the court has identified both parents of the child as defined by law.

In *Rule 8.225(f)(2)(B)*, the Committee included language from sections 39.503(8) and 39.803(8), Florida Statutes, which allow a prospective parent to establish parenthood by filing a sworn affidavit of parenthood. However, the Committee was concerned that a person with no biological relationship to the child could commit a fraud on the court. Therefore, a provision has been included that allows any party or the court to object to the court finding that the prospective parent is a parent in the proceeding. If there is an objection, the court may not enter an order of parenthood until proceedings are conducted under Chapter 742, Florida Statutes.

Rule 8.225(f)(2)(B) also requires the court to enter an order finding that the prospective parent is a parent in the proceeding if no other party objects to the filing of an affidavit of parenthood and if the court does not require further proceedings to determine parenthood.

At times, prospective parents may be uncertain of their parenthood or there may be two prospective parents for the same child. *Rule* 8.225(f)(2)(C) provides that the court may conduct proceedings under Chapter 742, Florida Statutes, to resolve any uncertainties or disputes.

Currently, there is no procedure for prospective parents to waive rights to a child. *Rule* 8.225(f)(2)(D) permits the prospective parent to file a sworn affidavit of nonpaternity waiving all potential rights to the child and notice and service in the proceedings.

In some instances there may be an identified parent, but another person claims to have rights as the alleged biological parent in the proceeding. *Rule* 8.225(f)(2)(E) clarifies that the court should not recognize an alleged biological parent as a parent in the proceedings until an order has been entered establishing that person as a parent in the proceeding.

Rule 8.260, Orders. Subdivision (a) has been amended to clarify that all orders must be signed by the judge. *See* § 39.0132(5), Fla. Stat. Subdivision (d) has been amended to list the types of orders over which a dependency order takes precedence. *See* § 39.013(4), Fla. Stat. Terminology has also been changed to be consistent with amendments to Chapter 61, Florida Statutes. *See, e.g.*, §§ 61.046(14) and (23), 61.13(2), Fla. Stat.

Rules 8.285 and 8.286, Contempt. Under Florida law, there are four different types of contempt: direct civil contempt, indirect civil contempt, direct criminal contempt, and indirect criminal contempt. The title of *Rule* 8.285 has been amended to “Criminal Contempt” because the procedures described in it apply only to criminal contempt proceedings. A new *Rule* 8.286, Civil Contempt, has been added to govern civil contempt proceedings. *Rule* 8.286 was substantially based on *Fla. Fam. L. R. P.* 12.615, with appropriate modifications for dependency rather than support matters.

Rule 8.340, Disposition Hearings. Subdivision (c) has been amended to more closely conform to the requirements for disposition orders in section 39.521(1)(d), Florida Statutes. Subdivision (c)(4) of the amended rule, for example, tracks the current language in section 39.521(1)(d)4, Florida Statutes, subdivision (c)(6) tracks the language of section 39.521(1)(d)6, Florida Statutes, and subdivision (c)(8) includes the requirement in section 39.521(1)(d)8a, Florida Statutes, for findings regarding diligent efforts to locate a suitable adult relative for placement of the child.

Rule 8.345, Post-Disposition Relief. Subdivision (b) of this rule has been amended to provide that jurisdiction does not terminate at age 18 if the court has extended jurisdiction over the child. *See* § 39.013(2), Fla. Stat., and *Form* 8.974.

Rule 8.347, Motion to Supplement Order of Adjudication, Disposition Order, and Case Plan. In 2008, section 39.507(7), Florida Statutes, was amended to clarify that the dependency adjudication of a child creates a legal status of the child based on the conduct of one or both parents. The dependency adjudication does not adjudicate the parents to be dependent; the child is adjudicated. Therefore, the legislature required that the court enter only one dependency adjudication order.

There may be circumstances in which the child’s adjudication is based on the conduct of one parent and yet there are concerns for the safety of the child as to the other parent that arise or continue to exist after the initial adjudication. Thus, the statutes provide that the court must determine whether each parent identified in the case abused, abandoned, or neglected the child in a subsequent adjudicatory hearing. The court may then supplement the original adjudication order, disposition order, and case plan. *See* § 39.507(7)(b), Fla. Stat.

These statutory amendments caused practitioners significant confusion regarding the process for requesting the court to supplement the original orders of adjudication and disposition and the case plan. Because of this confusion, there is no uniformity of practice throughout the state. The Committee, therefore, is proposing a rule to create a uniform process.

Under proposed *Rule* 8.347(a), any party may file a motion to request the court to supplement the order of adjudication with findings that the parent or legal custodian contributed to the dependent status of the child under the statutory definition of a dependent child. *See* § 39.01(15), Fla. Stat. The Committee used the language “contributed to the dependency status of the child” to clarify that the adjudication order should be supplemented with findings regarding how the parent or custodian “contributed” to the dependent status of the child, since that status has already been adjudicated. The Committee referred to “the statutory definition of a dependent child” to clarify that any supplemental findings would be based on the same criteria in section 39.01(15), Florida Statutes, as the original adjudication order.

Rule 8.347(b) specifies the requirements for the contents of the motion to supplement the adjudication order. These requirements are similar to the

requirements for the contents of a dependency petition pursuant to section 39.501(3)(a), Florida Statutes. *See also Rule 8.310. Rule 8.347(c)* requires that the motion be verified and *Rule 8.347(d)* allows the motion to be amended.

Rule 8.347(e) contains service requirements similar to those required for service of a dependency petition. *Rule 8.347(e)(2)* requires that the parents or legal custodians be served with a summons and a copy of the motion if they were not properly served with the dependency petition or if they had not previously appeared in the proceeding. This subdivision requires that the parent or legal custodian be served not less than 72 hours before the preliminary hearing on the motion.

Rule 8.347(f) requires a preliminary hearing on the motion to allow the parties and the court to determine whether the person who is the subject of the motion was properly served, whether the party is represented by counsel, and whether an evidentiary hearing on the motion is required. The preliminary hearing is similar to the arraignment hearing in *Rule 8.315*. The parent or legal custodian may consent to the motion without admitting or denying the allegations of the motion.

Rules 8.347(g)–(i) specify procedures for the evidentiary hearing on the motion, the supplemental order of adjudication, and supplemental disposition hearing. These procedures are very similar to the procedures for an adjudicatory hearing in *Rule 8.330* and a disposition hearing in *Rule 8.340*.

Rule 8.350, Placement of Child into Residential Treatment Center After Adjudication of Dependency. Subdivision (a)(11)(A)(iii) has been deleted because the requirement that the court consider the recommendation of a case review committee is not in section 39.407(6), Florida Statutes.

Rule 8.517, Withdrawal and Appointment of Counsel. A new rule has been created to govern the withdrawal of counsel of record for a parent or custodian in a dependency or termination of parental rights proceeding following an order appointing appellate counsel. The rule delineates the steps that trial counsel must take before withdrawing, whether or not the parent or custodian wishes to pursue appellate remedies.

Forms 8.908, 8.929, 8.959, 8.960, 8.961, 8.963, 8.964, 8.965, 8.966, 8.967, 8.970, 8.973, 8.975, 8.979, and 8.982. *Fla. R. Jud. Admin. 2.540(c)* requires that all notices of court proceedings and all process compelling attendance contain language regarding accommodations for persons with disabilities. The required

language in *Rule 2.540(c)(1)* was amended in 2010. See *In re Amendment to Florida Rule of Judicial Administration 2.540*, 41 So. 3d 881 (Fla. 2010). The ADA notices in these forms have been amended to conform to amended *Rule 2.540(c)(1)*. *Forms 8.929* and *8.961*, which include notices of hearing, have also had ADA blocks added. Additional changes to these forms are as follows:

In *Form 8.963*, Injunction Order, a grammatical correction has also been made in the second paragraph of item 3, in the “Ordered and Adjudged” section. An “s” has been added to “exclude.” In *Form 8.965*, Arraignment Order, the list at the beginning of the form of who was present at the hearing has had dots added after “Other” to allow filling in the name of the person present. This conforms this form to other orders. See, e.g., *Form 8.966*. Item 4 in the findings section has a grammatical correction. The word “in” has been added before “shelter care.” This word was deleted in the last opinion amending this form, but should be there. See *Amendments to the Rules of Juvenile Procedure*, 783 So. 2d 138, 219 (Fla. 2000).

In *Form 8.966*, Adjudication Order — Dependency, an “(s)” has been added to “Name” to make it agree with “Minor child(ren).” In addition, a dotted line before “waived” in item 3 has been removed. Compare item 2.

In *Form 8.967*, item 8d, a blank space has been added between the line for the case plan goal and the check-off line to show that the goal is reasonable. The blank is missing in West’s *Florida Rules of Court Revised, Volume I – State, 2011* and *Amendments to Florida Rules of Juvenile Procedure*, 827 So. 2d 219, 251 (Fla. 2002), but should be there.

In *Form 8.973*, Order on Judicial Review for Child Age 17 or Older, items 20 to 26 in the findings section do not have check-off lines in West’s *Florida Rules of Court Revised, Volume I – State, 2011*. The lines are found, however, in *In re Amendments to the Florida Rules of Juvenile Procedure*, 915 So. 2d 592, 607–608 (Fla. 2005). The dotted lines have been added to the form. The same error is found in items 6 and 7 of the ordered and adjudged section and has also been corrected.

In *Form 8.982*, Notice of Action For Advisory Hearing, blank lines to fill in information are not found in the first full paragraph of the Spanish section of the form in either West’s *Florida Rules of Court Revised, Volume I – State, 2011* or *In re Amendments to the Florida Rules of Juvenile Procedure*, 26 So. 3d 552, 568–569 (Fla. 2009). The lines should be there (compare *Form 8.979*) and have been added. In the last line above the signature block, blank lines are also missing and have been added. In the last line above the signature block in the Creole section,

dotted lines have been added before and after the parenthetical “(dat)” to show that information should be filled in.

Form 8.947, Disposition Order — Delinquency. This form has been amended to include the specific statutory authority for costs and fees imposed on the child by the court. In recent years, Florida appellate courts have reversed trial courts’ imposition of fees and costs because of the court’s failure to provide the statutory basis for those fees and costs. *See, e.g., V.D. v. State*, 922 So. 2d 1037 (Fla. 5th DCA 2006). The form has also been amended to correct the statutory basis for collection of a DNA sample at disposition.

After the initial revisions were approved to this form, a committee member brought to the Committee’s attention additional case law that required further revisions to the form. In *S.F. v. State*, 56 So. 3d 116 (Fla. 3d DCA 2010), and *R.F. v. State*, 42 So. 3d 333 (Fla. 2d DCA 2010), the courts held that costs under section 939.185, Florida Statutes, could be imposed only if the child was adjudicated delinquent. This provision was, therefore, amended to conform to this case law. As required by *Rule* 2.140, the revised rule was published for comment in the October 15, 2011, Florida Bar *News* and posted on the Bar’s website (see Appendix F). No comments were received. The amended form was also approved by the Board of Governors by a vote of 28-0.

Form 8.952, Findings for Juvenile Sexual Offender Registration. This new form provides the court with the necessary factual findings required under section 943.0435(1)(a)1d, Florida Statutes, in determining whether a child is required to register as a sexual offender. The form also provides clarity for the child by indicating clearly whether registration is or is not required.

The Juvenile Court Rules Committee respectfully requests that the Court amend the Florida Rules of Juvenile Procedure as outlined in this report.

Respectfully submitted January 31, 2012.

/s/ Joel M. Silvershein

Joel M. Silvershein

Chair

Juvenile Court Rules Committee

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/s/ John F. Harkness, Jr.

John F. Harkness, Jr.

Executive Director

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FLORIDA BAR NO.:

CERTIFICATE OF SERVICE

I certify that a copy of this report was served by U.S. Mail on January 31, 2012 to Joseph Palmer, Office of the Public Defender, 440½ South Beach Street, Daytona Beach, FL 32114.

/s/ Krys Godwin

CERTIFICATE OF COMPLIANCE

I certify that these rules and forms were read against West’s *Florida Rules of Court Revised, Volume I – State, 2011* and *In re Amendments to the Florida Rules of Juvenile Procedure*, 36 FLW S601 (Fla. 2011).

/s/ Ellen H. Sloyer

Ellen H. Sloyer
Rules Committee Staff Liaison
651 E. Jefferson Street
Tallahassee, FL 32399-2300

APPENDIX A

APPX. A-1

LIST OF RULES

8.000.	SCOPE AND PURPOSE	[NO CHANGE]
8.003.	FAMILY LAW COVER SHEET	[NO CHANGE]
	PART I. DELINQUENCY PROCEEDINGS	
	A. PRELIMINARY PROCEEDINGS	
8.005.	ORDERING CHILDREN INTO CUSTODY	[NO CHANGE]
8.010.	DETENTION HEARING	[NO CHANGE]
8.013.	DETENTION PETITION AND ORDER	[NO CHANGE]
8.015.	ARRAIGNMENT OF DETAINED CHILD	[NO CHANGE]
	B. PLEADINGS, PROCESS, AND ORDERS	
8.025.	STYLE OF PLEADINGS AND ORDERS	[NO CHANGE]
8.030.	COMMENCEMENT OF FORMAL PROCEEDINGS	[NO CHANGE]
8.031.	PETITION FOR PARENTAL SANCTIONS	[NO CHANGE]
8.035.	PETITIONS FOR DELINQUENCY	[AMENDED]
	<u>Committee vote:</u> 31-0-0	
	<u>Board of Governors vote:</u> 41-0	
8.040.	PROCESS	[NO CHANGE]
8.041.	WITNESS ATTENDANCE AND SUBPOENAS	[NO CHANGE]
8.045.	NOTICE TO APPEAR	[NO CHANGE]
8.055.	ORDERS	[NO CHANGE]
	C. DISCOVERY	
8.060.	DISCOVERY	[NO CHANGE]
8.065.	NOTICE OF DEFENSE OF ALIBI	[NO CHANGE]
	D. ARRAIGNMENTS AND PLEAS	
8.070.	ARRAIGNMENTS	[AMENDED]
	<u>Committee vote:</u> 28-3-0	
	<u>Board of Governors vote:</u> 41-0	

8.075. PLEAS [AMENDED]
Committee vote: (a) 30-1-0; (e) 18-0-2
Board of Governors vote: 41-0

8.080. ACCEPTANCE OF GUILTY OR NOLO [AMENDED]
CONTENDERE PLEA
Committee vote: (b) 31-0-1; (c)(8) 28-0-
0; (c)(10) 17-6-0; (f) 21-1-2
Board of Governors vote: 41-0

E. MOTIONS AND SERVICE OF PLEADINGS

8.085. PREHEARING MOTIONS AND SERVICE [NO CHANGE]

8.090. SPEEDY TRIAL [NO CHANGE]

8.095. PROCEDURE WHEN CHILD BELIEVED TO [NO CHANGE]
BE INCOMPETENT OR INSANE

F. HEARINGS

8.100. GENERAL PROVISIONS FOR HEARINGS [NO CHANGE]

8.104. TESTIMONY BY CLOSED-CIRCUIT [NO CHANGE]
TELEVISION

8.105. WAIVER OF JURISDICTION [NO CHANGE]

8.110. ADJUDICATORY HEARINGS [NO CHANGE]

8.115. DISPOSITION HEARING [AMENDED]
Committee vote: 20-0-0
Board of Governors vote: 41-0

8.120. POST-DISPOSITION HEARING [NO CHANGE]

G. RELIEF FROM ORDERS AND JUDGMENTS

8.130. MOTION FOR REHEARING [NO CHANGE]

8.135. CORRECTION OF DISPOSITION OR [NO CHANGE]
COMMITMENT ORDERS

8.140.	EXTRAORDINARY RELIEF	[NO CHANGE]
8.145.	SUPERSEDEAS ON APPEAL	[NO CHANGE]
	H. CONTEMPT	
8.150.	CONTEMPT	[NO CHANGE]
	I. GENERAL PROVISIONS	
8.160.	TRANSFER OF CASES	[NO CHANGE]
8.165.	PROVIDING COUNSEL TO PARTIES	[NO CHANGE]
8.170.	GUARDIAN AD LITEM	[NO CHANGE]
8.180.	COMPUTATION AND ENLARGEMENT OF TIME	[NO CHANGE]
8.185.	COMMUNITY ARBITRATION	[NO CHANGE]
	PART II. DEPENDENCY AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS	
	A. GENERAL PROVISIONS	
8.201.	COMMENCEMENT OF PROCEEDINGS <u>Committee vote:</u> 26-0-0 <u>Board of Governors vote:</u> 41-0	[AMENDED]
8.203.	APPLICATION OF UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT	[NO CHANGE]
8.205.	TRANSFER OF CASES	[NO CHANGE]
8.210.	PARTIES AND PARTICIPANTS	[NO CHANGE]
8.215.	GUARDIAN AD LITEM	[NO CHANGE]
8.217.	ATTORNEY AD LITEM	[NO CHANGE]
8.220.	STYLE OF PLEADING AND ORDERS	[NO CHANGE]
8.224.	PERMANENT MAILING ADDRESS	[NO CHANGE]

8.225.	PROCESS, DILIGENT SEARCHES, AND SERVICE OF PLEADINGS AND PAPERS <u>Committee vote:</u> 15-0-3 <u>Board of Governors vote:</u> 41-0	[AMENDED]
8.230.	PLEADINGS TO BE SIGNED	[NO CHANGE]
8.235.	MOTIONS	[NO CHANGE]
8.240.	COMPUTATION, CONTINUANCE, EXTENSION, AND ENLARGEMENT OF TIME	[NO CHANGE]
8.245.	DISCOVERY	[NO CHANGE]
8.250.	EXAMINATIONS, EVALUATION, AND TREATMENT	[NO CHANGE]
8.255.	GENERAL PROVISIONS FOR HEARINGS	[NO CHANGE]
8.257.	GENERAL MAGISTRATES	[NO CHANGE]
8.260.	ORDERS <u>Committee vote:</u> 21-0-4 <u>Board of Governors vote:</u> 41-0	[AMENDED]
8.265.	MOTION FOR REHEARING	[NO CHANGE]
8.270.	RELIEF FROM JUDGMENTS OR ORDERS	[NO CHANGE]
8.276.	APPEAL PROCEDURES	[NO CHANGE]
8.285.	<u>CRIMINAL CONTEMPT</u> <u>Committee vote:</u> 11-7-1 <u>Board of Governors vote:</u> 41-0	[AMENDED]
8.286.	<u>CIVIL CONTEMPT</u> <u>Committee vote:</u> 17-0-1 <u>Board of Governors vote:</u> 41-0	[NEW RULE]

8.290.	DEPENDENCY MEDIATION	[NO CHANGE]
8.292.	APPOINTMENT AND DISCHARGE OF SURROGATE PARENT	[NO CHANGE]
	B. TAKING CHILDREN INTO CUSTODY AND SHELTER HEARINGS	
8.300.	TAKING INTO CUSTODY	[NO CHANGE]
8.305.	SHELTER PETITION, HEARING, AND ORDER	[NO CHANGE]
	C. PETITION, ARRAIGNMENT, ADJUDICATION, AND DISPOSITION	
8.310.	DEPENDENCY PETITIONS	[NO CHANGE]
8.315.	ARRAIGNMENTS AND PREHEARING CONFERENCES	[NO CHANGE]
8.320.	PROVIDING COUNSEL TO PARTIES	[NO CHANGE]
8.325.	ANSWERS AND PLEADINGS	[NO CHANGE]
8.330.	ADJUDICATORY HEARINGS	[NO CHANGE]
8.332.	ORDER FINDING DEPENDENCY	[NO CHANGE]
8.335.	ALTERNATIVES PENDING DISPOSITION	[NO CHANGE]
8.340.	DISPOSITION HEARINGS <u>Committee vote:</u> 23-0-1 <u>Board of Governors vote:</u> 41-0	[AMENDED]
8.345.	POST-DISPOSITION RELIEF <u>Committee vote:</u> 22-0-1 <u>Board of Governors vote:</u> 41-0	[AMENDED]

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| 8.347. | <u>MOTION TO SUPPLEMENT ORDER OF
ADJUDICATION, DISPOSITION ORDER,
AND CASE PLAN</u>
<u>Committee vote: 20-0-0</u>
<u>Board of Governors vote: 41-0</u> | [NEW RULE] |
| 8.350. | PLACEMENT OF CHILD INTO
RESIDENTIAL TREATMENT CENTER
AFTER ADJUDICATION OF DEPENDENCY
<u>Committee vote: 25-0-0</u>
<u>Board of Governors vote: 41-0</u> | [AMENDED] |
| 8.355. | ADMINISTRATION OF PSYCHOTROPIC
MEDICATION TO A CHILD IN SHELTER
CARE OR IN FOSTER CARE WHEN
PARENTAL CONSENT HAS NOT BEEN
OBTAINED | [NO CHANGE] |

D. CASE PLANS

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| 8.400. | CASE PLAN DEVELOPMENT | [NO CHANGE] |
| 8.410. | APPROVAL OF CASE PLANS | [NO CHANGE] |
| 8.415. | JUDICIAL REVIEW OF DEPENDENCY
CASES | [NO CHANGE] |
| 8.420. | CASE PLAN AMENDMENTS | [NO CHANGE] |
| 8.425. | PERMANENCY HEARINGS | [NO CHANGE] |
| 8.430. | MODIFICATION OF PERMANENCY ORDER | [NO CHANGE] |

E. TERMINATION OF PARENTAL RIGHTS

8.500.	PETITION	[NO CHANGE]
8.505.	PROCESS AND SERVICE	[NO CHANGE]
8.510.	ADVISORY HEARING AND PRETRIAL STATUS CONFERENCES	[NO CHANGE]
8.515.	PROVIDING COUNSEL TO PARTIES	[NO CHANGE]
8.517.	<u>WITHDRAWAL AND APPOINTMENT OF COUNSEL</u> <u>Committee vote: 21-1-5</u> <u>Board of Governors vote: 41-0</u>	[NEW RULE]
8.520.	ANSWERS AND RESPONSIVE PLEADINGS	[NO CHANGE]
8.525.	ADJUDICATORY HEARINGS	[NO CHANGE]
8.535.	POSTDISPOSITION HEARINGS	[NO CHANGE]

PART III. PROCEEDINGS FOR FAMILIES AND CHILDREN IN NEED OF SERVICES

8.601.	COMMENCEMENT OF PROCEEDINGS	[NO CHANGE]
8.603.	APPLICATION OF UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT	[NO CHANGE]
8.605.	TRANSFER OF CASES	[NO CHANGE]
8.610.	PARTIES	[NO CHANGE]
8.615.	PROVIDING COUNSEL TO PARTIES	[NO CHANGE]

8.617.	GUARDIAN AD LITEM	[NO CHANGE]
8.620.	STYLE OF PLEADINGS AND ORDERS	[NO CHANGE]
8.625.	GENERAL PROVISIONS FOR HEARINGS	[NO CHANGE]
8.630.	COMPUTATION AND ENLARGEMENT OF TIME	[NO CHANGE]
8.635.	PROCESS	[NO CHANGE]
8.640.	PLEADINGS TO BE SIGNED	[NO CHANGE]
8.645.	ORDERS	[NO CHANGE]
8.650.	TAKING INTO CUSTODY	[NO CHANGE]
8.655.	SHELTER PETITION, HEARING, AND ORDER	[NO CHANGE]
8.660.	PETITIONS	[NO CHANGE]
8.665.	ANSWERS, ARRAIGNMENTS, AND PREHEARING CONFERENCES	[NO CHANGE]
8.670.	MOTIONS	[NO CHANGE]
8.675.	EXAMINATIONS, EVALUATION, AND TREATMENT	[NO CHANGE]
8.680.	DISCOVERY	[NO CHANGE]
8.685.	ADJUDICATORY HEARINGS	[NO CHANGE]
8.690.	DISPOSITION HEARINGS	[NO CHANGE]
8.695.	POSTDISPOSITION RELIEF	[NO CHANGE]

PART IV. OTHER PROCEEDINGS

A. GUARDIAN ADVOCATES FOR DRUG- DEPENDENT NEWBORNS

8.705.	COMMENCEMENT OF PROCEEDINGS	[NO CHANGE]
8.710.	PARTIES	[NO CHANGE]
8.715.	GUARDIAN AD LITEM	[NO CHANGE]
8.720.	PROCESS AND SERVICE	[NO CHANGE]
8.725.	PETITION	[NO CHANGE]
8.730.	HEARING	[NO CHANGE]
8.735.	REVIEW AND REMOVAL	[NO CHANGE]

B. JUDICIAL WAIVER OF PARENTAL
NOTICE OF
TERMINATION OF PREGNANCY

8.800.	APPLICABILITY	[NO CHANGE]
8.805.	COMMENCEMENT OF PROCEEDINGS	[NO CHANGE]
8.810.	PETITION	[NO CHANGE]
8.815.	COUNSEL	[NO CHANGE]
8.820.	HEARING	[NO CHANGE]
8.825.	ORDER AND JUDGMENT	[NO CHANGE]
8.830.	TRANSCRIPTS	[NO CHANGE]
8.835.	CONFIDENTIALITY OF RECORDS	[NO CHANGE]

PART V. FORMS FOR USE WITH RULES OF
JUVENILE PROCEDURE

A. GENERAL FORMS

8.901.	CAPTION OF PLEADINGS AND ORDERS	[NO CHANGE]
8.902.	VERIFICATION	[NO CHANGE]
8.903.	CERTIFICATE OF SERVICE	[NO CHANGE]
8.904.	AFFIDAVIT FOR ORDER TO TAKE INTO CUSTODY	[NO CHANGE]
8.905.	ORDER TO TAKE INTO CUSTODY	[NO CHANGE]
8.906.	RELEASE ORDER	[NO CHANGE]
8.907.	TRANSFER ORDER	[NO CHANGE]
8.908.	SUMMONS	[AMENDED]
	<u>Committee vote:</u> 25-0-0	
	<u>Board of Governors vote:</u> 41-0	
8.909.	PLAN FOR TREATMENT, TRAINING, OR CONDUCT	[NO CHANGE]
8.911.	UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT AFFIDAVIT	[NO CHANGE]
8.912.	PETITION TO SHOW CAUSE	[NO CHANGE]
8.913.	ORDER TO SHOW CAUSE	[NO CHANGE]

B. DELINQUENCY FORMS

8.929.	DETENTION ORDER	[AMENDED]
	<u>Committee vote:</u> 25-0-0	
	<u>Board of Governors vote:</u> 41-0	
8.930.	JUVENILE NOTICE TO APPEAR	[NO CHANGE]
8.931.	DELINQUENCY PETITION	[NO CHANGE]
8.932.	APPLICATION FOR COUNSEL AND ORDER	[NO CHANGE]
8.933.	WAIVER OF COUNSEL	[NO CHANGE]

8.934.	ORDER TO DETERMINE MENTAL CONDITION	[NO CHANGE]
8.935.	ORDER OF INCOMPETENCY	[NO CHANGE]
8.936.	ORDER OF COMPETENCY	[NO CHANGE]
8.937.	DEMAND FOR VOLUNTARY WAIVER	[NO CHANGE]
8.938.	ORDER OF VOLUNTARY WAIVER	[NO CHANGE]
8.939.	MOTION FOR INVOLUNTARY WAIVER	[NO CHANGE]
8.940.	MOTION TO COMPILE REPORT	[NO CHANGE]
8.941.	ORDER TO COMPILE REPORT	[NO CHANGE]
8.942.	ORDER OF INVOLUNTARY WAIVER	[NO CHANGE]
8.947.	DISPOSITION ORDER — DELINQUENCY <u>Committee vote: 27-0-0; 25-0-0</u> <u>Board of Governors vote: 41-0; 28-0</u>	[AMENDED]
8.948.	PETITION FOR REVOCATION OF JUVENILE PROBATION	[NO CHANGE]
8.949.	ORDER FOR HIV TESTING	[NO CHANGE]
8.950.	RESTITUTION ORDER	[NO CHANGE]
8.951.	MOTION FOR JUVENILE SEXUAL OFFENDER PLACEMENT	[NO CHANGE]
8.952.	<u>FINDINGS FOR JUVENILE SEXUAL OFFENDER REGISTRATION</u> <u>Committee vote: 27-0-3</u> <u>Board of Governors vote: 41-0</u>	[NEW FORM]

C. DEPENDENCY FORMS

8.958.	ORDER APPOINTING SURROGATE PARENT	[NO CHANGE]
8.959.	SUMMONS FOR DEPENDENCY ARRAIGNMENT	[AMENDED]

	<u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	
8.960.	SHELTER PETITION <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.961.	SHELTER ORDER <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.961(a).	ORDER AUTHORIZING ACCESS TO CHILD’S MEDICAL RECORDS AND EDUCATIONAL RECORDS	[NO CHANGE]
8.962.	MOTION FOR INJUNCTION	[NO CHANGE]
8.963.	INJUNCTION ORDER <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.964.	DEPENDENCY PETITION <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.965.	ARRAIGNMENT ORDER <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.966.	ADJUDICATION ORDER — DEPENDENCY <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.967.	ORDER OF DISPOSITION, ACCEPTANCE OF CASE PLAN, AND NOTICE OF HEARING <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.968.	AFFIDAVIT OF DILIGENT SEARCH	[NO CHANGE]

8.969.	SWORN STATEMENT REGARDING IDENTITY OR LOCATION OF FATHER	[NO CHANGE]
8.970.	ORDER ON JUDICIAL REVIEW <u>Committee vote:</u> 25-0-0 <u>Board of Governors vote:</u> 41-0	[AMENDED]
8.971.	MOTION TO TERMINATE JURISDICTION	[NO CHANGE]
8.972.	ORDER TERMINATING JURISDICTION	[NO CHANGE]
8.973.	ORDER ON JUDICIAL REVIEW FOR CHILD AGE 17 OR OLDER <u>Committee vote:</u> 25-0-0 <u>Board of Governors vote:</u> 41-0	[AMENDED]
8.974.	PETITION TO EXTEND OR REINSTATE COURT'S JUDISDICTION	[NO CHANGE]
8.975.	DEPENDENCY ORDER WITHHOLDING ADJUDICATION <u>Committee vote:</u> 25-0-0 <u>Board of Governors vote:</u> 41-0	[AMENDED]
8.976.	PROPOSED RELATIVE PLACEMENT	[NO CHANGE]
8.977.	ORDER AUTHORIZING CHILD TO ENTER INTO RESIDENTIAL LEASEHOLD AND SECURE UTILITY SERVICES BEFORE THE CHILD'S 18TH BIRTHDAY	[NO CHANGE]
8.978.	ORDER AUTHORIZING CHILD TO SECURE DEPOSITORY FINANCIAL SERVICES BEFORE THE CHILD'S 18TH BIRTHDAY	[NO CHANGE]
8.978(a).	ORDER CONCERNING YOUTH'S ELIGIBILITY FOR FLORIDA'S TUITION AND FEE EXEMPTION D. TERMINATION OF PARENTAL RIGHTS FORMS	[NO CHANGE]

8.979.	SUMMONS FOR ADVISORY HEARING <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.980.	PETITION FOR TERMINATION OF PARENTAL RIGHTS BASED ON VOLUNTARY RELINQUISHMENT	[NO CHANGE]
8.981.	PETITION FOR INVOLUNTARY TERMINATION OF PARENTAL RIGHTS	[NO CHANGE]
8.982.	NOTICE OF ACTION FOR ADVISORY HEARING <u>Committee vote: 25-0-0</u> <u>Board of Governors vote: 41-0</u>	[AMENDED]
8.983.	ADJUDICATION ORDER AND JUDGMENT OF INVOLUNTARY TERMINATION OF PARENTAL RIGHTS	[NO CHANGE]
8.984.	JUDGMENT OF VOLUNTARY TERMINATION OF PARENTAL RIGHTS	[NO CHANGE]
8.985.	MOTION TO TERMINATE SUPERVISION AND JURISDICTION	[NO CHANGE]
8.986.	ORDER TERMINATING SUPERVISION AND JURISDICTION	[NO CHANGE]
	E. JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY FORMS	
8.987.	PETITION FOR JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY	[NO CHANGE]
8.988.	SWORN STATEMENT OF TRUE NAME AND PSEUDONYM	[NO CHANGE]
8.989.	ADVISORY NOTICE TO MINOR	[NO CHANGE]

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| 8.990. | FINAL ORDER GRANTING PETITION FOR JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY | [NO CHANGE] |
| 8.991. | FINAL ORDER DISMISSING PETITION FOR JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY | [NO CHANGE] |
| 8.992. | CLERK'S CERTIFICATE PURSUANT TO SECTION 390.01114(4)(b), FLORIDA STATUTES | [NO CHANGE] |

APPENDIX B

APPX. B-1

RULE 8.035. PETITIONS FOR DELINQUENCY

(a) Contents of Petition.

(1) Each petition shall be entitled a petition for delinquency and shall allege facts showing the child to have committed a delinquent act. The petition must be a plain, concise, and definite written statement of the essential facts constituting the offense charged.

(2) The petition shall contain allegations as to the identity and residence of the parents or custodians, if known.

(3) In petitions alleging delinquency, each count shall recite the official or customary citations of the statute, ordinance, rule, regulation, or other provision of the law which the child is alleged to have violated, including the degree of each offense.

(4) Two or more allegations of the commission of delinquent acts may appear in the same petition, in separate counts.

(5) Two or more children may be the subject of the same petition if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. The children may be named in ~~one~~ or more counts together or separately and all of them need not be named in each count.

(6) Allegations made in one count shall not be incorporated by reference in another count.

(b) Verification. The petition shall be signed by the state attorney or assistant state attorney, stating under oath the petitioner's good faith in filing the petition. No objection to a petition on the grounds that it was not signed or verified, as herein provided, shall be entertained after a plea to the merits.

(c) Child's Right to Copy of Petition. Upon application to the clerk, a child must be furnished a copy of the petition and the endorsements on it at least 24 hours before being required to plead to the petition.

(ed) Amendments. At any time prior to the adjudicatory hearing an amended petition may be filed or the petition may be amended on motion. Amendments shall be freely permitted in the interest of justice and the welfare of

the child. A continuance may be granted upon motion and a showing that the amendment prejudices or materially affects any party.

(e) Statement of Particulars. The court, on motion, must order the prosecuting attorney to furnish a statement of particulars when the petition on which the child is to be tried fails to inform the child of the particulars of the offense sufficiently to enable the child to prepare a defense. The statement of particulars must specify as definitely as possible the place, date, and all other material facts of the crime charged that are specifically requested and are known to the prosecuting attorney. Reasonable doubts concerning the construction of this rule shall be resolved in favor of the child.

(df) Defects and Variances. No petition or any count thereof shall be dismissed, or any judgment vacated, on account of any defect in the form of the petition or of misjoinder of offenses or for any cause whatsoever. ~~If the court is of the opinion that the petition is so vague, indistinct, and indefinite as to mislead the child and prejudice the child in the preparation of a defense, the petitioner may be required to furnish a statement of particulars.~~

RULE 8.070. ARRAIGNMENTS

(a) **Appointment of Counsel.** Prior to the adjudicatory hearing, the court may conduct a hearing to determine whether a guilty, nolo contendere, or not guilty plea to the petition shall be entered and whether the child is represented by counsel or entitled to appointed counsel as provided by law. Counsel shall be appointed if the child qualifies for such appointment and does not waive counsel in writing subject to the requirements of rule 8.165.

(b) **Plea.** The reading or statement as to the charge or charges may be waived by the child. No child, whether represented by counsel or otherwise, shall be called on to plead unless and until he or she has had a reasonable time within which to deliberate thereon. If the child is represented by counsel, counsel may file a written plea of not guilty at or before arraignment and arraignment shall then be deemed waived. If a plea of guilty or nolo contendere is entered, the court shall proceed as set forth under rule 8.115, disposition hearings. If a plea of not guilty is entered, the court shall set an adjudicatory hearing within the period of time provided by law. The child is entitled to a reasonable time in which to prepare for trial.

Committee Notes

1991 Adoption. This rule creates an arraignment proceeding that is referred to in section 985.215(7), Florida Statutes.

RULE 8.075. PLEAS

No written answer to the petition nor any other pleading need be filed. No child, whether represented by counsel or otherwise, shall be called upon to plead until he or she has had a reasonable time within which to deliberate thereon.

(a) Acceptance of Plea. In delinquency cases the child may plead guilty, nolo contendere, or not guilty. The court may refuse to accept a plea of guilty or nolo contendere, and shall not accept either plea without first determining that the plea is made voluntarily and with a full understanding of the nature of the allegations and the possible consequences of such plea and that there is a factual basis for such plea.

(b) Plan of Proposed Treatment, Training, or Conduct. After the filing of a petition and prior to the adjudicatory hearing, a plan of proposed treatment, training, or conduct may be submitted on behalf of the child in lieu of a plea. The appropriate agencies of the Department of Juvenile Justice or other agency as designated by the court shall be the supervising agencies for said plan and the terms and conditions of all such plans shall be formulated in conjunction with the supervising agency involved. The submission of a plan is not an admission of the allegations of the petition of delinquency.

If such a plan is submitted the procedure shall be as follows:

(1) The plan must be in writing, agreed to and signed in all cases by the state attorney, the child, and, when represented, by the child's counsel, and, unless excused by the court, by the parents or custodian. An authorized agent of the supervising agency involved shall indicate whether the agency recommends the acceptance of the plan.

(2) The plan shall contain a stipulation that the speedy trial rule is waived and shall include the state attorney's consent to defer the prosecution of the petition.

(3) After hearing, which may be waived by stipulation of the parties and the supervising agency, the court may accept the plan and order compliance therewith, or may reject it. If the plan is rejected by the court, the court shall state on the record the reasons for rejection.

(4) Violations of the conditions of the plan shall be presented to the court by motion by the supervising agency or by any party. If the court, after

hearing, finds a violation has occurred, it may take such action as is appropriate to enforce the plan, modify the plan by supplemental agreement, or set the case for hearing on the original petition.

(5) The plan shall be effective for an indeterminate period, for such period as is stated therein, or until the petition is dismissed.

(6) Unless otherwise dismissed, the petition may be dismissed on the motion of the person submitting the plan or the supervising agency, after notice of hearing and a finding of substantial compliance with the provisions and intent of the plan.

(c) **Written Answer.** A written answer admitting or denying the allegations of the petition may be filed by the child joined by a parent, custodian, or the child's counsel. If the answer admits the allegations of the petition it must acknowledge that the child has been advised of the right to counsel, the right to remain silent, and the possible dispositions available to the court and shall include a consent to a predispositional study. Upon the filing of such an answer, a hearing for adjudication or adjudication and disposition shall be set at the earliest practicable time.

(d) **Entry of Plea by Court.** If a child stands mute or pleads evasively, a plea of not guilty shall be entered by the court.

(e) **Withdrawal of Plea.** The court may for good cause shown at any time prior to the beginning of a disposition hearing permit a plea of guilty or nolo contendere to be withdrawn, and if a finding that the child committed a delinquent act has been entered thereon, set aside such finding and allow another plea to be substituted for the plea of guilty or nolo contendere. In the subsequent adjudicatory hearing, the court shall not consider the plea which was withdrawn as an admission.

(f) **Withdrawal of Plea After Drug Court Transfer.** A child who pleads guilty or nolo contendere to a charge for the purpose of transferring the case, under section 910.035, Florida Statutes, may file a motion to withdraw the plea upon successful completion of the juvenile drug court treatment program.

RULE 8.080. ACCEPTANCE OF GUILTY OR NOLO CONTENDERE PLEA

(a) Voluntariness. Before accepting a plea of guilty or nolo contendere, the court shall determine that the plea is knowingly and voluntarily entered and that there is a factual basis for it. Counsel for the prosecution and the defense shall assist the court in this determination.

(b) Open Court. All pleas shall be taken in open court, except the hearing may be closed as provided by law.

(bc) Determination by Court. The court, when making this determination, should place the child under oath and shall address the child personally. The court shall determine that the child understands each of the following rights and consequences of entering a guilty or nolo contendere plea:

(1) The nature of the charge to which the plea is offered and the possible dispositions available to the court.

(2) If the child is not represented by an attorney, that the child has the right to be represented by an attorney at every stage of the proceedings and, if necessary, one will be appointed. Counsel shall be appointed if the child qualifies for such appointment and does not waive counsel in writing subject to the requirements of rule 8.165.

(3) That the child has the right to plead not guilty, or to persist in that plea if it had already been made, and that the child has the right to an adjudicatory hearing and at that hearing has the right to the assistance of counsel, the right to compel the attendance of witnesses on his or her behalf, the right to confront and cross-examine witnesses against him or her, and the right not to be compelled to incriminate himself or herself.

(4) That, if the child pleads guilty or nolo contendere, without express reservation of the right to appeal, the right to appeal all matters relating to the judgment, including the issue of guilt or innocence, is relinquished, but the right to review by appropriate collateral attack is not impaired.

(5) That, if the child pleads guilty or nolo contendere, there will not be a further adjudicatory hearing of any kind, so that by pleading so the right to an adjudicatory hearing is waived.

(6) That, if the child pleads guilty or nolo contendere, the court may ask the child questions about the offense to which the child has pleaded, and, if those questions are answered under oath, on the record, the answers may later be used against the child in a prosecution for perjury.

(7) The complete terms of any plea agreement including specifically all obligations the child will incur as a result.

(8) That, if the child pleads guilty or nolo contendere to certain sexual offenses, the child may be required to register as a sexual offender.

(89) That, if the child pleads guilty or nolo contendere, and the offense to which the child is pleading is a sexually violent offense or a sexually motivated offense, or if the child has been previously adjudicated for such an offense, the plea may subject the child to involuntary civil commitment as a sexually violent predator on completion of his or her sentence. It shall not be necessary for the trial judge to determine whether the present or prior offenses were sexually motivated, as this admonition shall be given to all children in all cases.

(10) That, if the child pleads guilty or nolo contendere, and the child is not a United States citizen, the facts underlying the plea may subject the child to deportation pursuant to the laws and regulations governing the United States Citizenship and Immigration Services. It shall not be necessary for the trial judge to inquire as to whether the child is a United States citizen, as this admonition shall be given to all children in all cases.

(ed) Acknowledgment by Child. Before the court accepts a guilty or nolo contendere plea, the court must determine that the child either:

- (1) acknowledges guilt; or
- (2) acknowledges that the plea is in the child's best interest, while maintaining innocence.

(de) Of Record. These proceedings shall be of record.

(ef) When Binding. Prior to the court's acceptance of a plea, the parties must notify the court of any plea agreement and may notify the court of the reasons for the plea agreement. Thereafter, the court must advise the parties whether the court accepts or rejects the plea agreement and may state its reasons for a rejection

of the plea agreement. No plea offer or negotiation is binding until it is accepted by the court after making all the inquiries, advisements, and determinations required by this rule. Until that time, it may be withdrawn by either party without any necessary justification.

(fg) Withdrawal of Plea When Judge Does Not Concur. If the trial judge does not concur in a tendered plea of guilty or nolo contendere arising from negotiations, the plea may be withdrawn.

(gh) Failure to Follow Procedures. Failure to follow any of the procedures in this rule shall not render a plea void, absent a showing of prejudice.

RULE 8.115. DISPOSITION HEARING

(a) **Information Available to Court.** At the disposition hearing the court, after establishing compliance with the dispositional considerations, determinations, and discussions required by law, may receive any relevant and material evidence helpful in determining the proper disposition to be made. It shall include written reports required by law, and may include, but shall not be limited to, the child's need for substance abuse evaluation and/or treatment, and any psychiatric or psychological evaluations of the child that may be obtained and that are relevant and material. Such evidence may be received by the court and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. In any case in which it is necessary or consented to by the parties that disposition be pronounced by a judge other than the judge who presided at the adjudicatory hearing or accepted a plea of guilty or nolo contendere, the sentencing judge shall not pronounce disposition until the judge becomes acquainted with what transpired at the adjudicatory hearing, or the facts concerning the plea and the offense, including any plea discussions if a plea of guilty or nolo contendere was entered.

(b) **Appointment of Counsel.** Counsel shall be appointed at all disposition hearings, including cases transferred from other counties and restitution hearings, if the child qualifies for such appointment and does not waive counsel in writing as required by rule 8.165.

(c) **Disclosure.** The child, the child's attorney, the child's parent or custodian, and the state attorney shall be entitled to disclosure of all information in the predisposition report and all reports and evaluations used by the department in the preparation of the report.

(d) **Disposition Order.** The disposition order shall be prepared and distributed by the clerk of the court. Copies shall be provided to the child, defense attorney, state attorney, and department representative. Each case requires a separate disposition order. The order shall:

- (1) state the name and age of the child;
- (2) state the disposition of each count, specifying the charge title, degree of offense, and maximum penalty defined by statute and specifying the amount of time served in secure detention before disposition;
- (3) state general and specific conditions or sanctions;

- (4) make all findings of fact required by law;
 - (5) state the date and time when issued and the county and court where issued; and
 - (6) be signed by the court with the title of office.
- (e) **Fingerprints.** The child's fingerprints shall be affixed to the order of disposition.

Committee Notes

1991 Amendment. (c) Section 985.23(3)(e), Florida Statutes, requires the court to fingerprint any child who is adjudicated or has adjudication withheld for a felony. This rule extends this requirement to all dispositions. Sentencing guidelines include scorable points for misdemeanor offenses as well as for felonies. This procedure also should assist in identifying juveniles who use false names and birthdates, which can result in the arrest of an innocent child whose name was used by the offender.

RULE 8.201. COMMENCEMENT OF PROCEEDINGS

(a) Commencement of Proceedings. Proceedings are commenced when:

- (1) an initial shelter petition is filed;
- (2) a petition alleging dependency is filed; ~~or~~
- (3) a petition for termination of parental rights is filed; ~~;~~
- (4) a petition for injunction under section 39.504, Florida Statutes,

is filed;

- (5) a petition or affidavit for an order to take into custody is filed;

or

- (6) any other petition authorized by chapter 39, Florida Statutes, is

filed.

(b) File to Be Opened. Upon commencement of any ~~dependency or termination of parental rights~~ proceeding, the clerk shall open a file and assign a case number.

RULE 8.225. PROCESS, DILIGENT SEARCHES, AND SERVICE OF PLEADINGS AND PAPERS

(a) Summons and Subpoenas.

(1) Summons. Upon the filing of a dependency petition, the clerk shall issue a summons. The summons shall require the person on whom it is served to appear for a hearing at a time and place specified not less than 72 hours after service of the summons. A copy of the petition shall be attached to the summons.

(2) Subpoenas. Subpoenas for testimony before the court, for production of tangible evidence, and for taking depositions shall be issued by the clerk of the court, the court on its own motion, or any attorney of record for a party. Subpoenas may be served within the state by any person over 18 years of age who is not a party to the proceeding. In dependency and termination of parental rights proceedings, subpoenas may also be served by authorized agents of the department or the guardian ad litem. Except as otherwise required by this rule, the procedure for issuance of a subpoena by an attorney of record in a proceeding shall be as provided in the Florida Rules of Civil Procedure.

(3) Service of Summons and Other Process to Persons Residing in the State. The summons and other process shall be served upon all parties other than the petitioner as required by law. The summons and other process may be served by authorized agents of the department or the guardian ad litem.

(A) Service by publication shall not be required for dependency hearings and shall be required only for service of summons in a termination of parental rights proceeding for parents whose identities are known but whose whereabouts cannot be determined despite a diligent search. Service by publication in these circumstances shall be considered valid service.

(B) The failure to serve a party or give notice to a participant in a dependency hearing shall not affect the validity of an order of adjudication or disposition if the court finds that the petitioner has completed a diligent search that failed to ascertain the identity or location of that party.

(C) Personal appearance of any person in a hearing before the court eliminates the requirement for serving process upon that person.

(4) Service of Summons and Other Process to Persons Residing Outside of the State in Dependency Proceedings.

(A) Service of the summons and other process on parents, parties, participants, petitioners, or persons outside this state shall be in a manner reasonably calculated to give actual notice, and may be made:

(i) by personal delivery outside this state in a manner prescribed for service of process within this state;

(ii) in a manner prescribed by the law of the place in which service is made for service of process in that place in an action in any of its courts of general jurisdiction;

(iii) by any form of mail addressed to the person to be served and requesting a receipt; or

(iv) as directed by the court. Service by publication shall not be required for dependency hearings.

(B) Notice under this rule shall be served, mailed, delivered, or last published at least 20 days before any hearing in this state.

(C) Proof of service outside this state may be made by affidavit of the person who made the service or in the manner prescribed by the law of this state, the order pursuant to which the service is made, or the law of the place in which the service is made. If service is made by mail, proof may be in a receipt signed by the addressee or other evidence of delivery to the addressee.

(D) Personal appearance of any person in a hearing before the court eliminates the requirement for serving process upon that person.

(b) ~~Paternity Inquiry and Diligent Search.~~

~~(1) **Identity Unknown.** If the identity of a parent is unknown, and a petition for dependency, shelter care, or termination of parental rights is filed, the court shall conduct the inquiry required by law. The information required by law may be submitted to the court in the form of a sworn affidavit executed by a person having personal knowledge of the facts.~~

(21) Location Unknown. If the location of a parent is unknown and that parent has not filed a permanent address designation with the court, the petitioner shall ~~undertake~~complete a diligent search as required by law.

(32) Affidavit of Diligent Search. If the location of a parent is unknown after the diligent search has been completed, the petitioner shall file with the court an affidavit of diligent search executed by the person who made the search and inquiry.

(3) Court Review of Affidavit. The court must review the affidavit of diligent search and enter an order determining whether the petitioner has completed a diligent search as required by law. In termination of parental rights proceedings, the clerk must not certify a notice of action until the court enters an order finding that the petitioner has conducted a diligent search as required by law. In a dependency proceeding, if the court finds that the petitioner has conducted a diligent search, the court may proceed to grant the requested relief of the petitioner as to the parent whose location is unknown without further notice.

(34) Continuing Duty. After filing an affidavit of diligent search in a dependency or termination of parental rights proceeding, the petitioner, and, if the court requires, the department, are under a continuing duty to search for and attempt to serve the parent whose location is unknown until excused from further diligent search by the court. The department shall report on the results of the continuing search at each court hearing until the person is located or until further search is excused by the court.

~~(5) Effect of Paternity Inquiry and Diligent Search.~~

~~(A) Failure to serve parents whose identity or residence is unknown shall not affect the validity of an order of adjudication or disposition if the court finds the petitioner has completed a diligent search.~~

~~(B) If the court inquiry fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.~~

~~(C) If the inquiry, diligent search, or subsequent search identifies and locates any person who may be a parent or prospective parent, the court shall require notice of the hearing to be provided to that person. That person must then be given an opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department.~~

(c) Identity of Parent Unknown.

(1) If the identity of a parent is unknown, and a petition for dependency, shelter care, or termination of parental rights is filed, the court shall conduct the inquiry required by law. The information required by law may be submitted to the court in the form of a sworn affidavit executed by a person having personal knowledge of the facts.

(2) If the court inquiry fails to identify any person as a parent or prospective parent, the court shall so find and may proceed to grant the requested relief of the petitioner as to the unknown parent without further notice.

(d) Identity and Location Determined. If an inquiry or diligent search identifies and locates any person who may be a parent or prospective parent, the court must require that notice of the hearing be provided to that person.

(e) Effect of Failure to Serve. Failure to serve parents whose identity or residence is unknown shall not affect the validity of an order of adjudication or disposition if the court finds the petitioner has completed a diligent search.

(f) Determination of Parenthood.

(1) In General. The court must determine the identity of all parents and prospective parents at the initial hearing in proceedings under chapter 39, Florida Statutes, as provided by law. Nothing in this rule prevents a parent or prospective parent from pursuing remedies under chapter 742, Florida Statutes. The court having jurisdiction over the dependency matter may conduct proceedings under chapter 742, Florida Statutes, either as part of the chapter 39, Florida Statutes, proceeding or in a separate action under chapter 742, Florida Statutes.

(2) Appearance of Prospective Parent.

(A) If a prospective parent appears in the chapter 39, Florida Statutes, proceeding, the court shall advise the prospective parent of the right to become a parent in the proceeding by completing a sworn affidavit of parenthood and filing the affidavit with the court or the department. This subdivision shall not apply if the court has identified both parents of the child as defined by law.

(B) If the prospective parent seeks to become a parent in the chapter 39, Florida Statutes, proceeding, the prospective parent shall complete a sworn affidavit of parenthood and file the affidavit with the court or the department. If a party objects to the entry of the finding that the prospective parent

is a parent in the proceeding, or if the court on its own motion requires further proceedings to determine parenthood, the court shall not enter an order finding parenthood until proceedings under chapter 742, Florida Statutes, have been concluded. The prospective parent shall continue to receive notice of hearings as a participant pending the proceedings under chapter 742, Florida Statutes. If no other party objects and the court does not require further proceedings to determine parenthood, the court shall enter an order finding that the prospective parent is a parent in the proceeding.

(C) If the prospective parent is uncertain about parenthood and requests further proof of parenthood, or if there is more than one prospective parent for the same child, the juvenile court may conduct proceedings under chapter 742, Florida Statutes, to determine parenthood. At the conclusion of the chapter 742, Florida Statutes, proceedings, the court shall enter an order determining parenthood.

(D) Provided that paternity has not otherwise been established by operation of law or court order, at any time prior to the court entering a finding that the prospective parent is the parent in the proceeding, the prospective parent may complete and file with the court or the department a sworn affidavit of nonpaternity declaring that the prospective parent is not the parent of the child and waiving all potential rights to the child and rights to further notices of hearing and court filings in the proceeding.

(E) If the court has identified both parents of a child as defined by law, the court shall not recognize an alleged biological parent as a parent in the proceeding until a court enters an order pursuant to law establishing the alleged biological parent as a parent in the proceeding.

(eg) Notice and Service of Pleadings and Papers.

(1) Notice of Arraignment Hearings in Dependency Cases.

Notice of the arraignment hearing must be served on all parties with the summons and petition. The document containing the notice to appear in a dependency arraignment hearing must contain, in type at least as large as the balance of the document, the following or substantially similar language: “FAILURE TO PERSONALLY APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR THESE CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN) AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR

THESE CHILDREN).” Any preadoptive parents of the children and all participants, including the child’s foster parents and relative caregivers, must be notified of the arraignment hearing.

(2) Notice of Assessment of Child Support. Other than as part of a disposition order, if the court, on its own motion or at the request of any party, seeks to impose or enforce a child support obligation on any parent, all parties and participants are entitled to reasonable notice that child support will be addressed at a future hearing.

(3) Notice of Hearings to Participants and Parties Whose Identity or Address are Known. Any preadoptive parents, all participants, including foster parents and relative caregivers, and parties whose identity and address are known must be notified of all proceedings and hearings, unless otherwise provided by law. Notice involving emergency hearings must be that which is most likely to result in actual notice. It is the duty of the petitioner or moving party to notify any preadoptive parents, all participants, including foster parents and relative caregivers, and parties known to the petitioner or moving party of all hearings, except hearings which must be noticed by the court. Additional notice is not required if notice was provided to the parties in writing by the court or is contained in prior court orders and those orders were provided to the participant or party. All foster or preadoptive parents must be provided 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. This subdivision shall not be construed to require that any foster parent, preadoptive parent, or relative caregiver be made a party to the proceedings solely on the basis of notice and a right to be heard.

(4) Service of Pleadings, Orders, and Papers. Unless the court orders otherwise, every pleading, order, and paper filed in the action after the initial petition, shall be served on each party or the party’s attorney. Nothing herein shall be construed to require that a plea be in writing or that an application for witness subpoena be served.

(5) Method of Service. When service is required or permitted to be made upon a party or participant represented by an attorney, service shall be made upon the attorney unless service upon the party or participant is ordered by the court.

(A) Service is excused if the identity or residence of the party or participant is unknown and a diligent search for that person has been completed in accordance with law.

(B) Service upon the attorney shall be made by delivering a copy to the attorney or by mailing it to the attorney's last known address.

(C) Delivery of a copy within this rule shall mean:

(i) handing it to the attorney;

(ii) leaving it at the attorney's office with the person in charge thereof;

(iii) if there is no one in charge of the office, leaving it a conspicuous place therein; or

(iv) transmitting it by facsimile to the attorney's or party's office with a cover sheet containing the sender's name, firm, address, telephone number, and facsimile number, the number of pages transmitted, and the recipient's facsimile number. When service is made by facsimile, a copy shall also be served by any other method permitted by this rule. Facsimile service occurs when transmission is complete.

(D) If the party or participant is not represented by an attorney, service of all pleadings or papers shall be upon the party or participant. Service may be made by mail to the party's or participant's permanent mailing address, if one has been provided to the court; to the last known address, if a permanent mailing address has not been provided to the court; or by leaving it at their usual place of abode with some person of their family above 15 years of age and informing such person of the contents.

(E) Service by mail shall be complete upon mailing.

(6) **Filing.** The filing of pleadings and other papers with the court as required by these rules shall be made by filing the original with the clerk of the court either before service or immediately thereafter. The court may permit the papers to be filed with it, in which event the filing date shall be noted thereon and the papers shall be transmitted to the office of the clerk.

(7) Certificate of Service. When any authorized person shall in substance certify:

“I certify that a copy/copies has/have been furnished to (insert names or names) by (delivery)(mail) (fax) on (date).

Title”

this certificate shall be taken as prima facie proof of such service in compliance with all rules of court and law. The certificate must be signed by the attorney of record, clerk or deputy clerk, judicial assistant, or judge.

RULE 8.260. ORDERS

(a) **General Requirements.** All orders of the court ~~shall~~must be reduced to writing as soon after they are entered as is consistent with orderly procedure, and ~~shall~~must contain specific findings of fact and conclusions of law, and ~~shall~~must be signed by the judge as provided by law.

(b) **Transmittal to Parties.** A copy of all orders ~~shall~~must be transmitted by the court or under its direction to all parties at the time of entry of the order.

(c) **Other Options.** The court may require

(1) that orders be prepared by a party;

(2) that the party serve the order; and

(3) on a case-by-case basis, that proposed orders be furnished to all parties before entry of the order by the court.

(d) **Precedence of Orders.** Orders of the circuit court hearing dependency matters ~~shall~~must be filed in any dissolution or other custody action or proceeding involving the same child. These orders ~~shall~~must take precedence over other custody and visitation orders affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the same minor child, unless jurisdiction has been terminated. ~~They~~These orders may be filed under seal and need not be open to inspection by the public.

RULE 8.285. CRIMINAL CONTEMPT

(a) **Direct Contempt.** A contempt may be punished summarily if the court saw or heard the conduct constituting the contempt committed in the actual presence of the court. The judgment of guilt of contempt shall include a recital of those facts upon which the adjudication of guilt is based. Prior to the adjudication of guilt the court shall inform the person accused of the accusation and inquire as to whether there is any cause to show why he or she should not be adjudged guilty of contempt by the court and sentenced. The accused shall be given the opportunity to present evidence of excusing or mitigating circumstances. The judgment shall be signed by the court and entered of record. Sentence shall be pronounced in open court.

(b) **Indirect Contempt.** An indirect contempt shall be prosecuted in the following manner:

(1) **Order to Show Cause.** The court on its own motion or upon affidavit of any person having knowledge of the facts may issue and sign an order directed to the one accused of contempt, stating the essential facts constituting the contempt charged and requiring the accused to appear before the court to show cause why he or she should not be held in contempt of court. The order shall specify the time and place of the hearing, with a reasonable time allowed for the preparation of a defense after service of the order on the one accused. It shall be served in the same manner as a summons. Nothing herein shall be construed to prevent the one accused of contempt from waiving the service of process.

(2) **Motions; Answer.** The accused, personally or by counsel, may move to dismiss the order to show cause, move for a statement of particulars, or answer such order by way of explanation or defense. All motions and the answer shall be in writing unless specified otherwise by the court. The accused's omission to file a motion or answer shall not be deemed an admission of guilt of the contempt charged.

(3) **Order of Arrest; Bail.** The court may issue an order of arrest of the one accused of contempt if the court has reason to believe the accused will not appear in response to the order to show cause. The accused shall be entitled to bail in the manner provided by law in criminal cases.

(4) **Arraignment; Hearing.** The accused may be arraigned at the hearing, or prior thereto upon request. A hearing to determine the guilt or innocence of the accused shall follow a plea of not guilty. The court may conduct a

hearing without assistance of counsel or may be assisted by the state attorney or by an attorney appointed for the purpose. The accused is entitled to be represented by counsel, have compulsory process for the attendance of witnesses, and may testify in his or her own defense. All issues of law and fact shall be determined by the court.

(5) **Disqualification of the Judge.** If the contempt charged involves disrespect to or criticism of a judge, the judge shall be disqualified by the chief judge of the circuit.

(6) **Verdict; Judgment.** At the conclusion of the hearing the court shall sign and enter of record a judgment of guilty or not guilty. There should be included in a judgment of guilty a recital of the facts constituting the contempt of which the accused has been found and adjudicated guilty.

(7) **Sentence.** Prior to the pronouncement of sentence the court shall inform the accused of the accusation and judgment against him or her and inquire as to whether there is any cause to show why sentence should not be pronounced. The accused shall be afforded the opportunity to present evidence of mitigating circumstances. The sentence shall be pronounced in open court and in the presence of the one found guilty of contempt.

RULE 8.286. CIVIL CONTEMPT

(a) Applicability. This rule governs indirect civil contempt proceedings in matters related to juvenile dependency. The use of civil contempt sanctions under this rule must be limited to those used to compel compliance with a court order or to compensate a movant for losses sustained as a result of a contemnor's willful failure to comply with a court order. Contempt sanctions intended to punish an offender or to vindicate the authority of the court are criminal in nature and are governed by rule 8.285.

(b) Motion and Notice. Civil contempt may be initiated by motion. The motion must recite the essential facts constituting the acts alleged to be contemptuous. No civil contempt may be imposed without notice to the alleged contemnor and without providing the alleged contemnor with an opportunity to be heard. The civil contempt motion and notice of hearing may be served by mail provided notice by mail is reasonably calculated to apprise the alleged contemnor of the pendency of the proceedings. The notice must specify the time and place of the hearing and must contain the following language: “FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD.”

(c) Hearing. In any civil contempt hearing, after the court makes an express finding that the alleged contemnor had notice of the motion and hearing:

(1) The court shall determine whether the movant has established that a prior order was entered and that the alleged contemnor has failed to comply with all or part of the prior order.

(2) If the court finds the movant has established all of the requirements in subdivision (c)(1) of this rule, the court must,

(A) if the alleged contemnor is present, determine whether the alleged contemnor had the present ability to comply with the prior court order;
or

(B) if the alleged contemnor fails to appear, set a reasonable purge based on the circumstances of the parties.

The court may issue a writ of bodily attachment and direct that, upon execution of the writ of bodily attachment, the alleged contemnor be brought before the court within 48 hours for a hearing on whether the alleged contemnor has the present ability to comply with the prior court order and, if so, whether the failure to comply is willful.

(d) **Order and Sanctions.** After hearing the testimony and evidence presented, the court must enter a written order granting or denying the motion for contempt.

(1) An order finding the alleged contemnor to be in contempt must contain a finding that a prior order was entered, that the alleged contemnor has failed to comply with the prior court order, that the alleged contemnor had the present ability to comply, and that the alleged contemnor willfully failed to comply with the prior court order. The order must contain a recital of the facts on which these findings are based.

(2) If the court grants the motion for contempt, the court may impose appropriate sanctions to obtain compliance with the order including incarceration, attorneys' fees and costs, compensatory or coercive fines, and any other coercive sanction or relief permitted by law provided the order includes a purge provision as set forth in subdivision (e) of this rule.

(e) **Purge.** If the court orders incarceration, a coercive fine, or any other coercive sanction for failure to comply with a prior order, the court must set conditions for purge of the contempt, based on the contemnor's present ability to comply. The court must include in its order a separate affirmative finding that the contemnor has the present ability to comply with the purge and the factual basis for that finding. The court may grant the contemnor a reasonable time to comply with the purge conditions. If the court orders incarceration but defers incarceration for more than 48 hours to allow the contemnor a reasonable time to comply with the purge conditions, and the contemnor fails to comply within the time provided, the movant must file an affidavit of noncompliance with the court. The court then may issue a writ of bodily attachment. Upon incarceration, the contemnor must be brought before the court within 48 hours for a determination of whether the contemnor continues to have the present ability to comply with the purge.

(f) Review after Incarceration. Notwithstanding the provisions of this rule, at any time after a contemnor is incarcerated, the court on its own motion or motion of any party may review the contemnor's present ability to comply with the purge and the duration of incarceration and modify any prior orders.

(g) Other Relief. When there is a failure to comply with a court order but the failure is not willful, nothing in this rule shall be construed as precluding the court from granting such relief as may be appropriate under the circumstances.

RULE 8.340. DISPOSITION HEARINGS

(a) **Information Available to Court.** At the disposition hearing, the court, after establishing compliance with the dispositional considerations, determinations, and discussions required by law, may receive any relevant and material evidence helpful in determining the proper disposition to be made. It ~~shall~~must include written reports required by law, and may include, but ~~shall~~is not ~~be~~-limited to, any psychiatric or psychological evaluations of the child or his or her parent, caregiver, or legal custodian that may be obtained and that are relevant and material. Such evidence may be received by the court and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing.

(b) **Disclosure to Parties.** All parties ~~shall be~~are entitled to disclosure of all information in all reports submitted to the court.

(c) **Orders of Disposition.** The court shall in its written order of disposition include:

- (1) the placement or custody of the child;
- (2) special conditions of placement and visitation;
- (3) evaluation, counseling, treatment activities, and other actions to be taken by the parties, ~~when~~if ordered;
- (4) persons or entities responsible for supervising or monitoring services to the child and parent agencies, and;
- (5) continuation or discharge of the guardian ad litem, when~~as~~ appropriate;
- (56) date, time, and location for subsequent case review of next scheduled review hearing, as required by law;
- (67) child support payments, if the child is in an out-of-home placement;
- (78) if the child is placed in foster care, the reasons why the child was not placed in the legal custody of an adult relative, legal custodian, or other adult approved by the court and a further determination as to whether diligent

efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child instead of placement with the department;

~~(8) approval of the case plan or direction to amend the case plan within 30 days; and~~

(9) such other requirements as are deemed necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible; and

(10) approval of the case plan as filed with the court. If the court does not approve the case plan at the disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.

Committee Notes

1992 Amendment. Dismissal of a petition is not appropriate after adjudication.

RULE 8.345. POST-DISPOSITION RELIEF

(a) Motion for Modification of Placement. A child who has been placed in his or her own home, in the home of a relative, or in some other place, under the supervision or legal custody of the department, may be brought before the court by the department or any interested person on a motion for modification of placement. If neither the parents, the legal custodian, nor any appointed guardian ad litem or attorney ad litem object to the change, then the court may enter an order making the change in placement without a hearing. If the parents, the legal custodian, or any appointed guardian ad litem or attorney ad litem object to the change of placement, the court shall conduct a hearing and thereafter enter an order changing the placement, modifying the conditions of placement, continuing placement as previously ordered, or placing the child with the department or a licensed child-caring agency.

(b) Motion for Termination of Supervision or Jurisdiction. Any party requesting termination of agency supervision or the jurisdiction of the court or both shall do so by written motion or in a written report to the court. The court ~~shall~~must hear all parties present and enter an order terminating supervision or terminating jurisdiction and supervision or continuing them as previously ordered. The court shall not terminate jurisdiction unless the child is returned to the parent and has been in the placement for at least 6 months, the child is adopted, or the child attains the age of 18, unless the court has extended jurisdiction.

RULE 8.347. MOTION TO SUPPLEMENT ORDER OF ADJUDICATION, DISPOSITION ORDER, AND CASE PLAN

(a) Motion. After the court has entered an order of adjudication of dependency, any party may file a motion for the court to supplement the order of adjudication with findings that a parent or legal custodian contributed to the dependency status of the child pursuant to the statutory definition of a dependent child. The motion may also request that the court supplement the disposition order and the case plan.

(b) Contents.

(1) The motion must identify the age, sex, and name of the children whose parent or legal custodian is the subject of the motion.

(2) The motion must specifically identify the parent or legal custodian who is the subject of the motion.

(3) The motion must allege sufficient facts showing that a parent or legal custodian contributed to the dependency status of the child pursuant to the statutory definition of a dependent child.

(c) Verification. The motion must be signed under oath, stating that the signer is filing the motion in good faith.

(d) Amendments. At any time prior to the conclusion of an evidentiary hearing on the motion, an amended motion may be filed or the motion may be amended by oral motion. A continuance may be granted on motion and a showing that the amendment prejudices or materially affects any party.

(e) Notice.

(1) In General. Parents or legal custodians who have previously been properly served with the dependency petition or who have previously appeared in the dependency proceeding shall be served with a notice of hearing and copies of the motion and the initial order of adjudication of dependency in the same manner as the service of documents that are filed after the service of the initial dependency petition as provided in these rules.

(2) Summons.

(A) Parents or legal custodians who have not been properly served with the dependency petition or who have not previously appeared in the dependency proceeding must be properly served with a summons and copies of the motion and the initial order of adjudication of dependency. The summons must require the person on whom it is served to appear for a preliminary hearing on the motion at a time and place specified, not less than 72 hours after service of the summons.

(B) Upon the filing of the motion and upon request, the clerk shall issue a summons.

(C) The movant shall not be required to serve a summons on a parent or legal custodian who has previously been properly served with the dependency petition or who has appeared in the dependency proceeding.

(D) The summons shall be served in the same manner as service of a dependency petition as required by law.

(E) Service by publication of the motion shall not be required.

(F) If the location of the party to be served is unknown, the court may enter an order granting the motion only if the movant has properly served the person subject to the motion, the person subject to the motion has appeared in the proceeding, or the movant has conducted a diligent search and filed with the court an affidavit of diligent search.

(G) Personal appearance of any person in a hearing before the court on the motion eliminates the requirement for serving process upon that person.

(f) Preliminary Hearing on Motion.

(1) The court must conduct a preliminary hearing and determine whether the parent or legal custodian who is the subject of the motion:

(A) has been properly served with the summons or notice, and with copies of the motion and initial order of adjudication of dependency;

(B) is represented by counsel or is entitled to appointed counsel as provided by law; and

(C) wishes to challenge the motion or consent to the court granting the motion.

(2) If the parent or legal custodian who is the subject of the motion wishes to challenge the motion or if the parent or legal custodian was properly served and fails to appear at the preliminary hearing, the court must schedule an evidentiary hearing on the motion within 30 days.

(3) If the parent or legal custodian who is the subject of the motion wishes to consent to the motion without admitting or denying the allegations of the motion, the court shall enter an order supplementing the initial order of adjudication of dependency based on the sworn allegations of the motion.

(g) Evidentiary Hearing.

(1) **Hearing Procedures.** The hearing shall be conducted in the same manner and with the same procedures as the adjudicatory hearing on the dependency petition as provided in these rules.

(2) **Motion for Judgment Denying Motion.** In all proceedings, if at the close of the evidence for the movant, the court is of the opinion that the evidence is insufficient to warrant findings that a parent or legal custodian contributed to the dependency status of the child pursuant to the statutory definition of a dependent child, it may, and on the motion of any party must, enter an order denying the motion for insufficiency of the evidence.

(3) **Denial of Motion.** If the court, at the conclusion of the evidence, finds that the allegations in the motion have not been sustained, the court shall enter an order denying the motion.

(4) **Granting of the Motion.** If the court finds that the movant has proven the allegations of the motion, the court shall enter an order granting the motion as provided in these rules.

(h) Supplemental Order of Adjudication.

(1) If the parent or legal custodian consents to the motion and its allegations or if the court finds that the movant has proven the allegations of the motion at an evidentiary hearing, the court shall enter a written order granting the motion and specifying facts that support findings that a parent or legal custodian contributed to the dependency status of the child pursuant to the statutory

definition of a dependent child and stating whether the court made the finding by a preponderance of the evidence or by clear and convincing evidence.

(2) If necessary, the court shall schedule a supplemental disposition hearing within 15 days.

(3) The court shall advise the parent who is the subject of the motion that if the parent fails to substantially comply with the case plan, parental rights may be terminated.

(4) If the child is in out-of-home placement, the court shall inquire of the parents whether the parents have relatives who might be considered as placement for the child. The parents shall provide to the court and to all parties the identity and location of the relatives.

(i) Supplemental Disposition Hearing.

(1) **Hearing.** If necessary, the court shall conduct a supplemental disposition hearing pursuant to the same procedures for a disposition hearing and case plan review hearing as provided by law.

(2) Supplemental Predisposition Study and Case Plan.

(A) A written case plan and a predisposition study prepared by an authorized agent of the department must be filed with the court, served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties not less than 72 hours before the supplemental disposition hearing.

(B) The court may grant an exception to the requirement for a predisposition study by separate order or within the judge's order of disposition upon a finding that all the family and child information required by law is available in other documents filed with the court.

(3) **Supplemental Order of Disposition.** The court shall in its written supplemental order of disposition include:

(A) the placement or custody of the child;

(B) special conditions of placement and visitation;

(C) evaluation, counseling, treatment activities, and other actions to be taken by the parties, when ordered;

(D) the names of the supervising or monitoring agencies, and the continuation or discharge of the guardian ad litem, when appropriate;

(E) the date, time, and location for the next case review as required by law;

(F) child support payments, if the child is in an out-of-home placement;

(G) if the child is placed in foster care, the reasons why the child was not placed in the legal custody of an adult relative, legal custodian, or other adult approved by the court;

(H) approval of the case plan or direction to amend the case plan within 30 days; and

(I) such other requirements as are deemed necessary to protect the health, safety, and well-being of the child.

RULE 8.350. PLACEMENT OF CHILD INTO RESIDENTIAL TREATMENT CENTER AFTER ADJUDICATION OF DEPENDENCY

(a) Placement.

(1) Any reference in this rule to a residential treatment center is to a residential treatment center or facility licensed under section 394.875, Florida Statutes, for residential mental health treatment. Any reference to hospital is to a hospital licensed under chapter 395, Florida Statutes, for residential mental health treatment. This rule does not apply to placement under sections 394.463 or 394.467, Florida Statutes.

(2) The placement of any child who has been adjudicated dependent for residential mental health treatment shall be as provided by law.

(3) Whenever the department believes that a child in its legal custody may require placement in a residential treatment center or hospital, the department shall arrange to have the child assessed by a qualified evaluator as provided by law and shall file notice of this with the court and all parties. Upon the filing of this notice by the department, the court shall appoint a guardian ad litem for the child, if one has not already been appointed, and may also appoint an attorney for the child. Both the guardian ad litem and attorney, if appointed, shall meet the child and shall have the opportunity to discuss the child's suitability for residential treatment with the qualified evaluator conducting the assessment. Upon the completion of the evaluator's written assessment, the department shall provide a copy to the court and to all parties. The guardian ad litem shall also provide a written report to the court and to all parties indicating the guardian ad litem's recommendation as to the child's placement in residential treatment and the child's wishes.

(4) If the department seeks to place the child in a residential treatment center or hospital, the department shall immediately file a motion for placement of the child with the court. This motion shall include a statement as to why the child is suitable for this placement and why less restrictive alternatives are not appropriate and also shall include the written findings of the qualified evaluator. The motion shall state whether all parties, including the child, are in agreement.

(5) If the evaluator's written assessment indicates that the child requires immediate placement in a residential treatment center or hospital and that

such placement cannot wait for a hearing, then the department may place the child pending a hearing, unless the court orders otherwise.

(6) The guardian ad litem must be represented by an attorney at all proceedings under this rule, unless the guardian ad litem is acting as an attorney. If the department's motion, the guardian ad litem's report, or another party based on communication with the child indicates that the child does not agree with the department's motion, then the court shall appoint an attorney to represent the child, if one has not already been appointed.

(7) Upon the filing of a motion for placement, the court shall set the matter for a status hearing within 48 hours, excluding weekends and holidays. The department shall timely provide notice of the date, time, and place of the hearing to all parties and participants.

(8) The child's attorney or guardian ad litem shall notify the child of the date, time, and place of the hearing. No hearing shall proceed without the presence of the child's guardian ad litem and attorney, unless excused by the court for good cause shown. Should the hearing occur in the absence of the guardian ad litem and attorney, upon request the court shall set the matter for an additional hearing within 24 hours, at which time the attorney and guardian ad litem shall be present.

(9) If the child appears at the status hearing not represented by an attorney, the court shall directly inquire of the child whether he or she disagrees with the motion for placement. If the child does not appear and is not represented by an attorney at the status hearing, the court shall diligently pursue all available information to determine if the child disagrees with the department's motion for placement. If no party disagrees with the department's motion at the status hearing, then the motion for placement may be approved by the court. However, if any party, including the child, disagrees, then the court shall set the matter for hearing within 10 working days.

(10) If counsel is not immediately available to represent the child, and the court determines that the child will be harmed if the hearing on placement is postponed, then the hearing may be held in the absence of counsel. The child shall be present at the hearing unless the court determines pursuant to subdivision (c) that a court appearance is not in the child's best interest. In such circumstances, the child shall be provided the opportunity to express his or her views to the court by a method deemed appropriate by the court. Further, if counsel is not available at

the time of the hearing, counsel shall be appointed as soon as practical thereafter and the court shall set an additional hearing at which time both counsel and the child shall be present.

(11) Hearing on Placement.

(A) At the hearing, the court shall consider, at a minimum, all of the following:

(i) based on an independent assessment of the child, the recommendation of a department representative or authorized agent that the residential treatment or hospitalization is in the child's best interest and a showing that the placement is the least restrictive available alternative;

(ii) the recommendation of the guardian ad litem;

~~(iii) a case review committee recommendation, if there has been one;~~

~~(iviii)~~ the written findings of the evaluation and suitability assessment prepared by a qualified evaluator; and

~~(viiv)~~ the views regarding placement in residential treatment that the child expresses to the court.

(B) All parties shall be permitted to present evidence and witnesses concerning the suitability of the placement.

(C) If the court determines that the child is not suitable for residential treatment, the court shall order the department to place the child in the least restrictive setting that is best suited to meet the child's needs.

(b) Continuing Residential Placement Reviews.

(1) The court shall conduct a hearing to review the status of the child's residential treatment plan no later than 3 months after the child's admission to the residential treatment program. An independent review of the child's progress toward achieving the goals and objectives of the treatment plan must be completed by a qualified evaluator and submitted to the court and all parties in writing at least 72 hours before the 3-month review hearing.

(2) Review hearings shall be conducted every 3 months thereafter, until the child is placed in a less restrictive setting. At each 3-month review hearing, if the child appears and is not represented by an attorney, the court shall directly inquire of the child whether he or she disagrees with continued placement. If the child does not appear and is not represented by an attorney, the court shall diligently pursue all information available to determine if the child disagrees with continued placement. If the court determines that the child disagrees with the continued placement, the court shall appoint an attorney for the child.

(3) If the court determines at any hearing that the child is not suitable for continued residential treatment, the court shall order the department to place the child in the least restrictive setting that is best suited to meet the child's needs.

(c) **Presence of Child.** The child shall be present at all court hearings unless the court finds that the child's mental or physical condition is such that a court appearance is not in the child's best interest. In such circumstances, the child shall be provided the opportunity to express his or her views to the court by a method deemed appropriate by the court.

(d) **Standard of Proof.** At the hearing, the court shall determine whether the evidence supporting involuntary commitment of a dependent child to a residential mental health treatment facility is clear and convincing.

RULE 8.517. WITHDRAWAL AND APPOINTMENT OF COUNSEL

(a) Order Adjudicating Child Dependent or Terminating Parental Rights. After an order of adjudication of dependency, an order of disposition, or an order terminating parental rights has been entered, the counsel of record for a parent or legal custodian in a dependency proceeding or a parent in a termination of parental rights proceeding shall not be permitted to withdraw as counsel of record until the following have occurred:

(1) The attorney certifies that the attorney has discussed appellate remedies with the parent or legal custodian.

(A) The attorney certifies that after discussing appellate remedies with the parent or legal custodian, the parent or legal custodian does not want to appeal the order; or

(B) The attorney certifies that after discussing appellate remedies with the parent or legal custodian, the parent or legal custodian wants to appeal the order, and

(i) a notice of appeal containing the signatures of counsel and the parent or legal custodian has been filed;

(ii) directions to clerk, if necessary, have been filed;

(iii) a motion to transcribe the requisite proceedings has been filed;

(iv) a designation to the court reporter specifying the proceedings that must be transcribed in order to obtain review of the issues on appeal and designating the parties to receive a copy of the transcripts has been filed; and

(v) an order appointing appellate counsel, if any, has been entered.

Conformed copies of each of these documents shall be attached to the motion to withdraw.

(2) If the attorney has been unable to contact the parent or legal custodian regarding appellate remedies, the attorney certifies the efforts made to contact the parent or legal custodian.

(b) **Service of Order Appointing Counsel.** Following rendition of an order appointing appellate counsel, the court shall serve a copy of the order on the appointed appellate counsel and the clerk of the appellate court.

FORM 8.908. SUMMONS

SUMMONS

STATE OF FLORIDA

TO,a child/children.... and,parent(s)/custodian.....:

A petition under oath has been filed in this court alleging the above-namedchild/children.... to be under the laws of the State of Florida, a copy of which was attached hereto;

You are to appear before the Honorable, Circuit Judge, at m., on(date)....., at the county courthouse of County, at, Florida for the hearing of this petition. Theparent(s)/custodian....is/are.... required to produce thechild/children.... at that time and place unless thechild/children....is/are.... in detention or shelter care at that time.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, telephone number).... ~~within two working days of your receipt of this summons~~ at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

You may be held in contempt of court if you fail to appear.

WITNESS my hand and seal of this court at County, Florida, on(date).....

....., Clerk of Circuit Court
..... County, Florida
By: _____, D.C.

FORM 8.929. DETENTION ORDER

DETENTION HEARING ORDER

Pick up order for absconding from:

- home detention
- probation
- commitment
- other:

Present before the court:

- the child;
-(name)....., Assistant State Attorney;
-(name)....., Assistant Public Defender/defense attorney;
-(name)....., parent/legal guardian;
-(name)....., DJJ juvenile probation officer;
-(name)....., Department of Children and Family Services
-(name)....., guardian ad litem

DJJ Supervision status:

- None
- Home detention
- Probation
- Committed to level
- CINS/FINS
- Conditional release

Other court involvement:

- | | | | |
|---------------------|-----------|----------|---------------|
| Dependency: | Yes | No | Unknown |
| Domestic relations: | Yes | No | Unknown |
| Domestic violence: | Yes | No | Unknown |

The court finds that the child was taken into custody at a.m./p.m., on(date).....

Probable cause that the child committed delinquent acts was:

- found.
- not found.
- reset within 48 hours of custody.

Risk assessment instrument (RAI) score:

Score amended to:

- Meets detention criteria.

IT IS ORDERED that the above-named child be:

- released to the custody of(name).....
- held in secure detention for domestic violence charge under section 985.245, Florida Statutes.

The court finds:

- respite care is not available for the child; and
- it is necessary to place the child in secure detention to protect the victim from injury.
- detained by the Department of Juvenile Justice in
- home detention.
- home detention with electronic monitoring.
- secure detention.

with the following special conditions:

- attend school regularly.
- attend evaluation as follows:
 - physical.
 - psychological.
 - ADM.
 - other
- no (..... harmful) contact with(name).....
- drug testing.
- no drug and alcohol use.
- other:
- released from detention and returned to the child's nonresidential commitment program.

Reasons for court ordering more restrictive placement than RAI score:

It is FURTHER ORDERED that unless an adjudicatory hearing has begun or a subsequent modification order is entered, the child shall be released no later than 5:00 p.m. on(date)..... to(name(s))....., who is/are the parent(s) a relative foster care program him/her..... self other

IT IS FURTHER ORDERED under section 985.039, Florida Statutes

- The parent/guardian of the child,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, \$5 per day for each day the juvenile is in secure detention.
- The parent/guardian of the child,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, \$1 per day for each day the child is in home detention.
- The parent/guardian of the child,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, a REDUCED rate of \$..... per day for each day the child is in detention status. This 8.965 reduced fee is based on the court's finding
- that the parent/guardian was the victim of the delinquent act or violation of law for which the child is currently detained and is cooperating in the investigation of the offense; or

..... of indigency or significant financial hardship. The facts supporting this finding are:.....

.... The parent/guardian of the child,(name).....,(address)....., shall be liable for % of the payment. The parent/guardian of the child,(name).....,(address)....., shall be liable for% of the payment.

..... Thesupervision fee/cost of care..... is WAIVED based on the court’s finding

..... that the parent/guardian was the victim of the delinquent act or violation of law for which the child is currently detained and is cooperating in the investigation of the offense; or

..... of indigency or significant financial hardship. The facts supporting this finding are:

If the child’s case is dismissed or if the child is found not guilty of the charges or court order, then the parent/guardian shall not be liable for fees under this order.

Unless modified by subsequent notice, the NEXT COURT APPEARANCE:

..... will be at(time)..... on(date)..... at(location).....

..... is to be set.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, telephone number)..... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

Note: The child’s parent/legal guardian shall advise Clerk’s Office and DJJ of any address change.

..... Department of Juvenile Justice shall transfer the child to Detention Center.

..... Other:

DONE AND ORDERED in County, Florida at a.m./p.m. on(date).....

Circuit Judge

Copies to:

FORM 8.947 DISPOSITION ORDER — DELINQUENCY

DISPOSITION ORDER

A petition was filed on(date)....., alleging(name)....., age, to be a delinquent child. The court finds that it has jurisdiction of the proceedings.

Present before the court were:

- the child;
-(name)....., Assistant State Attorney;
-(name)....., Assistant Public Defender/defense attorney;
-(name)....., guardian;
-(name)....., DJJ juvenile probation officer.

At the hearing on(date)....., afterentry of a plea/an adjudicatory hearing....., the child was found to have committed the delinquent acts listed below:

	Count	Count	Count	Count
Charge
Lesser
Maximum
Degree
Guilty
Nolo contendere
Nolle prosequere
Adjudicated
Adj. withheld

The predisposition report wasreceived and considered/waived by the child.....

The court, having considered the evidence and comments offered by those present, having inquired, and being otherwise fully advised in the premises **ORDERS THAT:**

- Adjudication of delinquency is withheld.
- The child is adjudicated delinquent.
- The child is committed to a licensed child caring agency the Department of Juvenile Justice for placement in:
 - a minimum-risk nonresidential commitment program, for an indeterminate period, but no longer than the child’s 21st birthday or the maximum term of imprisonment an adult may serve for each count listed above, whichever comes first.
 - a low- or moderate-risk commitment program, for an indeterminate period, but no longer than the child’s 21st birthday or the maximum term of imprisonment an adult may serve for each count listed above, whichever comes first, because:

- the child is before the court for disposition of a felony;
 - the child has previously been adjudicated for a felony offense;
 - the child previously has been adjudicated or had adjudication withheld for three or more misdemeanor offenses;
 - the child is before the court for disposition for a violation of sections 800.03, 806.031, or 828.12, Florida Statutes; or
 - the court finds by a preponderance of the evidence that the protection of the public requires such placement or that the particular needs of the child would be best served by such placement. The facts supporting this finding are:
 -
 - a high-risk commitment program for an indeterminate period, but no longer than the child's 21st birthday or the maximum term of imprisonment an adult may serve for each count listed above, whichever comes first, because the child is before the court for disposition of a felony.
 - a maximum-risk commitment program, for an indeterminate period, but no longer than the child's 21st birthday or the maximum term of imprisonment an adult may serve for each count listed above, whichever comes first, because the child meets the criteria in section 985.465 or 985.494, Florida Statutes.
 - The child is allowed days credit for time spent in secure detention or incarceration before this date.
- The child shall be placed on
- home detention with/without electronic monitoring until placement.
 - secure detention until placement.
- The court has orally pronounced its reasons for adjudicating and committing this child.
 - The court retains jurisdiction to accept or reject the discharge of this child from commitment, as provided by law.
 - The child is placed on post-commitment juvenile probation for an indefinite period not to exceed the child's 19th birthday or the maximum term of imprisonment an adult could receive for each count listed above, whichever comes first.
 - JUVENILE PROBATION: The child isplaced on/continued in..... juvenile probation under supervision ofthe Department of Juvenile Justice/.....(name)..... and
 - the court having withheld adjudication of delinquency, for an indefinite period not to exceed the child's 19th birthday.

..... the court having adjudicated the child delinquent, for an indefinite period not to exceed the child's 19th birthday or the maximum term of imprisonment an adult could receive for each count listed above, except for a second degree misdemeanor, six months, whichever comes first.

..... DISMISS: The case is dismissed.

..... Disposition on each count isconcurrent/consecutive.....

..... This case disposition isconcurrent/consecutive.... with case number

GENERAL CONDITIONS OF JUVENILE PROBATION. The child shall abide by all of the following conditions:

1. The child shall obey all laws.
2. The child shall be employed full-time or attend school with no unexcused absences, suspensions, or disciplinary referrals.
3. The child shall not change or leavehis/her.... residence, school, or place of employment without the consent ofhis/her..... parents and juvenile probation officer.
4. The child shall answer truthfully all questions ofhis/her..... juvenile probation officer and carry out all instructions of the court and juvenile probation officer.
5. The child shall keep in contact with the juvenile probation officer in the manner prescribed by the juvenile probation officer.
6. The child shall not use or possess alcoholic beverages or controlled substances.

SPECIAL CONDITIONS OF JUVENILE PROBATION. The child shall abide by all of the conditions marked below:

..... Restitution is ordered. Parent and child are responsible, jointly and severally.

..... Amount is reserved.

..... \$..... to be paid to(name)..... Payments shall begin(date)..... and continue at the rate of \$..... each month.

..... The court retains jurisdiction under Chapter 985, Florida Statutes, to enforce its restitution order, regardless of the age of the child.

..... Community Service. hours are to be performed by the child at the rate of hours per month. Written proof is to be provided to the juvenile probation officer.

..... A letter of apology to be written by the child to(name)..... within days. The letter must be a minimum of words.

- A word essay to be written by the child on(subject).... and provided to the juvenile probation officer within 30 days.
- The child may have no contact with victim(s),(name(s)).....
- Amental health/substance abuse..... evaluation to be completed by the child within days. The child will attend and participate in every scheduled appointment and successfully attend and complete any and all recommended evaluations and treatment.
- The parent(s)is/are..... to complete counseling in
- A curfew is set for the child at p.m. Sunday through Thursday and p.m. Friday and Saturday.
- The child's driver's license issuspended/ revoked/withheld..... for(time period).....
- The child is to complete adetention/jail/ prison.... tour within days.
- The child will be subject to random urinalysis.
- The child will be electronically monitored.
- The child will successfully complete all sanctions of the original juvenile probation order.
- Other:
- The child must pay court costs of \$....., as specified below.

GUN CHARGES

- The court finds that one of the above charges involves the use or possession of a firearm and further ORDERS the following:
- The child's driver's license issuspended/ revoked..... for1/2..... years.
- The child is to serve5/10.... days in the Juvenile Detention Center.

THE COURT FURTHER FINDS AND ORDERS:

- The child must:
- pay \$....., the Victim's Crime Compensation Trust Fund fee, under section 938.03, Florida Statutes;
- pay \$....., the Teen Court cost, under section 938.19, Florida Statutes (if authorized by county ordinance);

- pay \$....., the Public Defender application fee, under section 27.52, Florida Statutes;
- pay \$....., the Public Defender attorney fee, under section 938.29, Florida Statutes;
- pay \$....., other costs, under section(s), Florida Statutes.
- The child has been adjudicated delinquent and the child is required to pay \$..... an additional cost, under section 939.185, Florida Statutes, if authorized by county ordinance.
- The child has been adjudicated delinquent and assessed a fine and the child is required to pay \$..... to the Crime Prevention Trust Fund, under section 775.083(2), Florida Statutes.
- The child has committed an enumerated crime against a minor and the child is required to pay \$....., under section 938.10, Florida Statutes.
- The child has violated ~~C~~chapter 794, Florida Statutes (sexual battery) or chapter 800 (lewd or lascivious) and is ordered to make restitution to the Crimes Compensation Trust Fund under section 960.28(5), Florida Statutes, for the cost of the forensic physical examination.
- The childhas been adjudicated delinquent/has entered a plea of no contest/has entered a plea of guilty..... to ~~an~~ a felony or an enumerated misdemeanor, ~~offense under C~~chapter 794 or 800, sections 782.04, 784.045, 810.02, 812.133, 812.135, Florida Statutes, or any other offense specified in section 943.325, Florida Statutes, and the child is required to submit ~~blood~~ specimens under section 943.325, Florida Statutes.
- Under section 985.039, Florida Statutes:
 - the parent/legal guardian,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, \$5 per day for each day the child is in residential commitment.
 - the parent/legal guardian,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, \$1 per day for each day the child is on probation, nonresidential commitment, or conditional release.
 - the parent/legal guardian,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, a REDUCED fee of \$..... per day for each day the child is in the custody of or supervised by the department. This reduced fee is based on the court's finding:
 - that the parent/legal guardian was the victim of the delinquent act or violation of law for which the child is currently before the court and is cooperating in the investigation of the offense.

..... of indigency or significant financial hardship. The facts supporting this finding are:

..... The cost of care/supervision fee is WAIVED based on the court's finding:

..... that the parent/legal guardian was the victim of the delinquent act or violation of law for which the child is currently before the court and is cooperating in the investigation of the offense.

..... of indigency or significant financial hardship. The facts supporting this finding are:

..... The parent/guardian,(name).....,(address)....., shall be liable for% of the payment. The parent/guardian,(name).....,(address)....., shall be liable for% of the payment.

The child is placed on notice that the court may modify the conditions ofhis/her.... juvenile probation at any time and may revoke the juvenile probation if there is a violation of the conditions imposed.

The parties are advised that an appeal is allowed within 30 days of the date of this order.

DONE AND ORDERED in(city)....., County, Florida on(date)....., at a.m./p.m.

Circuit Judge

Copies to:

**FINDINGS FOR JUVENILE SEXUAL OFFENDER
REGISTRATION**

REQUIRED FINDINGS FOR JUVENILE SEXUAL OFFENDER REGISTRATION

The following findings are to be made for adjudications of delinquency made on or after July 1, 2007, for committing, or attempting, soliciting, or conspiring to commit any of the following offenses, when the offender is 14 years of age or older at the time of the offense.

Check the appropriate charge and make the corresponding findings:

Date of the offense:

Offender's age at date of offense:

Victim's age at date of offense:

..... **F.S. 794.011: Sexual Battery:** Oral, anal, or vaginal penetration by, or union with, the sexual organ of another, or the anal or vaginal penetration of another by any other object.

(Sexual offender registration is required if the offender is 14 years of age or older at the time of the offense.)

..... **F.S. 800.40(4)(b): Lewd or Lascivious Battery:** Encouraging, forcing, or enticing any person less than 16 years of age to engage in sadomasochistic abuse, sexual bestiality, prostitution, or any other act involving sexual activity.

(Sexual offender registration is required if the offender is 14 years of age or older at the time of the offense and at least one of the lines below is checked "Yes.")

Was the victim under the age of 12 at the time of the offense? Yes No

Did the sexual activity involve force or coercion? Yes No

..... **F.S. 800.04(5)(d): Lewd or Lascivious Molestation – Victim 12-15:** Intentionally touching the breasts, genitals, genital area, buttocks, or the clothing covering them, of a person 12 years of age or older but less than 16 years of age, or forcing or enticing a person less than 16 years of age to so touch the perpetrator.

(Sexual offender registration is required if the offender is 14 years of age or older at the time of the offense and **both** boxes below are checked "Yes.")

Did the sexual activity involve unclothed genitals? Yes No

Did the sexual activity involve force or coercion? Yes No

..... **F.S. 800.04(5)(c): Lewd or Lascivious Molestation – Victim under 12:** Intentionally touching the breasts, genitals, genital area, buttocks, or the clothing covering them, of a person less than 12 years of age, or forcing or enticing a person less than 12 years of age to so touch the perpetrator.

(Sexual offender registration is required if the offender is 14 years of age or older at the time of the offense and the box below is checked "Yes.")

Did the sexual activity involve unclothed genitals? Yes No

(Check one only)

SEXUAL OFFENDER REGISTRATION IS REQUIRED

SEXUAL OFFENDER REGISTRATION IS NOT REQUIRED

DONE AND ORDERED ON(date).....

Circuit Judge

FORM 8.959. SUMMONS FOR DEPENDENCY ARRAIGNMENT

SUMMONS AND NOTICE OF HEARING

STATE OF FLORIDA

TO:(name and address of person being summoned).....

.....(Petitioner’s name)..... has filed in this court a petition, alleging under oath that the above-named child(ren) is/are dependent under the laws of the State of Florida and requesting that a summons issue in due course requiring that you appear before this court to be dealt with according to law. A copy of the petition is attached to this summons.

You are to appear before this Court at(location of hearing)....., at(time and date of hearing).....

FAILURE TO PERSONALLY APPEAR AT THE ARRAIGNMENT HEARING CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN) AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR CHILDREN).

IF YOU FAIL TO APPEAR YOU MAY BE HELD IN CONTEMPT OF COURT.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, telephone number)..... ~~within two working days of your receipt of this summons~~ at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

Witness my hand and seal of this court at(city, county, and state)....., on(date).....

CLERK OF COURT

BY: _____
DEPUTY CLERK

NOTIFICACIÓN Y CITACIÓN
PARA LA AUDIENCIA

ESTADO DE LA FLORIDA

PARA: _____
(Nombre y dirección de la persona a ser citada)

CONSIDERANDO, que _____
(Nombre del(a) demandante)

ha interpuesto en este Juzgado una petición en la cual alega bajo juramento la dependencia del(los) niño(s) según las leyes del Estado de la Florida, adjuntándose copia de la misma, y está solicitando la emisión oportuna de una citación para exigir su comparecencia ante este juzgado para tratar el asunto conforme a la ley.

POR LO TANTO, se le ordena comparecer ante este Juzgado en _____ a las _____
(lugar de la audiencia) (hora y fecha de la audiencia)

SI USTED NO COMPARECE PERSONALMENTE A LA AUDIENCIA INCOATORIA, ESTO SIGNIFICARÁ QUE USTED ACCEDE A LA ADJUDICACIÓN DE DEPENDENCIA DE ESTE(OS) NIÑO(S) Y FINALMENTE, PODRÁ RESULTAR EN LA PERDIDA DE LA TUTELA DEL(OS) NIÑO(S).

SI USTED NO COMPARECE, SE LO PODRÁ JUZGAR EN DESACATO DEL TRIBUNAL.

De acuerdo con la Ley de Americanos con Incapacidades de 1990 (ADA), las personas incapacitadas quienes, por sus incapacidades, necesitan acomodos especiales para participar en este proceso deben ponerse en contacto con un coordinador de ADA en el no mas tarde de 2 dias laborables antes de tal proceso para recibir asistencia. El numero para el Servicio de Interpretación de la Florida para Personas Sordas es el 1-800-955-8771. Si usted es una persona con una discapacidad que necesita cualquier tipo de trato especial para participar en este procedimiento, usted tiene derecho, sin costa alguno para usted, para la prestación de asistencia determinadas. Póngase en contacto con(nombre, dirección, número de teléfono)..... por lo menos 7 dias antes la aparición en la corte programado, o inmediatamente después de recibir esta notificación, si el tiempo antes de la comparecencia prevista es inferior a 7 dias. Si usted está oyendo o voz alterada, llame al 711.

Firmado y sigilado en este Juzgado en _____
(ciudad, condado y estado)
el _____
(fecha)

ESCRIBANO DEL TRIBUNAL
POR: _____
ESCRIBANO DELEGADO

MANDA AK AVÈTISMAN POU
YON CHITA TANDE

Leta Florid
Pou:(non ak adrès pou moun yo voye manda-a).....

kòm, tantiske,(non pati ki fé demann-nan).... fé yon demann devan tribinal-la, epi li sèmante

timounnan (yo), swa dizan bezwen pwoteksyon leta dapre règ lalwa nan Leta Florid, yon kopi enfòmasyon sou akizasyon-an kwoke nan lèt sa-a. Yo mande pou yo sèvi-w ak yon manda touswit, ki pou fose-w prezante devan tribinal la pou yo ka koresponn avèk ou, dapre lalwa.

Alò, pou sa yo kòmande-w pou prezante devan tribinal sa-a, ki nan, (adrès tribinal-la), a (nan dat ak lè, chita tande-a)

SI OU PA PREZANTE PESONÈLMAN NAN CHITA TANDE-A, POU YO KA AVÈTI-W AK AKIZASYON OFISYÈL-LA, SA KA LAKÒZ YO DESIDE OU KONSANTI TIMOUN-NAN(YO), BEZWEN PWOTEKSYON LETA, EPI LI KA LAKÒZ OU PÈDI DWA-OU KÒM PARAN TIMOUN SA-A(YO).

SI OU PA PREZANTE, YO GEN DWA CHAJE-W, KÒMKWA OU MANKE TRIBINAL LA DEGA.

An akò ak Lwa pou Ameriken ki Andikape yo de ane 1990 (ADA) a, moun ki andikape yo, ki poutèt andikap yo an, bezwen de aranjman spesyal pou yo ka patisipe nan deroulman yo, fèt pou rantre an knotak ak koòdinatè ADA a nan pa pi ta ke non 2 jou travay ki vin anvan deroulman an pou yo ka resevwa asistans. Nimewo pou Sèvis Tradiksyon nan la Florid pou moun ki soud se 771. Si ou se yon moun infirm, ki beswen `ed ou ki bewsen ke o akomode w pou ou patisipe nan pwosedi sa yo, ou genyen dwa, san ke ou pa peye, a setin `ed. Silvouple kontakte(non, address, telephone)..... o moin 7 jou avan dat ou genyen rendezvou pou ale nan tribunal, ou si le ou resevwa avi a, genyen moin ke 7 jou avan date endevou tribunal la. Ou si ou pa tande pale, rele nan nimerro sa 711.

Mwen siyen non mwen, epi mete so mwen, nan dokiman tribinal-la sa-a, kòm temwen, nan (vil, distrik, eta), nan(dat).....

REFYÈ TRIBINAL-LA

PA: _____
Asistan Grefye Tribinal-la

FORM 8.960. SHELTER PETITION

**AFFIDAVIT AND PETITION FOR
PLACEMENT IN SHELTER**

COMES NOW, the undersigned, who being first duly sworn says:

1. On(date).... at a.m./p.m. the above named minor child(ren) was/were found within the jurisdiction of this court.

.... The child(ren) was/were taken into custody by

.... The child(ren) need(s) to be taken into protective custody.

2. The name, age, and residence of this/these child(ren) is/are:

Name	Birth date	Sex	Address
.....
.....
.....

3. The name, relationship to the child(ren), and address of the child(ren)'s parents or other legal custodian(s) is/are:

Name	Relationship	Address
.....
.....

4. The following individuals who were listed in #3 above have been notified in the following manner of the date, time, and location of this hearing:

Name	Manner Notified
.....
.....
.....

The following individuals who were listed in #3 above have not been notified of this hearing:

Name	Reason
.....
.....
.....

5. There is probable cause that the child(ren)

.... a. has/have been abused, abandoned, or neglected or is/are in imminent danger of illness or injury as a result of abuse, abandonment, or neglect;

.... b. was/were with a parent or legal custodian who has materially violated a condition of placement imposed by the court;

.... c. has/have no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care; because

6. The provision of appropriate and available services will not eliminate the need for placement of the child(ren) in shelter care because:

- a. an emergency existed in which the child(ren) could not safely remain in the home;
- b. the home situation presents a substantial and immediate danger to the child(ren) which cannot be mitigated by the provision of preventive services;
- c. the child(ren) could not be protected in the home despite the provision of the following services and efforts made by the Department of Children and Family Services to prevent or eliminate the need for placement in shelter care;
- d. The child(ren) cannot safely remain at home because there are no preventive services that can ensure the safety of the child(ren).

7. The child(ren) is/are in need of and the petitioner requests the appointment of a guardian ad litem.

8. The petitioner requests that the parents, if able, be ordered to pay fees for the care, support, and maintenance of the child(ren) as established by the department under chapter 39, Florida Statutes.

9. The petitioner requests that the parents be ordered to provide to the Department of Children and Family Services and the Department of Revenue financial information necessary to accurately calculate child support under section 61.30, Florida Statutes, within 28 days of this order.

10. This affidavit and petition is filed in good faith and under oath.

WHEREFORE, the affiant requests that this court order that this/these child(ren) be placed in the custody of the department until further order of this court and that the place of such custody shall be:

- at the discretion of the Department of Children and Family Services;
- at the home of a responsible adult relative,, whose address is
- other

Moving Party

.....attorney's name.....
.....address and telephone number.....
.....Florida Bar number.....

Verification

NOTICE TO PARENTS/GUARDIANS/LEGAL CUSTODIANS

A date and time for an arraignment hearing is normally set at this shelter hearing. If one is not set or if there are questions, you should contact the Juvenile Court Clerk's office at A copy of the Petition for Dependency will be given to you or to your attorney, if you have one. A copy will also be available in the clerk's office. You have a right to have an attorney represent you at this hearing and during the dependency proceedings and an attorney will be appointed for you if you request an attorney and the court finds that you are unable to afford an attorney.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, telephone number).... ~~within two working days of your receipt of this summons~~ at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

FORM 8.961.

SHELTER ORDER

ORDER FOR PLACEMENT IN SHELTER

THIS CAUSE came on to be heard under chapter 39, Florida Statutes, on the sworn AFFIDAVIT AND PETITION FOR PLACEMENT IN SHELTER CARE filed by(petitioner’s name)....., on(date)..... The following persons appeared before the court:

- Petitioner
- Petitioner’s attorney
- Mother
- Father(s)
- Legal custodian(s)
- Guardian ad litem
- GAL attorney
- Other:

and the Court having reviewed its file and having been otherwise duly advised in the premises finds as follows:

1. The minor child(ren),, was/were found within the jurisdiction of this court and is/are of an age subject to the jurisdiction of this court.

2. PLACEMENT IN SHELTER.

..... The minor child(ren) was/were placed in shelter on(date)..... at a.m./p.m. by(name)....., a duly authorized agent of the department.

..... The minor child(ren) need(s) to be placed in shelter at the request of the petitioner for the reasons stated in this order.

3. PARENTS/CUSTODIANS. The parents/custodians of the minor child(ren) are:

	Name	Address
Mother:
Father of(child’s name).....
Other:(relationship and to which child).....

4. INABILITY TO NOTIFY AND/OR LOCATE PARENTS/CUSTODIANS. The petitioner has made a good faith effort to notify and/or locate, but was unable to notify and/or locate(name(s))....., a parent or legal custodian of the minor child(ren).

5. NOTIFICATION. Each parent/legal custodian not listed in #4 above was:

- duly notified that the child(ren) was/were taken into custody;
- duly notified to be present at this hearing;

- served with a statement setting forth a summary of procedures involved in dependency cases;
- advised of their right to counsel; and
 - was represented by counsel,(name).....
 - knowingly, voluntarily, and intelligently waived the right; or
 - the court declined to accept the waiver because
 - requested appointment of counsel, but the court declined appointment because he/she did not qualify as indigent.
 - requested appointment of counsel and counsel was appointed.

6. PROBABLE CAUSE.

- Based on the allegations in the Affidavit and Petition for Placement in Shelter, there is probable cause to believe that the child(ren) is/are dependent based on allegations of abuse, abandonment, or neglect or substantial risk of same.
- A finding of probable cause cannot be made at this time and the court requires additional information to determine the risk to the child(ren). The following information must be provided to the court during the continuation of this hearing:(information to be provided)..... This hearing is continued for 72 hours, until(date and time)..... The children will remain in shelter care.

7. NEED FOR PLACEMENT. Placement of the child(ren) in shelter care is in the best interest of the child(ren). Continuation in the home is contrary to the welfare of the child(ren) because the home situation presents a substantial and immediate danger which cannot be mitigated by the provision of preventive services and placement is necessary to protect the child(ren) as shown by the following facts:

- the child(ren) was/were abused, abandoned, or neglected, or is/are suffering from or in imminent danger of injury or illness as a result of abuse, abandonment, or neglect, specifically:.....
- the custodian has materially violated a condition of placement imposed by the court, specifically:
- the child(ren) has/have no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care, specifically:

8. REASONABLE EFFORTS.

- Reasonable efforts to prevent or eliminate the need for removing the child(ren) from the home have been made by the department, which provided the following services to the family:.....
- The following specific services, if available, could prevent or eliminate the need for removal or continued removal of the child from the home

..... The date these services are expected to be available is

..... The department is deemed to have made reasonable efforts to prevent or eliminate the need for removal from the home because:

..... The first contact with the department occurred during an emergency.

..... The appraisal of the home situation by the department indicates a substantial and immediate danger to the child(ren) which cannot be mitigated by the provision of preventive services.

..... The child(ren) cannot safely remain at home because no services exist that can ensure the safety of the child(ren). Services are not available because

..... Even with appropriate services, the child(ren)'s safety cannot be ensured.

9. RELATIVE PLACEMENT

..... The court asked any parents present whether the parents have relatives that might be considered as a placement for the child(ren).

..... The court advised any parents present that the parents have a continuing duty to inform the department of any relative who should be considered for placement of the child.

..... By this order, the court notifies the relatives who are providing out-of-home care for the child(ren) of the right to attend all subsequent hearings, to submit reports to the court, and to speak to the court regarding the child(ren), if they so desire.

It is, therefore, ORDERED AND ADJUDGED, as follows:

1. The child(ren) shall remain/be placed in the shelter custody of:

..... the department, with the department having the discretion to shelter the child(ren) with a relative or other responsible adult on completion of a positive homestudy, abuse registry, and criminal background checks.

..... Other:

2. The child(ren) may may not be returned to the parent/custodian without further order of this court.

3. The Guardian Ad Litem Program is appointed.

4. The parents, within 28 days of the date of this order, shall provide to the department the information necessary to accurately calculate child support under section 61.30, Florida Statutes. The parents shall pay child support in accordance with Florida Statutes.

5. The legal custodian, or in the absence of the legal custodian, the department and its agents, are hereby authorized to provide consent for and to obtain ordinary and necessary medical and dental treatment and examination for the above child(ren) including blood testing deemed medically appropriate, and necessary preventive care, including ordinary immunizations and tuberculin testing.

6. Visitation with the child(ren) shall be as follows:
.....

7. The parents shall provide to the court and all parties identification and location information regarding potential relative placements.

8. The relatives who are providing out-of-home care for the child(ren) have the right to attend all subsequent hearings, to submit reports to the court, and to speak to the court regarding the child(ren), if they so desire

9. **IF THE PARENTS FAIL TO SUBSTANTIALLY COMPLY WITH THE CASE PLAN, THEIR PARENTAL RIGHTS MAY BE TERMINATED AND THE CHILD(REN)'S OUT-OF-HOME PLACEMENT MAY BECOME PERMANENT.**

10. Special conditions:

11. This court retains jurisdiction over this matter to enter any other and further orders as may be deemed to be in the best interest and welfare of this/these child(ren).

12. If a Petition for Dependency is subsequently filed in this cause, **the Arraignment Hearing is scheduled for(date)....., at a.m./p.m. at(location of arraignment)..... The parents have a right to be represented by an attorney at the arraignment hearing and during the dependency proceedings.**

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, telephone number).... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

ORDERED in County, Florida on (date)....., at a.m./p.m.

Circuit Judge

FORM 8.963. INJUNCTION ORDER

**ORDER ON VERIFIED MOTION FOR
CHAPTER 39 INJUNCTION**

THIS CAUSE came before this court on(date)....., pursuant to section 39.504, Florida Statutes. Present before the court were(name(s)).....; and the court having reviewed the verified motion, heard testimony and argument, and being otherwise fully advised in the premises finds:

- 1. That this court has jurisdiction to issue an injunction in this cause.
- 2. The minor children subject to this request are:

Name	Birth date
.....
.....
.....
.....

- 3.(Name and address of person(s) against whom injunction is requested)..... was noticed of the hearing on this motion ondate.....

..... This injunction is being issued without notice because(child(ren))'s name(s))..... is/are in imminent danger, in that(explain why there would be immediate and irreparable harm if the other party is given notice).....

- 4. Reasonable cause for the issuance of an injunction does does not exist based on the following:

- 5. (Name and address of person against whom injunction is requested)..... can be identified by the following:

Race: Gender: Male Female

Date of Birth:

Height: Weight: Eye Color:

Hair Color:

Distinguishing marks and/or scars:

Vehicle (make/model/year):

Color:

Tag Number:

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

- 1. This court grants denies the motion for injunction.

2. Until()(date)...../() modified or dissolved by this court....., Respondent,(name) and address)..... shall:

..... Refrain from further child abuse of the minor child(ren) or exposure of the child(ren) to acts of domestic violence.

..... Participate in a specialized treatment program including

..... Have limited contact with the children as follows:

..... Supervised visitation with the child(ren). The visitation shall be supervised at all times by the Department or an adult approved by the Department or the court. The visitation shall occur on a schedule agreed by the parties and at the Department's office, a supervised visitation center, or another place agreed by the parties.

The frequency of the visitation shall be

..... No contact with the child(ren) at home, school, work, or wherever the child(ren) may be found except as otherwise provided by this order.

..... Other conditions

..... Pay \$..... () weekly () biweekly () monthly temporary support for the () child(ren) () family members.

..... Pay the costs of medical, psychiatric and psychological treatment for () the child(ren) () family members incurred as a result of the offenses described in the verified motion.

..... Vacate the home in which(child(ren)'s name(s))..... resides(s) and not return until further order of the court.

..... OTHER CONDITIONS:

3. Due to any domestic violence, the court hereby

..... Awards the exclusive use and possession of the dwelling,(address)..... to the caregiver(name)..... or excludes Respondent from the residence of the caregiver.

..... Awards temporary custody of the child(ren) to the caregiver,(name).....

4. This court retains jurisdiction over this cause to enter any further orders that may be deemed necessary for the best interest and welfare of the minor child(ren).

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

DONE AND ORDERED on(date).....

Circuit Judge

Copies furnished to:

COMMENT: If injunction is issued ex parte, include the following:

NOTICE OF HEARING

The Juvenile Court hereby gives notice of hearing in the above styled cause on(date)..... at a.m./p.m., before(judge)....., at(location)..... or as soon thereafter as counsel can be heard.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Office of the Court Administrator no later than 7 days before the proceeding at(telephonenumber).....If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, and telephone number)..... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

PLEASE BE GOVERNED ACCORDINGLY.

FORM 8.964. DEPENDENCY PETITION

PETITION FOR DEPENDENCY

COMES NOW, Petitioner,(name)....., by and through undersigned counsel, and petitions this court to adjudicate the above-named minor child(ren) to be dependent within the meaning and intent of chapter 39, Florida Statutes. As grounds, petitioner alleges the following:

1. This court has jurisdiction over the minor child(ren),(name(s))....., a(gender)..... child, whose date(s) of birth is/are, and who, at the time the dependency arose, was/were in the custody of(name(s)).....
2. The natural mother of the minor child(ren) is(name)....., a resident of(state)....., whose address is
3. The father of the minor child(ren),(name(s))..... is(name)....., whose address is The father is is not married to the mother, and is is not listed on the child(ren)'s birth certificate(s). The mother filed a Sworn Statement About Identity or Location of Father with this court on(date)....., which named as the father.
4. The UCCJEA Affidavit is attached was filed with the Court on(date)..... and is incorporated by reference.
5. The child(ren) is/are dependent within the meaning and intent of chapter 39, Florida Statutes, in that the mother/father/parents/legal custodian/caregiver(s) abused, abandoned, or neglected the minor child(ren) on or about(date)....., by: and that these activities and environments cause the child(ren)'s physical, mental, or emotional health to be in danger of being significantly impaired.

OR

5. The above named child(ren) is/are presently under substantial risk or imminent threat of harm or abuse or neglect, within the meaning and intent of chapter 39, Florida Statutes, which is likely to cause the child(ren)'s physical health to be significantly impaired because
6. The department is unable to ensure the protection of the minor child(ren) without judicial intervention.
7. The mother/father/parents has/have received the following services:
8. A shelter hearing was held on(date)....., and the child(ren) was/were placed in the custody of
9. An arraignment hearing

..... needs to be scheduled.
..... is scheduled for(date and time).....

10. A guardian ad litem

..... needs to be appointed.
..... was appointed at the shelter hearing to represent the child(ren).

11. Under chapter 39, Florida Statutes, the clerk of the court is required to issue a summons to the following parents or custodians:

The natural mother,(name)....., whose address is

The natural father,(name)....., whose address is

.....(Additional fathers and their addresses).....

WHEREFORE, the petitioner asks that process may issue in due course to bring the above-named parties before the court to be dealt with according to the law, to adjudicate the named minor child(ren) named to be dependent.

.....(Petitioner's name).....

....(Attorney's name).....
.....(address and telephone number).....
.....Florida Bar number.....

Verification
Certificate of service

NOTICE OF RIGHTS

PLEASE READ THIS PETITION BEFORE ENTERING THE COURTROOM.

YOU HAVE A RIGHT TO HAVE COUNSEL PRESENT AT THIS HEARING.

BY COPY OF THIS PETITION, THE PARENTS, CAREGIVERS, AND/OR LEGAL CUSTODIANS ARE NOTIFIED OF THEIR RIGHT TO HAVE LEGAL COUNSEL PRESENT FOR ANY PROCEEDING RESULTING FROM THIS

PETITION OR TO REQUEST THE COURT TO HAVE COUNSEL APPOINTED, IF INDIGENT.

Further, these persons are informed of the following:

An arraignment is set on this matter for(date)....., at a.m./p.m., at(location)..... The purpose of the arraignment is to advise as to the allegations contained in the Petition For Dependency. When your case is called, the Judge will ask you to enter a plea to this petition. The plea entered may be one of the following:

1. Admit: This means you admit that the petition states the truth and you do not want a trial.

2. Consent: This means you neither admit nor deny the petition, but do not want a trial.

(If you enter either of the above two pleas, the court will set a disposition date for the matter. At disposition, the court will decide where the child will stay and under what conditions).

3. Deny: This means you deny the allegations of the petition and wish the state to attempt to prove them at a trial.

4. Continue: This means you wish time to confer with an attorney, before entering a plea. If you enter this plea, the court will schedule another hearing in approximately 2 weeks. At that time, another arraignment hearing will be held, and you (or your attorney) must enter one of the above three pleas.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

~~In accordance with the Americans With Disabilities Act persons needing a special accommodation to participate in this proceeding should contact the office of the Court Administrator as soon as possible, but no later than 7 days before the proceeding at(phone number).....~~ **If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, and telephone number)..... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.**

FORM 8.965. ARRAIGNMENT ORDER

NOTICE OF NEXT HEARING

THIS CAUSE came to be heard on(date)....., under chapter 39, Florida Statutes, on the Petition For Dependency filed by(name)....., for arraignment of(name(s))..... The following persons appeared before the Court:

- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner
- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem
- (Name)....., Legal custodian
- (Name)....., Attorney for legal custodian
- (Name)....., Other

The court having considered the Petition for Dependency and having heard testimony and argument, and having been otherwise duly advised in the premises finds:

1. This court has jurisdiction over the subject matter of this action; and
2. The mother,(name).....:
.....was was not noticed of this hearing;
..... did not appear, and the court:
..... entered a consent by default
..... did not enter a consent by default;
..... appeared with counsel appeared without counsel and:
..... was was not advised of her right to legal counsel; knowingly, intelligently, and voluntarily, waived did not waive her right to legal counsel; and
..... was was not determined to qualify as indigent and was was not appointed an attorney.
..... was served with a petition for dependency and entered a plea of: Admit, Deny, Consent, No Plea, Continuance

..... The Petitioner

..... will continue a diligent search and will attempt service.

..... has conducted an adequate diligent search and is excused from further diligent search and further attempts at service.

3. The father,(name).....:

..... was was not noticed of this hearing;

..... did not appear, and the court:

..... entered a consent by default

..... did not enter a consent by default;

..... appeared with counsel appeared without counsel and:

..... was was not advised of his right to legal counsel;

..... knowingly, intelligently, and voluntarily waived did not waive his right to legal counsel; and

..... was was not determined qualify as indigent and was was not appointed an attorney.

..... was served with a petition for dependency, and entered a plea of: Admit, Deny, Consent, No Plea, Continuance

..... The Petitioner

..... will continue a diligent search and will attempt service.

..... has conducted an adequate diligent search and is excused from further diligent search and further attempts at service.

4. That the child(ren)'s current placement in shelter care:

..... is no longer appropriate, and the child(ren) shall be returned to

..... is appropriate, in that the child(ren) is/are in a setting which is as family-like as possible, consistent with the child(ren)'s best interest and special needs and, that returning the child(ren) to the home would be contrary to the best interest of the minor child(ren); and, that every reasonable effort has been made to eliminate the need for placement of the child(ren) in shelter care, but present circumstances of the child(ren) and the family are such that shelter care is the only way to ensure the child(ren)'s health, safety, and well-being.

5. Additional findings:

THEREFORE, based on the foregoing findings of fact, it is hereby ORDERED and ADJUDGED that:

1. The minor child(ren) shall

..... be returned to remain in the care and custody of(name).....

..... remain in the care and custody of the department in shelter care pending adjudication and disposition or until further order of this court.

2. The child(ren): is/are is/are not adjudicated dependent at this hearing.

3. Mediation A case planning conference is/are ordered at this time and shall be conducted on(date)....., at a.m./p.m., at(location)..... All parties, unless otherwise specified, shall attend.

4. As to the mother,(name)....., the court:

Accepts the plea of: Admit, Deny,..... Consent, Continuance.

..... Appoints Does not appoint an attorney.

Sets a hearing for re-arraignment adjudicatory trial disposition and case plan hearing trial status on(date)..... at a.m./p.m.

5. As to the father,(name)....., the court:

Accepts the plea of: Admit, Deny, Consent, Continuance.

..... Appoints Does not appoint an attorney.

Sets a hearing for re-arraignment adjudicatory trial disposition and case plan hearing trial status on(date)..... at a.m./p.m.

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

DONE AND ORDERED on(date).....

Circuit Judge

NOTICE OF HEARING

The Juvenile Court hereby gives notice of hearing in the above-styled cause on(date)..... at a.m./p.m., before(judge)....., at(location)..... or as soon thereafter as counsel can be heard.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

~~In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact~~

~~the Office of the Court Administrator no later than 7 days before the proceeding at~~
~~.....(telephone number).....~~ If you are a person with a disability who needs any
accommodation in order to participate in this proceeding, you are entitled, at no cost to
you, to the provision of certain assistance. Please contact(name, address, and telephone
number)..... at least 7 days before your scheduled court appearance, or immediately upon
receiving this notification if the time before the scheduled appearance is less than 7 days. If
you are hearing or voice impaired, call 711.

PLEASE BE GOVERNED ACCORDINGLY.

Copies furnished to:

FORM 8.966. ADJUDICATION ORDER — DEPENDENCY

ORDER OF ADJUDICATION

THIS CAUSE came before this court on(date)....., under chapter 39, Florida Statutes, for adjudication of the Petition for Dependency filed by(petitioner’s name)..... Present before the court were

- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner
- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem
- (Name)....., Legal custodian
- (Name)....., Attorney for legal custodian
- (Name(s))....., Minor child(ren)
- (Name)....., Attorney ad litem for minor child(ren)
- (Name)....., Other

The court having heard testimony and argument and being otherwise fully advised in the premises finds:

1. That the minor child(ren) who is/are the subject matter of these proceedings, is/are dependent within the meaning and intent of chapter 39, Florida Statutes, and is/are (a) resident(s) of the State of Florida.

2. The mother,(name).....:

..... was was not noticed of this hearing;

..... did not appear, and the court:

..... entered a Consent for failure to appear after proper notice.

..... did not enter a Consent for failure to appear after proper notice.

..... appeared with counsel;

..... appeared without counsel and:

..... was was not advised of her right to legal counsel,

..... knowingly, intelligently, and voluntarily waived did not waive her right to legal counsel and

..... was was not determined to qualify as indigent and was was not appointed an attorney.

3. The father,(name).....:

..... was was not noticed of this hearing;

..... did not appear, and the court:

..... entered a Consent for failure to appear after proper notice.

..... did not enter a Consent for failure to appear after proper notice.

..... appeared with counsel;

..... appeared without counsel and:

..... was was not advised of his right to legal counsel,

..... knowingly, intelligently, and voluntarily waived did not waive his right to legal counsel and

..... was was not determined to qualify as indigent and was was not appointed an attorney.

4. That the child(ren) is/are dependent within the meaning and intent of chapter 39, Florida Statutes, in that the mother,(name)....., abused, neglected, or abandoned the minor child(ren) by These facts were proven by preponderance of the evidence clear and convincing evidence.

5. That the child(ren) is/are dependent within the meaning and intent of chapter 39, Florida Statutes, in that the father,(name)....., abused, neglected, or abandoned the minor child(ren) by These facts were proven by preponderance of the evidence clear and convincing evidence.

COMMENT: Use 6, 7, and 8 only if the child is in out-of-home placement.

6. That the Court finds that it is in the best interest of the child(ren) to remain in out-of-home care.

7. That every reasonable effort was made to eliminate the need for placement of the child(ren) in out-of-home care but the present circumstances of the child(ren) and the mother father are such that out-of-home care is the only way to ensure the health, safety, and well being of the child(ren), in that

8. That the child(ren)'s placement in(type of placement)..... is in a setting which is as family like and as close to the home as possible, consistent with the child(ren)'s best interests and special needs.

9. That returning the minor child(ren) to the custody of(person who had previous legal custody)..... would be contrary to the best interest and welfare of the minor child(ren).

10. The Court inquired of any parents present whether they have relatives who might be considered for placement of the child(ren).

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

1. The minor child(ren),(name(s))....., is/are adjudicated dependent.

2. The child(ren) shall remain in the care and custody of

..... the department in shelter care

..... other(name).....

pending disposition.

3. The parents shall provide to the Court and all parties identification and location information regarding potential relative placements.

4. **THE COURT ADVISED THE PARENTS THAT IF THE PARENTS FAIL TO SUBSTANTIALLY COMPLY WITH THE CASE PLAN THEIR PARENTAL RIGHTS MAY BE TERMINATED AND THE CHILD(REN)'S OUT-OF-HOME PLACEMENT MAY BECOME PERMANENT.**

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

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

7. Disposition is scheduled for(date)....., at a.m./p.m.

DONE AND ORDERED ondate..... at(city)....., Florida.

Circuit Judge

NOTICE OF HEARING

The Juvenile Court hereby gives notice of hearing in the above styled cause on(date)..... ata.m./p.m., before(judge)....., at(location)....., or as soon thereafter as counsel can be heard.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Office of the Court Administrator no later than 7 days before the proceeding at(telephone number)..... If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, and telephone number)..... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

PLEASE BE GOVERNED ACCORDINGLY.

Copies furnished to:

FORM 8.967. ORDER OF DISPOSITION, ACCEPTANCE OF CASE PLAN, AND NOTICE OF HEARING

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

THIS CAUSE came before this court on(date)....., under chapter 39, Florida Statutes, for disposition of the Petition for Dependency and acceptance of the Case Plan filed by the Department of Children and Family Services.

The following persons appeared before the court:

- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner
- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem
- (Name)....., Legal custodian
- (Name)....., Attorney for legal custodian
- (Name)....., Other:

The court having considered the Predisposition Study and Case Plan filed by the department and having heard testimony and argument and being otherwise fully advised in the premises finds that:

1. The minor child(ren) who is/are the subject matter of these proceedings, was/were adjudicated dependent within the meaning and intent of chapter 39, Florida Statutes, continue to be dependent, and is/are residents of the State of Florida.
2. The minor child(ren) is/are of an age subject to the jurisdiction of this Court.
3. The following parties were notified of this hearing and provided a copy of the Case Plan and Predisposition Report filed in this cause:

- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner
- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem

..... (Name)....., Other:

4. The mother,(name).....:

..... did not appear and was was not represented by legal counsel;

..... appeared with without legal counsel and was was not advised of her right to legal counsel;

... knowingly, intelligently, and voluntarily waived did not waive her right to legal counsel; and

..... was was not determined to qualify as indigent and was was not appointed an attorney.

5. The father,(name).....:

..... did not appear and was was not represented by legal counsel;

..... appeared with without legal counsel and was was not advised of his right to legal counsel;

..... knowingly, intelligently, and voluntarily waived did not waive his right to legal counsel; and

..... was was not determined to qualify as indigent and was was not appointed an attorney.

6. The following parents/legal custodians were notified of their right to participate in the preparation of the case plan and to receive assistance from any other person in the preparation of the case plan:(names of persons notified).....

7. The department filed a predisposition study with the court on(date)..... This predisposition study is is not in compliance with the statutory requirements.

8. The department filed a case plan with the court on(date).....

a. The terms of the case plan are are not consistent with the requirements of the law and previous orders of this court.

b. The case plan is is not meaningful and designed to address the facts and circumstances on which the court based the finding of dependency.

c. The case plan is is not in the best interest of the minor child(ren).

d. The case plan's stated goal of is is not a reasonable goal.

- e. The parents have do not have the ability to comply with the terms of the case plan.
- 9. There is a need for temporary child support from(noncustodial parent(s))..... and that he/she/they has/have do/does not have the ability to pay child support.

COMMENT: Use 10, 11 & 12 if child(ren) is/are not placed in the home of a parent.

- 10. It is in the best interest of the minor child(ren) to be placed in the care and custody of(placement ordered).....
- 11. Placement of the minor child(ren) in the care and custody of(placement ordered)..... is in a setting which is as family like and as close to the home as possible, consistent with the child(ren)'s best interests and special needs.
- 12. Return of the minor child(ren) to the custody of(person from whom child(ren) was/were originally removed).... would be contrary to the best interest and welfare of the minor child(ren). The child(ren) cannot safely remain return home with services and removal of the child(ren) is necessary to protect the child(ren), in that
- 13. Prevention or reunification services were not were indicated and are as listed:(services indicated)..... Further efforts could not have shortened separation of this family because:.....

COMMENT: Use 14 if the goal of the case plan is reunification.

- 14. Reasonable efforts to prevent or eliminate the need for removal of the child(ren) have been made by the department, which provided the following services:

COMMENT: Use 15 if child(ren) remain(s) or is/are returned to the parent(s).

- 15. The child(ren) can safely remain with be returned to(parent(s)'s name(s))..... as long as he/she/they comply(ies) with the following:

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

- 1. The minor child(ren),(name(s))..... be placed in the custody of(name)....., under supervision of the department.
- 2. The predisposition study report filed by the department is:
..... not accepted and a continuance was requested.

..... accepted by the court.

..... accepted by the court with the following amendments:

.....

3. The case plan filed by the department is:

..... not accepted and a continuance is granted for 30 days or less.

..... accepted by the court.

..... accepted by the court with the following amendments:

4. All parties are ordered to comply with the provisions of the case plan and any amendments made to it.

COMMENT: Use 5, 6 & 7 if child(ren) is/are placed outside the home.

..... 5. The mother,(name)....., shall pay child support in the amount of \$..... by the(day)..... of each month to(where money is to be paid)....., beginning on(date)..... and continuing until such time as payments begin to be deducted by income deduction order. All child support payments shall be paid to the Clerk of the Circuit Court designated to receive child support payments.

..... 6. The father,(name)....., shall pay child support in the amount of \$..... by the(day)..... of each month to(where money is to be paid)....., beginning on(date)..... and continuing until such time as payments begin to be deducted by income deduction order. All child support payments shall be paid to the Clerk of the Circuit Court designated to receive child support payments.

..... 7. The legal custodian shall have the right to authorize for the child(ren) any emergency medical treatment and any ordinary and necessary medical and dental examinations and treatment, including blood testing, preventive care including ordinary immunizations, tuberculin testing, and well-child care, but not including nonemergency surgery, general anesthesia, provision of psychotropic medications, or other extraordinary procedures for which a separate order or informed consent as provided by law is required.

8. Other:

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

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

11. This matter is scheduled for Judicial Review on(date)..... at(time).....

DONE AND ORDERED in, Florida, on(date).....

Circuit Judge

NOTICE OF HEARING

The Juvenile Court hereby gives notice of hearing in the above-styled cause on(date)..... at a.m./p.m., before(judge)....., at(location)....., or as soon thereafter as counsel can be heard.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Office of the Court Administrator no later than 7 days before the proceeding at(telephone number)..... If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, and telephone number)..... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

PLEASE BE GOVERNED ACCORDINGLY.

Copies furnished to:

FORM 8.970. ORDER ON JUDICIAL REVIEW

ORDER ON JUDICIAL REVIEW AND NOTICE OF NEXT HEARING

THIS CAUSE came on to be heard on(date)..... for Judicial Review on the report filed by the Department of Children and Family Services in this cause under chapter 39, Florida Statutes.

The following persons appeared before the court:

- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner
- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem
- (Name)....., Legal custodian
- (Name)....., Attorney for legal custodian
- (Name)....., The child
- (Name)....., Attorney/Attorney ad litem for the child
- (Name)....., Other:

and the court having considered:

- Judicial Review Social Study Report filed by the Department;
- Statement/homestudy filed by the Department;
- Report of the Guardian Ad Litem;
- Case plan filed by the Department;
- Statement by the Child’s Caretaker;
- Whether or not the child is a citizen and, if the child is not a citizen, the steps that have been taken to address the citizenship or residency status of the child;
- Other:

AND THE COURT having heard testimony and argument, and having been otherwise duly advised in the premises finds:

1. That the minor child(ren) who is/are the subject matter of these proceedings was/were adjudicated dependent, continue to be dependent, is/are of an age subject to the jurisdiction of the court, and is/are resident(s) of the state of Florida.

2. The following parties were notified of this hearing and provided a copy of the documents filed for this hearing:

- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner

- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem
- (Name)....., Legal custodian
- (Name)....., Attorney for legal custodian
- (Name)....., Other:

3. The mother,(name).....:

..... did not appear and was was not represented by legal counsel;

..... appeared with without legal counsel and was was not advised of her right to legal counsel;

knowingly, intelligently, and voluntarily waived did not waive her right to legal counsel; and

..... was was not determined to qualify as indigent and

..... was was not appointed an attorney.

4. The father,(name).....:

..... did not appear and was was not represented by legal counsel;

..... appeared with without legal counsel and was was not advised of his right to legal counsel;

knowingly, intelligently, and voluntarily waived did not waive his right to legal counsel; and

..... was was not determined to qualify as indigent and

..... was was not appointed an attorney.

COMMENT: Repeat above for each father.

5. The department filed a judicial review report with the court on(date)..... This judicial review report is is not in compliance with the statutory requirements.

6. The following parents/legal custodians were notified of their right to participate in the preparation of the case plan and to receive assistance from any other person in the preparation of the case plan:(names of those notified).....

7. The mother has complied with the following tasks in the case plan:(list tasks complied with).....

8. The mother has not complied with the following tasks in the case plan:(list tasks not complied with).....

9. The father,(father's name)....., has complied with the following tasks in the case plan:(list tasks complied with).....

10. The father,(father's name)....., has not complied with the following tasks in the case plan:(list tasks not complied with).....

11. The mother has has not complied with court ordered visitation as follows:(explanation of visitation compliance).....

12. The father,(father's name)....., has has not complied with court ordered visitation as follows:(explanation of visitation compliance).....

13. The department has has not complied with court ordered visitation as follows:(explanation of visitation compliance).....

14. The mother has has not complied with court ordered financial support for the child as follows:(explanation of financial compliance).....

15. The father,(father's name)....., has has not complied with court ordered financial support for the child as follows:(explanation of financial compliance).....

16. The mother has has not complied with court ordered meetings with the department as follows:(explanation of meetings compliance).....

17. The father,(father's name)....., has has not complied with court ordered meetings with the department as follows:(explanation of meetings compliance).....

18. The department has has not complied with court ordered meetings with the parents as follows:(explanation of meetings compliance).....

COMMENT: Use 19, 20, 21, 22, & 23 if child(ren) is/are not placed in the home of a parent.

..... 19. It is in the best interest of the minor child(ren) to be placed in the care and custody of(placement ordered).....

..... 20. Placement of the minor child(ren) in the care and custody of(placement ordered)..... is in a setting which is as family like and as close to the home as possible, consistent with the child(ren)'s best interests and special needs.

..... 21. Return of the minor child(ren) to the custody of(person(s) from whom child(ren) was/were originally removed)..... would be contrary to the best interest and welfare of the minor child(ren). The child(ren) cannot safelyremainreturn home with services and

removal of the child(ren) is necessary to protect the child(ren).

..... 22. Prevention or reunification serviceswere notwere indicated and are as follows:(services indicated)..... Further efforts could not have shortened separation of this family because

..... 23. The likelihood of the children’s reunification with the parent or legal custodian within 12 months is

COMMENT: Use 24 if child(ren) remain(s) or is/are returned to the parent(s).

..... 24. The child(ren) can safely remain with be returned to(parent(’s)(s’) name(s))..... as long as he/she/they comply(ies) with the following: The safety, well-being, and physical, mental, and emotional health of the child(ren) are not endangered by allowing the child(ren) to remain return home.

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

1. The minor child(ren),(name(s))....., be placed in the custody of(name)....., under supervision of the department.

2. The judicial review report filed by the department is:

..... not accepted and a continuance was requested.

..... accepted by the court.

..... 3. The court finds that it is not likely that the child(ren) will be reunified with the parent or legal custodian within 12 months after the child was removed from the home. The department shall file a motion within 10 days of receipt of this written order to amend the case plan to incorporate concurrent planning into the case plan.

4. The court inquired of any parents present whether they have relatives who might be considered for placement of the children.

5. Other:

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

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

8. This matter is scheduled for Judicial Review on(date)..... at(time).....

DONE AND ORDERED in, Florida, on(date).....

Circuit Judge

NOTICE OF HEARING

The Juvenile Court hereby gives notice of hearing in the above-styled cause on(date)..... at a.m./p.m., before(judge)....., at(location)....., or as soon thereafter as counsel can be heard.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Office of the Court Administrator no later than 7 days before the proceeding at(telephone number)...... If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, and telephone number)..... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

PLEASE BE GOVERNED ACCORDINGLY.

Copies furnished to:

ORDER ON JUDICIAL REVIEW FOR CHILD OVER AGE 17 AND NOTICE OF NEXT HEARING

THIS CAUSE came on to be heard on(date)..... for Judicial Review on the report filed by the Department of Children and Family Services in this cause under chapter 39, Florida Statutes.

The following persons appeared before the court:

- (Name)....., Child
- (Name)....., Attorney/Attorney ad Litem for the Child
- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner
- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem
- (Name)....., Legal custodian
- (Name)....., Attorney for legal custodian
- (Name)....., Other:

and the court having considered:

- Judicial Review Social Study Report filed by the Department;
- If the child has reached the age of 17, written verification that the child:
 - Has been provided with a current Medicaid card and has been provided all necessary information concerning the Medicaid program;
 - Has been provided with a certified copy of his or her birth certificate;
 - Has a valid Florida driver’s license or has been provided with a Florida identification card;
 - Has been provided information relating to Social Security Insurance benefits, if the child is believed to be eligible;
 - Has received a full accounting if there is a Master Trust for the child;
 - Has been provided with information and training related to budgeting, interviewing, and parenting skills;
 - Has been provided with information related to the Road-to-Independence Scholarship, including applications forms;
 - Has been informed that if he or she is eligible for the Road-to-Independence Scholarship program, he or she may reside with the licensed foster family or group care provider with whom the child was residing at the time of attaining his

- or her 18th birthday or may reside in another licensed foster home or with a group care provider arranged by the department;
- Has an open bank account and has been provided with banking skills;
- Has been provided with information on public assistance and how to apply;
- Has been provided a clear understanding of where he or she will be living on his or her 18th birthday, how living expenses will be paid, and what educational program the child will be enrolled in;
- Has been provided with notice of his or her right to petition for the court's continuing jurisdiction for one year after his or her 18th birthday, and with information on how to obtain access to the court; and
- Has been encouraged to attend all judicial review hearings occurring after his or her 17th birthday.
- Statement/homestudy filed by the Department;
- Report of the Guardian Ad Litem;
- A case plan, dated, filed by the Department that includes information related to independent living services that have been provided since the child's 13th birthday or since the date the child came into foster care, whichever came later;
- Statement by the child's caretaker;
- Whether or not the child is a citizen and, if the child is not a citizen, the steps that have been taken to address the citizenship or residency status of the child;
- Other:

AND THE COURT having heard testimony and argument, and having been otherwise duly advised in the premises finds:

1. That the minor child(ren) who is/are the subject matter of these proceedings was/were adjudicated dependent, continue to be dependent, is/are of an age subject to the jurisdiction of the court, and is/are resident(s) of the state of Florida.

2. The following parties were notified of this hearing and provided a copy of the documents filed for this hearing:

- (Name)....., Child
- (Name)....., Attorney/Attorney ad Litem for the Child
- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner
- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem
- (Name)....., Legal custodian
- (Name)....., Attorney for legal custodian
- (Name)....., Other:

3. The child has been given the opportunity to address the court with any information relevant to the child's best interests.

4. The mother,(name).....:

..... did not appear and was was not represented by legal counsel;

..... appeared with without legal counsel and was was not advised of her right to legal counsel;

knowingly, intelligently, and voluntarily waived did not waive her right to legal counsel; and

.....was was not determined to qualify as indigent and

..... was was not appointed an attorney.

5. The father,(name).....:

..... did not appear and waswas not represented by legal counsel;

..... appeared with without legal counsel and was was not advised of his right to legal counsel;

knowingly, intelligently, and voluntarily waived did not waive his right to legal counsel; and

..... was was not determined to qualify as indigent and

..... was was not appointed an attorney.

COMMENT: Repeat above for each father.

6. The department filed a judicial review report with the court on(date)..... This judicial review report is is not in compliance with the statutory requirements.

7. The following parents/legal custodians were notified of their right to participate in the preparation of the case plan and to receive assistance from any other person in the preparation of the case plan:(names of those notified).....

8. The mother has complied with the following tasks in the case plan:(list tasks complied with).....

9. The mother has not complied with the following tasks in the case plan:(list tasks not complied with).....

10. The father,(father's name)....., has complied with the following tasks in the case plan:(list tasks complied with).....

11. The father,(father's name)....., has not complied with the following tasks in the case plan:(list tasks not complied with).....

12. The mother has has not complied with court ordered visitation as follows:(explanation of visitation compliance).....

13. The father,(father's name)....., has has not complied with court ordered visitation as follows:.....(explanation of visitation compliance).....

14. The department has has not complied with court ordered visitation as follows:(explanation of visitation compliance).....

15. The mother has has not complied with court ordered financial support for the child as follows:(explanation of financial compliance).....

16. The father,(father's name)....., has has not complied with court ordered financial support for the child as follows:(explanation of financial compliance).....

17. The mother has has not complied with court ordered meetings with the department as follows:(explanation of meetings compliance).....

18. The father,(father's name)....., has has not complied with court ordered meetings with the department as follows:(explanation of meetings compliance).....

19. The department has has not complied with court ordered meetings with the parents as follows:(explanation of meetings compliance).....

COMMENT: Use 20, 21, 22 & 23 if child(ren) is/are not placed in the home of a parent.

..... 20. It is in the best interest of the minor child(ren) to be placed in the care and custody of(placement ordered).....

..... 21. Placement of the minor child(ren) in the care and custody of(placement ordered)..... is in a setting which is as family like and as close to the home as possible, consistent with the child(ren)'s best interests and special needs.

..... 22. Return of the minor child(ren) to the custody of(person(s) from whom child(ren) was/were originally removed)..... would be contrary to the best interest and welfare of the minor child(ren). The child(ren) cannot safely remain return home with services and removal of the child(ren) is necessary to protect the child(ren).

..... 23. Prevention or reunification services were not were indicated and are as follows:(services indicated)..... Further efforts could not have shortened separation of this family because

COMMENT: Use 24 if child(ren) remain(s) or is/are returned to the parent(s).

..... 24. The child(ren) can safely remain with be returned to(parent('s)(s'))

name(s)).... as long as he/she/they comply(ies) with the following: The safety, well-being, and physical, mental, and emotional health of the child(ren) are not endangered by allowing the child(ren) to remain return home.

..... 25 The child's petition and application for special immigrant juvenile status or other immigration decision remains pending.

..... 26. The department has has not complied with its obligation as specified in the written case plan or in the provision of independent living services as required by Florida Statutes.

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

1. The minor child(ren),(name(s))....., be placed in the custody of(name)....., under supervision of the department.

2. The judicial review report filed by the department is:

..... not accepted and a continuance was requested.

..... accepted by the court.

3. Other:

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

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

..... 6. This court shall retain jurisdiction until the final decision is rendered by the federal immigration authorities, or upon the immigrant child's 22nd birthday, whichever shall first occur.

..... 7. This court shall retain jurisdiction until the child's 19th birthday for the purpose of determining whether appropriate aftercare support, Road-to-Independence Scholarship, transitional support, mental health, and developmental disability services have been provided to the youth.

8. This matter is scheduled for Judicial Review on(date)..... at(time).....

DONE AND ORDERED in, Florida, on(date).....

Circuit Judge

NOTICE OF HEARING

The Juvenile Court hereby gives notice of hearing in the above-styled cause on(date)..... at a.m./p.m., before(judge)....., at(location)....., or as soon thereafter as counsel can be heard.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Office of the Court Administrator no later than 7 days before the proceeding at(telephone number)..... If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, and telephone number)..... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

PLEASE BE GOVERNED ACCORDINGLY.

Copies furnished to:

ORDER OF ADJUDICATION

THIS CAUSE came before this court on(date)....., under chapter 39, Florida Statutes, for adjudication of the Petition for Dependency filed by(petitioner’s name)..... Present before the court were

- (Name)....., Petitioner
- (Name)....., Attorney for the petitioner
- (Name)....., Attorney for the department
- (Name)....., Department caseworker
- (Name)....., Mother
- (Name)....., Attorney for mother
- (Name)....., Father of(child).....
- (Name)....., Attorney for father
- (Name)....., Guardian ad litem
- (Name)....., Attorney for guardian ad litem
- (Name)....., Legal custodian
- (Name)....., Attorney for legal custodian
- (Name)....., Other

The court having heard testimony and argument and being otherwise fully advised in the premises finds:

1. That the minor child(ren) who is/are the subject matter of these proceedings, is/are dependent within the meaning and intent of chapter 39, Florida Statutes, and is/are (a) resident(s) of the State of Florida.

2. The mother,(name).....:

..... was was not noticed of this hearing;

..... did not appear, and the court:

..... entered a Consent for failure to appear after proper notice.

..... did not enter a Consent for failure to appear after proper notice.

..... appeared with counsel;

..... appeared without counsel and:

..... was was not advised of her right to legal counsel,

..... knowingly, intelligently, and voluntarily waived did not waive her right to legal counsel and

..... was was not determined to qualify as indigent and

..... was was not appointed an attorney.

3. The father,(name).....:

..... was was not noticed of this hearing;

..... did not appear, and the court:

..... entered a Consent for failure to appear after proper notice.

..... did not enter a Consent for failure to appear after proper notice.

..... appeared with counsel;

..... appeared without counsel and:

..... was was not advised of his right to legal counsel,

..... knowingly, intelligently, and voluntarily waived did not waive his right to legal counsel and

..... was was not determined to qualify as indigent and

..... was was not appointed an attorney.

..... 4. That the child(ren) is/are dependent within the meaning and intent of chapter 39, Florida Statutes, in that the mother,(name)....., abused, neglected or abandoned the minor child(ren) by These facts were proven by preponderance of the evidence clear and convincing evidence.

..... 5. That the child(ren) is/are dependent within the meaning and intent of chapter 39, Florida Statutes, in that the father,(name)....., abused, neglected or abandoned the minor child(ren) by These facts were proven by preponderance of the evidence clear and convincing evidence.

..... 6. That the parties have filed a mediation agreement in which the parent(s) consent(s) to the adjudication of dependency of the child(ren) in conjunction with a withhold of adjudication, which the court accepts.

7. Under section 39.507(5), Florida Statutes, the Court finds that the child(ren) named in the petition are dependent, but finds that no action other than supervision in the child(ren)'s home is required.

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

1. Under section 39.507(5), Florida Statutes, the Court hereby withholds adjudication of dependency of the minor child(ren). The child(ren) shall bereturned/continued..... in (child(ren)'s home) under the supervision of the department. If this court later finds that the parents have not complied with the conditions of supervision imposed, the court may, after a hearing to establish the noncompliance, but without further evidence of the state of dependency, enter an order of adjudication.

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

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

4. Disposition is scheduled for(date)....., at a.m./p.m.

DONE AND ORDERED ondate.....

Circuit Judge

NOTICE OF HEARING

The Juvenile Court hereby gives notice of hearing in the above styled cause on(date)..... at a.m./p.m., before(judge)....., at(location)....., or as soon thereafter as counsel can be heard.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Office of the Court Administrator no later than 7 days before the proceeding at(telephone number)..... If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, and telephone number)..... at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

PLEASE BE GOVERNED ACCORDINGLY.

Copies furnished to:

FORM 8.979. SUMMONS FOR ADVISORY HEARING

**SUMMONS AND NOTICE OF ADVISORY HEARING FOR
TERMINATION OF PARENTAL RIGHTS AND GUARDIANSHIP**

STATE OF FLORIDA

TO:(name and address of person being summoned).....

A Petition for Termination of Parental Rights under oath has been filed in this court regarding the above-referenced child(ren), a copy of which is attached. You are to appear before(judge)....., at(time and location of hearing)....., for a TERMINATION OF PARENTAL RIGHTS ADVISORY HEARING. You must appear on the date and at the time specified.

**FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS TO
THIS CHILD (THESE CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
TIME SPECIFIED YOU MAY LOSE ALL LEGAL RIGHTS TO THE CHILD (OR
CHILDREN) NAMED IN THE PETITION ATTACHED TO THIS NOTICE.**

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, telephone number)..... within two working days of your receipt of this summons, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

Witness my hand and seal of this court at(city, county, state)..... on(date).....

CLERK OF COURT

BY: _____

DEPUTY CLERK

**AVISO Y CITACIÓN PARA LA AUDIENCIA
INFORMATIVA SOBRE LA
TERMINACIÓN DE LOS DERECHOS
PATERNALES Y DE LA TUTELA**

ESTADO DE LA FLORIDA

PARA: _____

(Nombre y dirección de la persona a ser citada)

CONSIDERANDO que se ha interpuesto en este Juzgado una solicitud bajo juramento para la terminación de los derechos paternales con respecto al(os) niño(s) en referencia, adjuntándose

copia de la misma. Mediante la presente se le ordena comparecer ante el _____ a las _____ para una AUDIENCIA (Juez) (hora y lugar de la audiencia)

INFORMATIVA SOBRE LA TERMINACIÓN DE LOS DERECHOS PATERNALES. Usted deberá comparecer en le fecha y hora indicadas.

SI USTED NO COMPARECE PERSONALMENTE A LA AUDIENCIA INFORMATIVA, ESTO SIGNIFICARÁ QUE USTED ACCEDE A LA TERMINACIÓN DE SUS DERECHOS PATERNALES CON RESPECTO A ESTE(OS) NIÑO(S). SI USTED NO COMPARECE EN LA FECHA Y HORA INDICADAS, USTED PODRÁ PERDER TODOS SUS DERECHOS LEGALES CON RESPECTO AL/LOS NIÑO(S) MENCIONADO(S) EN LA PETICIÓN ADJUNTA A ESTE AVISO.

~~De acuerdo con la Ley de Americanos con Incapacidades de 1990 (ADA), las personas incapacitadas quienes, por sus incapacidades, necesitan acomodos especiales para participar en este proceso deben ponerse en contacto con un coordinador de ADA en el no mas tarde de 2 dias laborables antes de tal proceso para recibir asistencia. El numero para el Servicio de Interpretación de la Florida para Personas Sordas es el 771. Si usted es una persona con una discapacidad que necesita cualquier tipo de trato especial para participar en este procedimiento, usted tiene derecho, sin costa alguno para usted, para la presetación de asistencia determinadas. Póngase en contacto con(nombre, dirección, número de teléfono)..... por lo menos 7 dias antes la aparición en la corte programado, o inmediatamente después de recibir esta notification, si el tiempo antes de la comparecencia prevista es inferiof a 7 dias. Si usted está oyendo o voz alterada, llame al 711.~~

Firmado y sigilado en este Juzgado _____

_____ el _____
(ciudad, condado, estado) (fecha)

ESCRIBANO DEL TRIBUNAL
POR: _____
ESCRIBANO DELEGADO

MANDA AK AVÈTISMAN POU ENFOME-W
SOU YON CHITA TANDE, POU YO ANILE DWA-W
KÒM PARAN AK KÒM GADYEN

Leta Florid

POU:(non ak adrès moun yo voye manda-a).....

KÒM, tandiske, gen yon demann sèmante pou anile dwa paran-yo, ki prezante devan tribinal-la, konsènan timoun ki nonmen nan lèt sa-a, piwo-a, yon kopi dokiman-an kwoke nan dosye-a., yo bay lòd pou prezante devan (Jij-la), a..... (nan.lè ak adrès chita tandè-a)....., NAN YON

CHITA TANDE POU YO ENFÒME-W, YO GEN LENTANSYON POU ANILE DWA-OU KÒM PARAN. Ou fèt pou prezante nan dat ak lè ki endike-a.

SI OU PA PREZANTE PÈSONÈLMAN NAN CHITA TANDE-A, POU YO ENFÒME-W, YO GEN LENTANSYON POU ANILE DWA-OU KÒM PARAN, SA KA LAKÒZ YO DESIDE OU KONSANTI TIMOUN SA-A (YO), BEZWEN PWOTEKSYON LETA EPI SA KA LAKÒZ OU PÈDI DWA-OU KÒM PARAN TIMOUN SAA(YO), KI GEN NON YO MAKE NAN KOPI DEMANN-NAN, KI KWOKE NAN AVÈTISMAN-AN

An akò ak Lwa pou Ameriken ki Andikape yo de ane 1990 (ADA) a, moun ki andikape yo, ki poutèt andikap yo an, bezwen de aranjman spesyal pou yo ka patisipe nan deroulman yo, fèt pou rantre an knotak ak koòdinatè ADA a nan pa pi ta ke non 2 jou travay ki vin anvan deroulman an pou yo ka resevwa asistans. Nimewo pou Sèvis Tradiksyon nan la Florid pou moun ki soud se 771. Si ou se yon moun infirm, ki beswen `ed ou ki bewsen ke o akomode w pou ou patispe nan pwosedi sa yo, ou genyen dwa, san ke ou pa peye, a setin `ed. Silvouple kontakte(non, address, telephone)..... o moin 7 jou avan dat ou genyen rendezvou pou ale nan tribunal, ou si le ou resevwa avi a, genyen mouins ke 7 jou avan date endevou tribunal la. Ou si ou pa tande pale, rele nan nimerro sa 711.

Mwen siyen non mwen e mete so mwen nan dokiman tribinal-la kòm temwen nan (vil, distrik, eta), nan ... (dat).....

REFYÈ TRIBINAL-LA

PA: _____

ASISTAN REFYÈ TRIBINAL-LA

.....(Child(ren)'s initials and date(s) of birth).....

NOTICE OF ACTION AND OF ADVISORY HEARING FOR
TERMINATION OF PARENTAL RIGHTS AND
GUARDIANSHIP

STATE OF FLORIDA

TO:(name and address of person being summoned)....

A Petition for Termination of Parental Rights under oath has been filed in this court regarding the above-referenced child(ren). You are to appear before(judge)....., at(time and address of hearing)....., for a TERMINATION OF PARENTAL RIGHTS ADVISORY HEARING. You must appear on the date and at the time specified.

FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS TO THIS CHILD (THESE CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED YOU MAY LOSE ALL LEGAL RIGHTS TO THE CHILD (OR CHILDREN) WHOSE INITIALS APPEAR ABOVE.

COMMENT: The following paragraph must be in bold, 14 pt. Times New Roman or Courier font.

If you are a person with a disability who needs any accomodation to particiapte in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact(name, address, telephone number).....~~within two working days of your receipt of this summons~~at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.

Witness my hand and seal of this court at(city, county, state)..... on(date).....

CLERK OF COURT

BY: _____

DEPUTY CLERK

AVISO Y CITACION PARA LA AUDIENCIA
INFORMATIVA SOBRE LA TERMINACION
DE LOS DERECHOS PATERNALES Y DE LA
TUTELA

ESTADO DE LA FLORIDA

PARA: (Nombre y direccion de la persona a ser citada)

CONSIDERANDO que se ha interpuesto en este Juzgado una solicitud bajo juramento para la terminacion de los derechos paternales con respecto al(os) nino(s) en referencia, adjuntandose copia de la misma. Mediante la presente se le ordena comparecer ante el _____

_____ a las _____
(Juez) (hora y lugar de la audiencia)
para una AUDIENCIA INFORMATIVA SOBRE LA TERMINACION DE LOS
DERECHOS PATERNALES. Usted debera comparecer en le fecha y hora indicadas.

SI USTED NO COMPARECE PERSONALMENTE A LA AUDIENCIA INFORMATIVA, ESTO SIGNIFICARA QUE USTED ACCEDE A LA TERMINACION DE SUS DERECHOS PATERNALES CON RESPECTO A ESTE(OS) NINO(S). SI USTED NO COMPARECE EN LA FECHA Y HORA INDICADAS, USTED PODRA PERDER TODOS SUS DERECHOS LEGALES CON RESPECTO AL/LOS NINO(S) MENCIONADO(S) EN LA PETICION ADJUNTA A ESTE AVISO.

~~De acuerdo con la Ley de Americanos con Incapacidades de 1990 (ADA), las personas incapacitadas quienes, por sus incapacidades, necesitan acomodos especiales para participar en este proceso deben ponerse en contacto con un coordinador de ADA en el no mas tarde de 2 dias laborables antes de tal proceso para recibir asistencia. El numero para el Servicio de Interpretacion de la Florida para Personas Sordas es el 711. Si usted es una persona con una discapacidad que necesita cualquier tipo de trato especial para participar en este procedimiento, usted tiene derecho, sin costa alguno para usted, para la presentación de asistencia determinadas. Póngase en contacto con(nombre, dirección, número de teléfono)..... por lo menos 7 dias antes la aparición en la corte programado, o inmediatamente después de recibir esta notificacion, si el tiempo antes de la comparecencia prevista es inferior a 7 dias. Si usted está oyendo o voz alterada, llame al 711.~~

Firmado y sigilado en este Juzgado _____
_____ el _____
(ciudad, condado, estado) (fecha)

ESCRIBANO DEL TRIBUNAL
POR: _____
ESCRIBANO DELEGADO

MANDA AK AVTISMAN POU ENFOME-W
SOU YON CHITA TANDE, POU YO ANILE
DWA-W KM PARAN AK KM GADYEN.

LETA FLORID

POU:(non ak adrs moun yo voye manda-a).....

KOM, tandiske, gen yon demann smante pou anile dwa paran-yo, ki prezante devan tribunal-la, konsnan timoun ki nonmen nan lt sa-a, piwo-a, yon kopi dokiman-an kwoke nan dosye-a., yo bay ld pou prezante devan(Jij-la)....., a..... (nan.l ak adrs chita tande-a)....., NAN

YON CHITA TANDE POU YO ENFME-W, YO GEN LENTANSYON POU ANILE DWA-OU KM PARAN. Ou ft pou prezante nan dat ak l ki endike-a.

SI OU PA PREZANTE PSONLMAN NAN CHITA TANDE-A, POU YO ENFME-W, YO GEN LENTANSYON POU ANILE DWA-OU KM PARAN, SA KA LAKZ YO DESIDE OU KONSANTI TIMOUN SA-A (YO), BEZWEN PWOTEKSYON LETA EPI SA KA LAKZ OU PDI DWA-OU KM PARAN TIMOUN SA-A(YO), KI GEN NON YO MAKE NAN KOPI DEMANN-NAN, KI KWOKE NAN AVTISMAN-AN

~~An ako ak Lwa pou Ameriken ki Andikape yo de ane 1990 (ADA) a, moun ki andikape yo, ki poutet andikap yo an, bezwen de aranjman spesyal pou yo ka patisipe nan deroulman yo, fet pou rantre an knotak ak koodinate ADA a nan pa pi ta ke non 2 jou travay ki vin anvan deroulman an pou yo ka resevwa asistans. Nimewo pou Sevis Tradiksyon nan la Florid pou moun ki soud se 771. Si ou se yon moun infirm, ki beswen `ed ou ki bewsen ke o akomode w pou ou patispe nan pwosedi sa yo, ou genyen dwa, san ke ou pa peve, a setin `ed. Silvouple kontake(non, address, telephone)..... o moin 7 jou avan dat ou genyen rendezvou pou ale nan tribunal, ou si le ou resevwa avi a, genyen mouins ke 7 jou avan date endevou tribunal la. Ou si ou pa tande pale, rele nan nimerro sa 711.~~

Mwen siyen non mwen e mete so mwen nan dokiman tribinal-la km temwen nan(vil, distrik, eta)....., nan(dat).....

REFYERAN TRIBINAL-LA

PA: _____

ASISTAN REFYERAN TRIBINAL-LA

APPENDIX C

APPX. C-1

Proposed rules

Reasons for change

RULE 8.035. PETITIONS FOR DELINQUENCY

(a) Contents of Petition.

(1) Each petition shall be entitled a petition for delinquency and shall allege facts showing the child to have committed a delinquent act. The petition must be a plain, concise, and definite written statement of the essential facts constituting the offense charged.

Conforms rule to *Fla. R. Crim. P.* 3.140(b).

(2) The petition shall contain allegations as to the identity and residence of the parents or custodians, if known.

(3) In petitions alleging delinquency, each count shall recite the official or customary citations of the statute, ordinance, rule, regulation, or other provision of the law which the child is alleged to have violated, including the degree of each offense.

(4) Two or more allegations of the commission of delinquent acts may appear in the same petition, in separate counts.

(5) Two or more children may be the subject of the same petition if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. The children may be named in ~~one~~ or more counts together or separately and all of them need not be named in each count.

Grammatical correction

(6) Allegations made in one count shall not be incorporated by reference in another count.

Conforms to *Fla. R. Crim. P. 3.140(e)*

(b) [No change]

(c) **Child's Right to Copy of Petition.** Upon application to the clerk, a child must be furnished a copy of the petition and the endorsements on it at least 24 hours before being required to plead to the petition.

Conforms to *Fla. R. Crim. P. 3.140(m)*

(ed) Amendments. [No change in text]

(e) **Statement of Particulars.** The court, on motion, must order the prosecuting attorney to furnish a statement of particulars when the petition on which the child is to be tried fails to inform the child of the particulars of the offense sufficiently to enable the child to prepare a defense. The statement of particulars must specify as definitely as possible the place, date, and all other material facts of the crime charged that are specifically requested and are known to the prosecuting attorney. Reasonable doubts concerning the construction of this rule shall be resolved in favor of the child.

The text of the second sentence of existing subdivision (d) has been moved here for emphasis. Also conforms to *Fla. R. Crim. P. 3.140(n)*.

(df) Defects and Variances. No petition or any count thereof shall be dismissed, or any judgment vacated, on account of any defect in the form of the petition or of misjoinder of offenses or for any cause whatsoever. ~~If the court is of the opinion that the petition is so vague, indistinct, and indefinite as to mislead the child and prejudice the child in the preparation of a defense, the petitioner may be required to furnish a statement of particulars.~~

Proposed rule

Reasons for change

RULE 8.070. ARRAIGNMENTS

(a) [No change]

(b) **Plea.** The reading or statement as to the charge or charges may be waived by the child. No child, whether represented by counsel or otherwise, shall be called on to plead unless and until he or she has had a reasonable time within which to deliberate thereon. If the child is represented by counsel, counsel may file a written plea of not guilty at or before arraignment and arraignment shall then be deemed waived. If a plea of guilty or nolo contendere is entered, the court shall proceed as set forth under rule 8.115, disposition hearings. If a plea of not guilty is entered, the court shall set an adjudicatory hearing within the period of time provided by law. The child is entitled to a reasonable time in which to prepare for trial.

Conforms rule to *Fla. R. Crim. P.* 3.170(j)

Committee Notes

[No change]

Proposed rule

Reasons for change

RULE 8.075. PLEAS

No written answer to the petition nor any other pleading need be filed. No child, whether represented by counsel or otherwise, shall be called upon to plead until he or she has had a reasonable time within which to deliberate thereon.

Conforms rule to *Fla. R. Crim. P.* 3.170(j)

(a) [No change]

(b) [No change]

(c) [No change]

(d) [No change]

(e) **Withdrawal of Plea.** The court may for good cause shown at any time prior to the beginning of a disposition hearing permit a plea of guilty or nolo contendere to be withdrawn, and if a finding that the child committed a delinquent act has been entered thereon, set aside such finding and allow another plea to be substituted for the plea of guilty or nolo contendere. In the subsequent adjudicatory hearing, the court shall not consider the plea which was withdrawn as an admission.

Amended to add nolo contendere to the types of pleas that may be withdrawn in conformity with *Fla. R. Crim. P.* 3.170(f).

Grammatical correction

(f) [No change]

Proposed rule

Reasons for change

**RULE 8.080. ACCEPTANCE OF GUILTY OR NOLO
CONTENDERE PLEA**

(a) [No change]

(b) Open Court. All pleas shall be taken in open court, except the hearing may be closed as provided by law.

(bc) Determination by Court. The court, when making this determination, should place the child under oath and shall address the child personally. The court shall determine that the child understands each of the following rights and consequences of entering a guilty or nolo contendere plea:

(1) The nature of the charge to which the plea is offered and the possible dispositions available to the court.

(2) If the child is not represented by an attorney, that the child has the right to be represented by an attorney at every stage of the proceedings and, if necessary, one will be appointed. Counsel shall be appointed if the child qualifies for such appointment and does not waive counsel in writing subject to the requirements of rule 8.165.

(3) That the child has the right to plead not guilty, or to persist in that plea if it had already been made, and that the child has the right to an adjudicatory hearing and at that hearing has the right to the assistance of counsel, the right to compel the attendance of witnesses on his or her behalf, the right to confront and cross-examine witnesses against him or

Adds new subdivision to require that pleas be taken in open court in conformity with *Fla. R. Crim. P. 3.172(b)*.

her, and the right not to be compelled to incriminate himself or herself.

(4) That, if the child pleads guilty or nolo contendere, without express reservation of the right to appeal, the right to appeal all matters relating to the judgment, including the issue of guilt or innocence, is relinquished, but the right to review by appropriate collateral attack is not impaired.

(5) That, if the child pleads guilty or nolo contendere, there will not be a further adjudicatory hearing of any kind, so that by pleading so the right to an adjudicatory hearing is waived.

(6) That, if the child pleads guilty or nolo contendere, the court may ask the child questions about the offense to which the child has pleaded, and, if those questions are answered under oath, on the record, the answers may later be used against the child in a prosecution for perjury.

(7) The complete terms of any plea agreement including specifically all obligations the child will incur as a result.

(8) That, if the child pleads guilty or nolo contendere to certain sexual offenses, the child may be required to register as a sexual offender.

(89) That, if the child pleads guilty or nolo contendere, and the offense to which the child is pleading is a sexually violent offense or a sexually motivated offense, or if the child has been previously adjudicated for such an offense, the plea may subject the child to involuntary civil commitment

Adds new subdivision requiring that child be advised of the consequences of entering a plea of guilty or nolo contendere to certain sexual offenses in conformity with section 943.0435(1)(a)1d, Florida Statutes.

as a sexually violent predator on completion of his or her sentence. It shall not be necessary for the trial judge to determine whether the present or prior offenses were sexually motivated, as this admonition shall be given to all children in all cases.

(10) That, if the child pleads guilty or nolo contendere, and the child is not a United States citizen, the facts underlying the plea may subject the child to deportation pursuant to the laws and regulations governing the United States Citizenship and Immigration Services. It shall not be necessary for the trial judge to inquire as to whether the child is a United States citizen, as this admonition shall be given to all children in all cases.

(ed) [No change in text]

(de) [No change in text]

(ef) When Binding. Prior to the court's acceptance of a plea, the parties must notify the court of any plea agreement and may notify the court of the reasons for the plea agreement. Thereafter, the court must advise the parties whether the court accepts or rejects the plea agreement and may state its reasons for a rejection of the plea agreement. No plea offer or negotiation is binding until it is accepted by the court after making all the inquiries, advisements, and determinations required by this rule. Until that time, it may be withdrawn by either party without any necessary justification.

(fg) [No change in text]

(gh) [No change in text]

Adds a new subdivision that requires that child be advised of immigration consequences of entering a plea of guilty or nolo contendere in conformity with *Fla. R. Crim. P. 3.172(c)(8)*.

Amended to require that before court accepts a plea, the court be advised of any plea agreement and the reasons for it. See *Fla. R. Crim. P. 3.171*.

Proposed rule

Reasons for change

RULE 8.115. DISPOSITION HEARING

(a) **Information Available to Court.** At the disposition hearing the court, after establishing compliance with the dispositional considerations, determinations, and discussions required by law, may receive any relevant and material evidence helpful in determining the proper disposition to be made. It shall include written reports required by law, and may include, but shall not be limited to, the child's need for substance abuse evaluation and/or treatment, and any psychiatric or psychological evaluations of the child that may be obtained and that are relevant and material. Such evidence may be received by the court and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. In any case in which it is necessary or consented to by the parties that disposition be pronounced by a judge other than the judge who presided at the adjudicatory hearing or accepted a plea of guilty or nolo contendere, the sentencing judge shall not pronounce disposition until the judge becomes acquainted with what transpired at the adjudicatory hearing, or the facts concerning the plea and the offense, including any plea discussions if a plea of guilty or nolo contendere was entered.

(b) [No change]

(c) [No change]

(d) [No change]

(e) [No change]

Amended to create procedure if disposition is being made by judge other than judge who conducted adjudicatory hearing. See *Fla. R. Crim. P.* 3.700(c)(1).

Committee Notes

[No change]

Reasons for change

Proposed rule

RULE 8.201. COMMENCEMENT OF PROCEEDINGS

(a) Commencement of Proceedings. Proceedings are commenced when:

- (1) an initial shelter petition is filed;
- (2) a petition alleging dependency is filed; ~~or~~
- (3) a petition for termination of parental rights is filed;
- (4) a petition for injunction under section 39.504, Florida Statutes, is filed;
- (5) a petition or affidavit for an order to take into custody is filed; or
- (6) any other petition authorized by chapter 39, Florida Statutes, is filed.

(b) File to Be Opened. Upon commencement of any ~~dependency or termination of parental rights~~ proceeding, the clerk shall open a file and assign a case number.

Amended to add three new proceedings that constitute the commencement of a dependency proceeding: a petition or an injunction under section 39.504, Florida Statutes; when a petition or affidavit for an order to take a child into custody is filed, section 39.401(1), Florida Statutes and *Fla. R. Juv. P.* 8.300(a); and when any other petition under Chapter 39, Florida Statutes, is filed.

Amended to conform to changes in subdivision (a).

Proposed rule

Reasons for change

RULE 8.225. PROCESS, DILIGENT SEARCHES, AND SERVICE OF PLEADINGS AND PAPERS

(a) [No change]

(b) ~~Paternal Inquiry and Diligent Search.~~

~~(1) — Identity Unknown. If the identity of a parent is unknown, and a petition for dependency, shelter care, or termination of parental rights is filed, the court shall conduct the inquiry required by law. The information required by law may be submitted to the court in the form of a sworn affidavit executed by a person having personal knowledge of the facts.~~

~~(2) Location Unknown. If the location of a parent is unknown and that parent has not filed a permanent address designation with the court, the petitioner shall undertake complete a diligent search as required by law.~~

~~(3) Affidavit of Diligent Search. If the location of a parent is unknown after the diligent search has been completed, the petitioner shall file with the court an affidavit of diligent search executed by the person who made the search and inquiry.~~

~~(3) Court Review of Affidavit. The court must review the affidavit of diligent search and enter an order determining whether the petitioner has completed a diligent search as required by law. In termination of parental rights proceedings, the clerk must not certify a notice of action until the court enters an order finding that the petitioner has~~

Amended to separate process of diligent search and determination of parenthood.

This subdivision has been moved to subdivision (c) to separate situations when identity is known and when it is not.

Creates procedure for court to review affidavit of diligent search to determine if there are deficiencies in the search process. Making this determination at an early stage in the dependency proceeding will prevent delays in permanency for children. Also adds provision that clerk may not issue a notice

conducted a diligent search as required by law. In a dependency proceeding, if the court finds that the petitioner has conducted a diligent search, the court may proceed to grant the requested relief of the petitioner as to the parent whose location is unknown without further notice.

(34) Continuing Duty. After filing an affidavit of diligent search in a dependency or termination of parental rights proceeding, the petitioner, and, if the court requires, the department, are under a continuing duty to search for and attempt to serve the parent whose location is unknown until excused from further diligent search by the court. The department shall report on the results of the continuing search at each court hearing until the person is located or until further search is excused by the court.

~~**(5) Effect of Paternity Inquiry and Diligent Search.**~~

~~(A) Failure to serve parents whose identity or residence is unknown shall not affect the validity of an order of adjudication or disposition if the court finds the petitioner has completed a diligent search.~~

~~(B) If the court inquiry fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.~~

~~(C) If the inquiry, diligent search, or subsequent search identifies and locates any person who may be a parent or prospective parent, the court shall require notice of the hearing to be provided to that person. That person must then be given an opportunity to become a party to the proceedings by~~

of action in a termination of parental rights proceeding unless the court has entered an order finding that the petitioner has conducted a diligent search.

Deleted because provisions have been moved to other parts of rule.

~~completing a sworn affidavit of parenthood and filing it with the court or the department.~~

(c) Identity of Parent Unknown.

(1) If the identity of a parent is unknown, and a petition for dependency, shelter care, or termination of parental rights is filed, the court shall conduct the inquiry required by law. The information required by law may be submitted to the court in the form of a sworn affidavit executed by a person having personal knowledge of the facts.

(2) If the court inquiry fails to identify any person as a parent or prospective parent, the court shall so find and may proceed to grant the requested relief of the petitioner as to the unknown parent without further notice.

(d) Identity and Location Determined. If an inquiry or diligent search identifies and locates any person who may be a parent or prospective parent, the court must require that notice of the hearing be provided to that person.

(e) Effect of Failure to Serve. Failure to serve parents whose identity or residence is unknown shall not affect the validity of an order of adjudication or disposition if the court finds the petitioner has completed a diligent search.

(f) Determination of Parenthood.

(1) In General. The court must determine the identity of all parents and prospective parents at the initial hearing in proceedings under chapter 39, Florida Statutes, as provided by law. Nothing in this rule prevents a parent or

Subdivisions (c) to (f) have been created to specify procedures for the establishment of paternity

Subdivision (c)(1) tracks the language in current subdivision (b)(1). Subdivision (c)(2) is similar to current subdivision (b)(5), but the procedure to be followed if a parent is unknown is clarified by adding “and may proceed to grant the requested relief of the petitioner as to the unknown parent.

This subdivision adds language from sections 39.503(3) and 39.803(3), Florida Statutes, regarding provision of notice of the proceedings if a parent is identified and located.

Contains language from existing subdivision (b)(5)(A).

Creates process for determination of parenthood.

Requires court to determine identity of all parents and prospective parents at first hearing.

prospective parent from pursuing remedies under chapter 742, Florida Statutes. The court having jurisdiction over the dependency matter may conduct proceedings under chapter 742, Florida Statutes, either as part of the chapter 39, Florida Statutes, proceeding or in a separate action under chapter 742, Florida Statutes.

(2) Appearance of Prospective Parent.

(A) If a prospective parent appears in the chapter 39, Florida Statutes, proceeding, the court shall advise the prospective parent of the right to become a parent in the proceeding by completing a sworn affidavit of parenthood and filing the affidavit with the court or the department. This subdivision shall not apply if the court has identified both parents of the child as defined by law.

(B) If the prospective parent seeks to become a parent in the chapter 39, Florida Statutes, proceeding, the prospective parent shall complete a sworn affidavit of parenthood and file the affidavit with the court or the department. If a party objects to the entry of the finding that the prospective parent is a parent in the proceeding, or if the court on its own motion requires further proceedings to determine parenthood, the court shall not enter an order finding parenthood until proceedings under chapter 742, Florida Statutes, have been concluded. The prospective parent shall continue to receive notice of hearings as a participant pending the proceedings under chapter 742, Florida Statutes. If no other party objects and the court does not require further proceedings to determine parenthood, the court shall enter an order finding that the prospective parent is a parent in the proceeding.

Provides procedure for prospective parent to become parent in proceeding. See §§ 39.503(8) and 39.803(9), Fla. Stat.

Allows court or any party to object to finding that prospective parent is parent in proceeding and requires that proceedings under Chapter 742, Florida Statutes, be conducted.

Permits court to enter order finding that prospective parent is parent in proceeding if there are not objections to the filing of the affidavit of parenthood.

(C) If the prospective parent is uncertain about parenthood and requests further proof of parenthood, or if there is more than one prospective parent for the same child, the juvenile court may conduct proceedings under chapter 742, Florida Statutes, to determine parenthood. At the conclusion of the chapter 742, Florida Statutes, proceedings, the court shall enter an order determining parenthood.

Allows court to conduct proceedings under Chapter 742, Florida Statutes, if prospective parent is uncertain about parenthood.

(D) Provided that paternity has not otherwise been established by operation of law or court order, at any time prior to the court entering a finding that the prospective parent is the parent in the proceeding, the prospective parent may complete and file with the court or the department a sworn affidavit of nonpaternity declaring that the prospective parent is not the parent of the child and waiving all potential rights to the child and rights to further notices of hearing and court filings in the proceeding.

Provides that prospective parent may file affidavit of nonpaternity.

(E) If the court has identified both parents of a child as defined by law, the court shall not recognize an alleged biological parent as a parent in the proceeding until a court enters an order pursuant to law establishing the alleged biological parent as a parent in the proceeding.

Clarifies that the court should not recognize an alleged biological parent as a parent in the proceeding until an order has been entered establishing that person as a parent.

(eg) [No change in text]

Proposed rule

RULE 8.260. ORDERS

(a) **General Requirements.** All orders of the court ~~shall~~must be reduced to writing as soon after they are entered as is consistent with orderly procedure, ~~and shall~~must contain specific findings of fact and conclusions of law, and must be signed by the judge as provided by law.

(b) **Transmittal to Parties.** A copy of all orders ~~shall~~must be transmitted by the court or under its direction to all parties at the time of entry of the order.

(c) [No change]

(d) **Precedence of Orders.** Orders of the circuit court hearing dependency matters ~~shall~~must be filed in any dissolution or other custody action or proceeding involving the same child. These orders ~~shall~~must take precedence over other ~~eustody and visitation~~ orders affecting the placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the same minor child, unless jurisdiction has been terminated. ~~They~~ These orders may be filed under seal and need not be open to inspection by the public.

Reasons for change

Clarifies that all orders must be signed by the judge. See § 39.0132(5), Fla. Stat.

Lists the types of orders over which a dependency order takes precedence. See § 39.013(4), Fla. Stat. Terminology has also been changed to conform to amendments to Chapter 61, Florida Statutes. See, *e.g.*, §§ 61.046(14) and (23), 61.13(2), Fla. Stat.

Proposed rule

RULE 8.285. CRIMINAL CONTEMPT

(a) [No change]

(b) [No change]

Reasons for change

Title of rule amended to reflect type of contempt proceeding rule applies to.

Proposed rule

RULE 8.286. CIVIL CONTEMPT

(a) Applicability. This rule governs indirect civil contempt proceedings in matters related to juvenile dependency. The use of civil contempt sanctions under this rule must be limited to those used to compel compliance with a court order or to compensate a movant for losses sustained as a result of a contemnor's willful failure to comply with a court order. Contempt sanctions intended to punish an offender or to vindicate the authority of the court are criminal in nature and are governed by rule 8.285.

(b) Motion and Notice. Civil contempt may be initiated by motion. The motion must recite the essential facts constituting the acts alleged to be contemptuous. No civil contempt may be imposed without notice to the alleged contemnor and without providing the alleged contemnor with an opportunity to be heard. The civil contempt motion and notice of hearing may be served by mail provided notice by mail is reasonably calculated to apprise the alleged contemnor of the pendency of the proceedings. The notice must specify the time and place of the hearing and must contain the following language: "FAILURE TO APPEAR AT THE HEARING MAY RESULT IN THE COURT ISSUING A WRIT OF BODILY ATTACHMENT FOR YOUR ARREST. IF YOU ARE ARRESTED, YOU MAY BE HELD IN JAIL UP TO 48 HOURS BEFORE A HEARING IS HELD."

(c) Hearing. In any civil contempt hearing, after the court makes an express finding that the alleged contemnor had notice of the motion and hearing:

Reasons for change

Creates new rule to govern civil contempt proceedings. The rule is based substantially on *Fla. Fam. L. R. P.* 12.615, with appropriate modifications for dependency proceedings.

(1) The court shall determine whether the movant has established that a prior order was entered and that the alleged contemnor has failed to comply with all or part of the prior order.

(2) If the court finds the movant has established all of the requirements in subdivision (c)(1) of this rule, the court must,

(A) if the alleged contemnor is present, determine whether the alleged contemnor had the present ability to comply with the prior court order; or

(B) if the alleged contemnor fails to appear, set a reasonable purge based on the circumstances of the parties.

The court may issue a writ of bodily attachment and direct that, upon execution of the writ of bodily attachment, the alleged contemnor be brought before the court within 48 hours for a hearing on whether the alleged contemnor has the present ability to comply with the prior court order and, if so, whether the failure to comply is willful.

(d) Order and Sanctions. After hearing the testimony and evidence presented, the court must enter a written order granting or denying the motion for contempt.

(1) An order finding the alleged contemnor to be in contempt must contain a finding that a prior order was entered, that the alleged contemnor has failed to comply with the prior court order, that the alleged contemnor had the present

ability to comply, and that the alleged contemnor willfully failed to comply with the prior court order. The order must contain a recital of the facts on which these findings are based.

(2) If the court grants the motion for contempt, the court may impose appropriate sanctions to obtain compliance with the order including incarceration, attorneys' fees and costs, compensatory or coercive fines, and any other coercive sanction or relief permitted by law provided the order includes a purge provision as set forth in subdivision (e) of this rule.

(e) **Purge.** If the court orders incarceration, a coercive fine, or any other coercive sanction for failure to comply with a prior order, the court must set conditions for purge of the contempt, based on the contemnor's present ability to comply. The court must include in its order a separate affirmative finding that the contemnor has the present ability to comply with the purge and the factual basis for that finding. The court may grant the contemnor a reasonable time to comply with the purge conditions. If the court orders incarceration but defers incarceration for more than 48 hours to allow the contemnor a reasonable time to comply with the purge conditions, and the contemnor fails to comply within the time provided, the movant must file an affidavit of noncompliance with the court. The court then may issue a writ of bodily attachment. Upon incarceration, the contemnor must be brought before the court within 48 hours for a determination of whether the contemnor continues to have the present ability to comply with the purge.

(f) **Review after Incarceration.** Notwithstanding the provisions of this rule, at any time after a contemnor is

incarcerated, the court on its own motion or motion of any party may review the contemnor's present ability to comply with the purge and the duration of incarceration and modify any prior orders.

(g) **Other Relief.** When there is a failure to comply with a court order but the failure is not willful, nothing in this rule shall be construed as precluding the court from granting such relief as may be appropriate under the circumstances.

Proposed rule

Reasons for change

RULE 8.340. DISPOSITION HEARINGS

(a) **Information Available to Court.** At the disposition hearing, the court, after establishing compliance with the dispositional considerations, determinations, and discussions required by law, may receive any relevant and material evidence helpful in determining the proper disposition to be made. It ~~shall~~must include written reports required by law, and may include, but ~~shall~~is not be limited to, any psychiatric or psychological evaluations of the child or his or her parent, caregiver, or legal custodian that may be obtained and that are relevant and material. Such evidence may be received by the court and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing.

Grammatical correction

(b) **Disclosure to Parties.** All parties ~~shall be~~are entitled to disclosure of all information in all reports submitted to the court.

Grammatical correction

(c) **Orders of Disposition.** The court shall in its written order of disposition include:

Amended to conform to requirements for disposition orders in section 39.521(1)(d), Florida Statutes.

(1) the placement or custody of the child;

(2) special conditions of placement and visitation;

(3) evaluation, counseling, treatment activities, and other actions to be taken by the parties, ~~when~~if ordered;

(4) persons or entities responsible for supervising or monitoring services to the child and parent agencies, and;

(5) continuation or discharge of the guardian ad litem, when appropriate;

(56) date, time, and location for subsequent ease review of next scheduled review hearing, as required by law;

(67) child support payments, if the child is in an out-of-home placement;

(78) if the child is placed in foster care, the reasons why the child was not placed in the legal custody of an adult relative, legal custodian, or other adult approved by the court and a further determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child instead of placement with the department;

(8) approval of the case plan or direction to amend the case plan within 30 days; and

(9) such other requirements as are deemed necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible; and

(10) approval of the case plan as filed with the court. If the court does not approve the case plan at the

disposition hearing, the court must set a hearing within 30 days after the disposition hearing to review and approve the case plan.

Committee Notes

[No change]

Proposed rule

Reasons for change

RULE 8.345. POST-DISPOSITION RELIEF

(a) [No change]

(b) **Motion for Termination of Supervision or Jurisdiction.** Any party requesting termination of agency supervision or the jurisdiction of the court or both shall do so by written motion or in a written report to the court. The court ~~shall~~must hear all parties present and enter an order terminating supervision or terminating jurisdiction and supervision or continuing them as previously ordered. The court shall not terminate jurisdiction unless the child is returned to the parent and has been in the placement for at least 6 months, the child is adopted, or the child attains the age of 18, unless the court has extended jurisdiction.

Amended to provide that jurisdiction does not terminate at age 18 if the court has extended jurisdiction over the child. See § 39.013(2) and *Fla. R. Juv. P. Form 8.974*.

Proposed rule

Reasons for change

RULE 8.347. MOTION TO SUPPLEMENT ORDER OF ADJUDICATION, DISPOSITION ORDER, AND CASE PLAN

(a) Motion. After the court has entered an order of adjudication of dependency, any party may file a motion for the court to supplement the order of adjudication with findings that a parent or legal custodian contributed to the dependency status of the child pursuant to the statutory definition of a dependent child. The motion may also request that the court supplement the disposition order and the case plan.

Addresses situations when an adjudication order is based on the conduct of only one parent. Creates a procedure for supplementing an adjudication order if another parent or legal custodian is found to have contributed to the dependency of a child. Also provides for supplementing the case plan.

(b) Contents.

Governs contents of motion to supplement order of adjudication.

(1) The motion must identify the age, sex, and name of the children whose parent or legal custodian is the subject of the motion.

(2) The motion must specifically identify the parent or legal custodian who is the subject of the motion.

(3) The motion must allege sufficient facts showing that a parent or legal custodian contributed to the dependency status of the child pursuant to the statutory definition of a dependent child.

(c) Verification. The motion must be signed under oath, stating that the signer is filing the motion in good faith.

(d) Amendments. At any time prior to the conclusion of an evidentiary hearing on the motion, an amended

motion may be filed or the motion may be amended by oral motion. A continuance may be granted on motion and a showing that the amendment prejudices or materially affects any party.

(e) Notice.

(1) In General. Parents or legal custodians who have previously been properly served with the dependency petition or who have previously appeared in the dependency proceeding shall be served with a notice of hearing and copies of the motion and the initial order of adjudication of dependency in the same manner as the service of documents that are filed after the service of the initial dependency petition as provided in these rules.

(2) Summons.

(A) Parents or legal custodians who have not been properly served with the dependency petition or who have not previously appeared in the dependency proceeding must be properly served with a summons and copies of the motion and the initial order of adjudication of dependency. The summons must require the person on whom it is served to appear for a preliminary hearing on the motion at a time and place specified, not less than 72 hours after service of the summons.

(B) Upon the filing of the motion and upon request, the clerk shall issue a summons.

(C) The movant shall not be required to serve a summons on a parent or legal custodian who has

Creates provisions for notice in a proceeding to supplement an adjudication order.

previously been properly served with the dependency petition or who has appeared in the dependency proceeding.

(D) The summons shall be served in the same manner as service of a dependency petition as required by law.

(E) Service by publication of the motion shall not be required.

(F) If the location of the party to be served is unknown, the court may enter an order granting the motion only if the movant has properly served the person subject to the motion, the person subject to the motion has appeared in the proceeding, or the movant has conducted a diligent search and filed with the court an affidavit of diligent search.

(G) Personal appearance of any person in a hearing before the court on the motion eliminates the requirement for serving process upon that person.

(f) Preliminary Hearing on Motion.

(1) The court must conduct a preliminary hearing and determine whether the parent or legal custodian who is the subject of the motion:

(A) has been properly served with the summons or notice, and with copies of the motion and initial order of adjudication of dependency;

(B) is represented by counsel or is

Provides for preliminary hearing on motion.

entitled to appointed counsel as provided by law; and

(C) wishes to challenge the motion or consent to the court granting the motion.

(2) If the parent or legal custodian who is the subject of the motion wishes to challenge the motion or if the parent or legal custodian was properly served and fails to appear at the preliminary hearing, the court must schedule an evidentiary hearing on the motion within 30 days.

(3) If the parent or legal custodian who is the subject of the motion wishes to consent to the motion without admitting or denying the allegations of the motion, the court shall enter an order supplementing the initial order of adjudication of dependency based on the sworn allegations of the motion.

(g) Evidentiary Hearing.

Provides provisions for evidentiary hearing.

(1) Hearing Procedures. The hearing shall be conducted in the same manner and with the same procedures as the adjudicatory hearing on the dependency petition as provided in these rules.

(2) Motion for Judgment Denying Motion. In all proceedings, if at the close of the evidence for the movant, the court is of the opinion that the evidence is insufficient to warrant findings that a parent or legal custodian contributed to the dependency status of the child pursuant to the statutory definition of a dependent child, it may, and on the motion of any party must, enter an order denying the motion for insufficiency of the evidence.

(3) Denial of Motion. If the court, at the conclusion of the evidence, finds that the allegations in the motion have not been sustained, the court shall enter an order denying the motion.

(4) Granting of the Motion. If the court finds that the movant has proven the allegations of the motion, the court shall enter an order granting the motion as provided in these rules.

(h) Supplemental Order of Adjudication.

Provides for issuance of supplemental order of adjudication.

(1) If the parent or legal custodian consents to the motion and its allegations or if the court finds that the movant has proven the allegations of the motion at an evidentiary hearing, the court shall enter a written order granting the motion and specifying facts that support findings that a parent or legal custodian contributed to the dependency status of the child pursuant to the statutory definition of a dependent child and stating whether the court made the finding by a preponderance of the evidence or by clear and convincing evidence.

(2) If necessary, the court shall schedule a supplemental disposition hearing within 15 days.

(3) The court shall advise the parent who is the subject of the motion that if the parent fails to substantially comply with the case plan, parental rights may be terminated.

(4) If the child is in out-of-home placement, the court shall inquire of the parents whether the parents have

relatives who might be considered as placement for the child. The parents shall provide to the court and to all parties the identity and location of the relatives.

(i) Supplemental Disposition Hearing.

Provides procedures for a supplemental disposition hearing.

(1) Hearing. If necessary, the court shall conduct a supplemental disposition hearing pursuant to the same procedures for a disposition hearing and case plan review hearing as provided by law.

(2) Supplemental Predisposition Study and Case Plan.

(A) A written case plan and a predisposition study prepared by an authorized agent of the department must be filed with the court, served upon the parents of the child, provided to the representative of the guardian ad litem program, if the program has been appointed, and provided to all other parties not less than 72 hours before the supplemental disposition hearing.

(B) The court may grant an exception to the requirement for a predisposition study by separate order or within the judge's order of disposition upon a finding that all the family and child information required by law is available in other documents filed with the court.

(3) Supplemental Order of Disposition. The court shall in its written supplemental order of disposition include:

(A) the placement or custody of the

child;

(B) special conditions of placement and visitation;

(C) evaluation, counseling, treatment activities, and other actions to be taken by the parties, when ordered;

(D) the names of the supervising or monitoring agencies, and the continuation or discharge of the guardian ad litem, when appropriate;

(E) the date, time, and location for the next case review as required by law;

(F) child support payments, if the child is in an out-of-home placement;

(G) if the child is placed in foster care, the reasons why the child was not placed in the legal custody of an adult relative, legal custodian, or other adult approved by the court;

(H) approval of the case plan or direction to amend the case plan within 30 days; and

(I) such other requirements as are deemed necessary to protect the health, safety, and well-being of the child.

Reasons for change

Proposed rule

**RULE 8.350. PLACEMENT OF CHILD INTO
RESIDENTIAL TREATMENT CENTER
AFTER ADJUDICATION OF
DEPENDENCY**

(a) [(1)–(10) No change]

(11) Hearing on Placement.

(A) At the hearing, the court shall consider, at a minimum, all of the following:

(i) based on an independent assessment of the child, the recommendation of a department representative or authorized agent that the residential treatment or hospitalization is in the child’s best interest and a showing that the placement is the least restrictive available alternative;

(ii) the recommendation of the guardian ad litem;

~~(iii) a case review committee recommendation, if there has been one;~~

~~(iviii)~~ the written findings of the evaluation and suitability assessment prepared by a qualified evaluator; and

~~(viiiv)~~ the views regarding placement in residential treatment that the child expresses to the

Deleted because section 39.407(6), Florida Statutes, does not require consideration of the recommendation of a case review committee.

court.

(B) All parties shall be permitted to present evidence and witnesses concerning the suitability of the placement.

(C) If the court determines that the child is not suitable for residential treatment, the court shall order the department to place the child in the least restrictive setting that is best suited to meet the child's needs.

(b) [No change]

(c) [No change]

(d) [No change]

Proposed rule

Reasons for change

RULE 8.517. WITHDRAWAL AND APPOINTMENT OF COUNSEL

(a) Order Adjudicating Child Dependent or Terminating Parental Rights. After an order of adjudication of dependency, an order of disposition, or an order terminating parental rights has been entered, the counsel of record for a parent or legal custodian in a dependency proceeding or a parent in a termination of parental rights proceeding shall not be permitted to withdraw as counsel of record until the following have occurred:

(1) The attorney certifies that the attorney has discussed appellate remedies with the parent or legal custodian.

(A) The attorney certifies that after discussing appellate remedies with the parent or legal custodian, the parent or legal custodian does not want to appeal the order;
or

(B) The attorney certifies that after discussing appellate remedies with the parent or legal custodian, the parent or legal custodian wants to appeal the order, and

(i) a notice of appeal containing the signatures of counsel and the parent or legal custodian has been filed;

(ii) directions to clerk, if necessary, have been filed;

Creates a new rule governing withdrawal of counsel in a dependency or termination of parental rights proceeding following an order appointing appellate counsel. Provides procedures that attorney must take before withdrawing.

(iii) a motion to transcribe the requisite proceedings has been filed;

(iv) a designation to the court reporter specifying the proceedings that must be transcribed in order to obtain review of the issues on appeal and designating the parties to receive a copy of the transcripts has been filed; and

(v) an order appointing appellate counsel, if any, has been entered.

Conformed copies of each of these documents shall be attached to the motion to withdraw.

(2) If the attorney has been unable to contact the parent or legal custodian regarding appellate remedies, the attorney certifies the efforts made to contact the parent or legal custodian.

(b) Service of Order Appointing Counsel.
Following rendition of an order appointing appellate counsel, the court shall serve a copy of the order on the appointed appellate counsel and the clerk of the appellate court.

APPENDIX D

APPX. D-1

**FLORIDA RULES OF JUVENILE PROCEDURE
PROPOSED THREE-YEAR CYCLE AMENDMENTS**

The Juvenile Court Rules Committee invites comment on proposed three-year cycle amendments to the Florida Rules of Juvenile Procedure. The full text of the proposals can be found on The Florida Bar’s website at www.FloridaBar.org. Interested persons have until August 1, 2011, to submit comments **electronically** to Joel M. Silvershein, Chair, at jsilvershein@sao17.state.fl.us and to the Bar staff liaison, Ellen Sloyer, at esloyer@flabar.org.

RULE/FORM	VOTE	EXPLANATION
8.035	31-0-0	Amended to add to requirements for contents of petition; to provide that the child has a right to a copy of the petition at least 24 hours before being required to plead to it; moves provisions on statement of particulars from former subdivision (e) to new subdivision (e) for emphasis. Conforms to <i>Fla.R.Crim.P.</i> 3.140.
8.070	28-3-0	Amends subdivision (b) to require that a child be given a “reasonable time to deliberate” before being required to enter a plea. Conforms to <i>Fla.R.Crim.P.</i> 3.170(j).
8.075	(a) 30-1-0 (e) 18-0-2	(a) Adds requirement that child have a “reasonable time to deliberate” before being required to enter a plea. (e) adds nolo contendere to types of pleas that may be withdrawn. Conforms to <i>Fla.R.Crim.P.</i> 3.170(f) and (j).
8.080	(b) 31-0-1 (c)(8) 28-0-0 (c)(10) 17-6-0 (f) 21-1-2	(b) Adds new subdivision requiring that all pleas be taken in open court unless the hearing is closed as provided by law. Conforms to <i>Fla.R.Crim.P.</i> 3.172(b). (c)(8) Adds to list of rights and consequences that child must be advised of before entering a plea that if the child pleads guilty or nolo contendere to certain sexual offenses he or she may be required to register as a sexual offender. See <i>F.S.</i> 943.0435(1)(a)d. (c)(10) Adds to list of rights and consequences that child must be advised of before entering a plea the possible effect of the plea on the child’s immigration status. Conforms to <i>Fla.R.Crim.P.</i> 3.172(c)(8). (f) Adds requirement to subdivision (f) that before acceptance of plea the parties must notify the court of any plea agreement and may notify the court of the reasons for the agreement. The court must advise the parties whether it accepts or rejects the plea and may state reasons for any rejection. Conforms to <i>Fla.R.Crim.P.</i> 3.171.
8.115	20-0-0	Amends subdivision (a) to require that if disposition is to be pronounced by a judge who did not conduct the adjudicatory hearing that the judge not pronounce disposition without

		becoming familiar with what transpired at the adjudicatory hearing and the facts concerning any plea. Conforms to <i>Fla.R.Crim.P. 3.700(c)(1)</i> .
8.201	26-0-0	Adds three new items to the definition of when a proceeding is commenced: when a petition for an injunction under <i>F.S. 39.504</i> is filed; when a petition or affidavit to take into custody is filed; or when any other petition authorized by <i>F.S. Chapter 39</i> is filed.
8.225	15-0-3	Amends rule to separate proceedings for diligent search when identity is known and when it is unknown and to create a new subdivision governing determination of parenthood.
8.260	21-0-4	Amends subdivision (a) to require that all orders be signed by the judge. Amends subdivision (d) to clarify that orders in dependency cases take precedence over other orders governing placement of, access to, parental time with, adoption of, or parental rights and responsibilities for the same minor child.
8.285	11-7-1	Changes title of rule to <u>Criminal</u> Contempt to reflect contents of rule.
8.286	17-0-1	Creates new rule governing civil contempt in dependency cases.
8.340	23-0-1	Amends list of contents of disposition order in subdivision (c) to conform to <i>F.S. 39.521(1)(d)</i> . Includes a determination of whether a diligent effort was made by the department to locate an adult relative, legal custodian, or other adult to care for the child, requirements to preserve the child's educational placement and to promote family preservation or reunification, and approval of the case plan.
8.345	22-0-1	Amends subdivision (b) to state that court shall not terminate jurisdiction if the court has extended jurisdiction over a child over age 18. See <i>F.S. 39.0132</i> .
8.347	20-0-0	Creates a new rule governing supplementing an order of adjudication, disposition order, and case plan with findings that a parent or legal custodian contributed to the dependency of a minor child..
8.350	25-0-0	Amends subdivision (a)(11)(A) to delete the requirement that the court consider a case review committee recommendation at the hearing on placement.
8.517	21-1-5	Creates new rule governing withdrawal and appointment of counsel after entry of an order adjudicating a child dependent, a disposition order, or an order terminating parental rights has been entered.
8.908	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.929	25-0-0	Adds the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .

8.947	27-0-0	Amends the Delinquency Disposition Order to list costs being imposed and the statutory basis for each.
8.952	27-0-3	Creates a new form for required findings for juvenile sexual offender registration.
8.959	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.960	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.961	25-0-0	Adds the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.963	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.964	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.965	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.966	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.967	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.970	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.973	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.975	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.979	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.982	25-0-0	Amends the ADA notification block to conform to <i>Fla.R.Jud.Admin. 2.540(c)</i> .
8.991	23-0-3	Amends form to specify findings of fact court is required to make

Full page payout of all rule and form amendments published on The Florida Bar's website June 14, 2011, at:

<http://www.floridabar.org/tfb/TFBLegalRes.nsf/D64B801203BC919485256709006A561C/E1A89A0DC5248D1785256B2F006CCCEE?OpenDocument>

FLORIDA RULES OF JUVENILE PROCEDURE PROPOSED THREE-YEAR CYCLE AMENDMENTS

The Juvenile Court Rules Committee invites comment on proposed three-year cycle amendments to the Florida Rules of Juvenile Procedure. The full text of the proposals can be found on The Florida Bar's website at www.FloridaBar.org. Interested persons have until August 1, 2011, to submit comments electronically to Joel M. Silvershein, Chair, at jsilvershein@sao17.state.fl.us and to the Bar staff liaison, Ellen Sloyer, at esloyer@flabar.org.

RULE 8.035. PETITIONS FOR DELINQUENCY

(a) Contents of Petition.

(1) Each petition shall be entitled a petition for delinquency and shall allege facts showing the child to have committed a delinquent act. The petition must be a plain, concise, and definite written statement of the essential facts constituting the offense charged.

(2) The petition shall contain allegations as to the identity and residence of the parents or custodians, if known.

(3) In petitions alleging delinquency, each count shall recite the official or customary citations of the statute, ordinance, rule, regulation, or other provision of the law which the child is alleged to have violated, including the degree of each offense.

(4) Two or more allegations of the commission of delinquent acts may appear in the same petition, in separate counts.

(5) Two or more children may be the subject of the same petition if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. The children may be named in 1 or more counts together or separately and all of them need not be named in each count.

(6) Allegations made in 1 count shall not be incorporated by reference in another count.

(b) Verification. The petition shall be signed by the state attorney or assistant state attorney, stating under oath the petitioner's good faith in filing the petition. No objection to a petition on the grounds that it was not signed or verified, as herein provided, shall be entertained after a plea to the merits.

APPENDIX E

APPX. E-1

June 23, 2011

Please include the following comment on the proposed change to Rule 8.035

I respectfully suggest that the Rule include a requirement that the State also provide a copy of the Petition and police report to the Public Defender 24 hours before arraignment for the following reasons.

At least in Volusia County, if not across the state, the vast majority of juveniles are represented by the Public Defender. Here, generally, only about five percent of juvenile defendants are represented by private counsel. Although many juveniles in this county often receive a copy of the petition the day before court, they never do anything about it until appearing in court. At that point the Public Defender often is overwhelmed with potential clients.

At arraignment, now, copies of Petitions are handed to the Public Defender immediately before the arraignment session begins. Juveniles have a right to confer with counsel before entering a plea. The few minutes available between receiving the copy of the Petition and the Judge taking the bench does not allow a meaningful opportunity to review the documents and confer with the defendant. Even with two public defenders in court there is little time to deal with the multiple defendants who are summoned to court. Juvenile arraignments in this county often involve “a courtroom full of people”, many of whom are completely uninformed of their circumstance.

If the Public Defender is provided with a copy of the Petition and police report the day before court, he or she can be prepared to discuss the options with the client intelligently in the short time available before being called before the Judge. Notice to the defendant alone, 24 hours before court, is likely to be highly ineffective in preparing the juvenile and his or her parents.

Thank you for your attention,
Joseph Palmer
Assistant public defender
386-239-6500.

APPENDIX F

APPX. F-1

Published in The Florida Bar *News*, October 15, 2011, page 27, and posted on The Florida Bar's website at :
[http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/DF39C3A1F7713883852579200057419E/\\$FILE/RJP3-year10-2011Amend.pdf?OpenElement](http://www.floridabar.org/TFB/TFBResources.nsf/Attachments/DF39C3A1F7713883852579200057419E/$FILE/RJP3-year10-2011Amend.pdf?OpenElement)

**FLORIDA RULES OF JUVENILE PROCEDURE
 REVISION TO PROPOSED THREE-YEAR CYCLE AMENDMENT**

The Juvenile Court Rules Committee invites comment on a revision to its proposal to amend *Fla. R. Juv. P. Form 8.947*, Disposition Order – Delinquency. Recent case law required the amendment. See, e.g., *S.F. v. State*, 56 So.3d 116 (Fla. 3d DCA 2010). Interested persons have until November 15, 2011, to submit comments **electronically** to Joel M. Silvershein, Chair, at jsilvershein@sao17.state.fl.us and to the Bar staff liaison, Ellen Sloyer, at esloyer@flabar.org.

FORM 8.947 DISPOSITION ORDER — DELINQUENCY

DISPOSITION ORDER

A petition was filed on(date)....., alleging(name)....., age, to be a delinquent child. The court finds that it has jurisdiction of the proceedings.

Present before the court were:

- the child;
-(name)....., Assistant State Attorney;
-(name)....., Assistant Public Defender/defense attorney;
-(name)....., guardian;
-(name)....., DJJ juvenile probation officer.

At the hearing on(date)....., afterentry of a plea/an adjudicatory hearing....., the child was found to have committed the delinquent acts listed below:

	Count	Count	Count	Count
Charge
Lesser
Maximum
Degree
Guilty
Nolo contendere
Nolle prosequere
Adjudicated
Adj. withheld

The predisposition report wasreceived and considered/waived by the child.....

The court, having considered the evidence and comments offered by those present, having inquired, and being otherwise fully advised in the premises ORDERS THAT:

..... Adjudication of delinquency is withheld.

..... The child is adjudicated delinquent and

..... committed toa licensed child-caring agency/the Department of Juvenile Justice..... for placement in risk commitment program, for an indeterminate period, but no longer than the child's19th/21st..... birthday or the maximum term of imprisonment an adult may serve for each count listed above, except that a juvenile will not serve longer than six months in a nonresidential commitment program for a second degree misdemeanor, whichever comes first. The child is allowed days credit for time spent in secure detention or incarceration before this date. The child shall be placed inhome detention carewith/without..... electronic monitoring/secure detention..... until placement.

..... placed in the serious or habitual juvenile offender program because the child meets the criteria in section 985.31, Florida Statutes. The placement shall be for an indeterminate period but no longer than the maximum sentence allowed by law or the child's 21st birthday, whichever comes first. The child is allowed days credit for time spent in secure detention or incarceration before this date. The child shall be placed onhome detentionwith/without..... electronic monitoring/secure detention..... until placement.

..... placed in a maximum risk program because the child meets the criteria in section 985.465, Florida Statutes. The placement is for an indeterminate period of time but no longer than the maximum sentence allowed by law or the child's 21st birthday, whichever comes first. The child is allowed days credit for time spent in secure detention or incarceration before this date. The child shall be placed onhome detentionwith/without..... electronic monitoring/secure detention..... until placement.

..... The court has orally pronounced its reasons for adjudicating and committing this child.

..... The court retains jurisdiction to accept or reject the discharge of this child from commitment, as provided by law.

..... The child is placed on post-commitment juvenile probation.

..... JUVENILE PROBATION: The child isplaced on/continued in..... juvenile probation under supervision ofthe Department of Juvenile Justice/.....(name)..... for an indefinite period not to exceed the child's 19th birthday or the maximum term of imprisonment an adult could receive for each count listed above, whichever comes first.

..... DISMISS: The case is dismissed.

..... Disposition on each count isconcurrent/consecutive.....

..... This case disposition isconcurrent/consecutive.... with case number

GENERAL CONDITIONS OF JUVENILE PROBATION. The child shall abide by all of the following conditions:

1. The child shall obey all laws.
2. The child shall be employed full-time or attend school with no unexcused absences, suspensions, or disciplinary referrals.
3. The child shall not change or leavehis/her.... residence, school, or place of employment without the consent ofhis/her..... parents and juvenile probation officer.
4. The child shall answer truthfully all questions ofhis/her..... juvenile probation officer and carry out all instructions of the court and juvenile probation officer.
5. The child shall keep in contact with the juvenile probation officer in the manner prescribed by the juvenile probation officer.
6. The child shall not use or possess alcoholic beverages or controlled substances.

SPECIAL CONDITIONS OF JUVENILE PROBATION. The child shall abide by all of the conditions marked below:

..... Restitution is ordered. Parent and child are responsible, jointly and severally.

..... Amount is reserved.

..... \$..... to be paid to(name)..... Payments shall begin(date)..... and continue at the rate of \$..... each month.

..... The court retains jurisdiction under Chapter 985, Florida Statutes, to enforce its restitution order, regardless of the age of the child.

..... Community Service. hours are to be performed by the child at the rate of hours per month. Written proof is to be provided to the juvenile probation officer.

..... A letter of apology to be written by the child to(name)..... within days. The letter must be a minimum of words.

..... A word essay to be written by the child on(subject).... and provided to the juvenile probation officer within 30 days.

- The child may have no contact with victim(s),(name(s)).....
- Amental health/substance abuse..... evaluation to be completed by the child within days. The child will attend and participate in every scheduled appointment and successfully attend and complete any and all recommended evaluations and treatment.
- The parent(s)is/are..... to complete counseling in
- A curfew is set for the child at p.m. Sunday through Thursday and p.m. Friday and Saturday.
- The child's driver's license issuspended/ revoked/withheld..... for(time period).....
- The child is to complete adetention/jail/ prison.... tour within days.
- The child will be subject to random urinalysis.
- The child will be electronically monitored.
- The child will successfully complete all sanctions of the original juvenile probation order.
- Other:
- The child must pay court costs of \$....., as specified below.

GUN CHARGES

- The court finds that one of the above charges involves the use or possession of a firearm and further ORDERS the following:
 - The child's driver's license issuspended/ revoked..... for1/2..... years.
 - The child is to serve5/10.... days in the Juvenile Detention Center.

THE COURT FURTHER FINDS AND ORDERS:

- The child must:
 - pay \$....., the Victim's Crime Compensation Trust Fund fee, under section 938.03, Florida Statutes;
 - pay \$....., the Teen Court cost, under section 938.19, Florida Statutes (if authorized by county ordinance);
 - pay \$....., an additional cost, under section 939.185, Florida Statutes (if authorized by county ordinance);

..... pay \$....., the Public Defender application fee, under section 27.52, Florida Statutes;

..... pay \$....., the Public Defender attorney fee, under section 938.29, Florida Statutes;

..... pay \$....., other costs, under section(s)....., Florida Statutes.

..... The child has been adjudicated delinquent and assessed a fine and the child is required to pay \$..... to the Crime Prevention Trust Fund, under section 775.083(2), Florida Statutes.

..... The child has been adjudicated delinquent and the child is required to pay \$..... an Additional cost under section 939.185, Florida Statutes (if authorized by county ordinance.

..... The child has committed an enumerated crime against a minor and the child is required to pay \$....., under section 938.10, Florida Statutes.

..... The child has violated ~~Chapter~~ chapter 794, Florida Statutes (sexual battery) or chapter 800 (lewd or lascivious) and is ordered to make restitution to the Crimes Compensation Trust Fund under section 960.28(5), Florida Statutes, for the cost of the forensic physical examination.

..... The childhas been adjudicated delinquent/has entered a plea of no contest/has entered a plea of guilty..... to an a felony or an enumerated misdemeanor, offense under Chapter 794 or 800, sections 782.04, 784.045, 810.02, 812.133, 812.135, Florida Statutes, or any other offense specified in section 943.325, Florida Statutes, and the child is required to submit blood specimens under section 943.325, Florida Statutes.

..... Under section 985.039, Florida Statutes:

..... the parent/legal guardian,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, \$5 per day for each day the child is in residential commitment.

..... the parent/legal guardian,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, \$1 per day for each day the child is on probation, nonresidential commitment, or conditional release.

..... the parent/legal guardian,(name)....., shall pay to the Department of Juvenile Justice, 2737 Centerview Drive, Tallahassee, FL 32399-3100, a REDUCED fee of \$..... per day for each day the child is in the custody of or supervised by the department. This reduced fee is based on the court's finding:

..... that the parent/legal guardian was the victim of the delinquent act or violation of law for which the child is currently before the court and is cooperating in the investigation of the offense.

..... of indigency or significant financial hardship. The facts supporting this finding are:

..... The cost of care/supervision fee is WAIVED based on the court's finding:

..... that the parent/legal guardian was the victim of the delinquent act or violation of law for which the child is currently before the court and is cooperating in the investigation of the offense.

..... of indigency or significant financial hardship. The facts supporting this finding are:

..... The parent/guardian,(name).....,(address)....., shall be liable for% of the payment. The parent/guardian,(name).....,(address)....., shall be liable for% of the payment.

The child is placed on notice that the court may modify the conditions ofhis/her.... juvenile probation at any time and may revoke the juvenile probation if there is a violation of the conditions imposed.

The parties are advised that an appeal is allowed within 30 days of the date of this order.

DONE AND ORDERED in(city)....., County, Florida on(date)....., at a.m./p.m.

Circuit Judge

Copies to:

APPENDIX G

APPX. G-1

Published in The Florida Bar *News*, December 15, 2011, page 8

Posted at:

<http://www.floridabar.org/tfb/TFBLegalRes.nsf/D64B801203BC919485256709006A561C/E1A89A0DC5248D1785256B2F006CCCEE?OpenDocument#Proposed%20Court%20Rule%20Amendments>

**JUVENILE COURT RULES COMMITTEE
AMENDMENT TO PREVIOUSLY APPROVED
2012THREE-YEAR CYCLE AMENDMENT**

The Juvenile Court Rules Committee invites comment on a revision to its 2012 three-year cycle proposals as outlined below. Interested persons have until January 15, 2012, to submit comments **electronically** to Joel M. Silvershein, Chair, at jsilvershein@sao17.state.fl.us and to the Bar staff liaison, Ellen Sloyer, at esloyer@flabar.org.

RULE/FORM	VOTE	EXPLANATION
8.991	19-0	Form as originally proposed is no longer correct due to amendments to §390.01114, Fla. Stat., in 2011. It is being deleted from the 2012 three-year cycle package.