



Guide for Families in Dependency Proceedings

Family Court Services
Court Administration
Seventh Judicial Circuit of Florida
Flagler, Putnam, St. Johns & Volusia Counties



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STATE OF FLORIDA
SEVENTH JUDICIAL CIRCUIT
FLAGLER, PUTNAM, ST. JOHNS & VOLUSIA COUNTIES

Dear Reader,

This guide is designed to assist families involved in juvenile dependency proceedings by providing an overview of court processes and procedures. We hope this guide will give you some insight into the court case that you or someone close to you may be involved in.

Information in this guide should not be considered legal advice or a definitive explanation of how the case you may be involved in will go. This is just a guide, and should only be used as a reference.

Do not hesitate to ask questions as the case you're involved in moves forward in the court system. Be sure to seek the assistance of a lawyer if at any time you feel it is necessary. Depending on the help you need, you may also seek assistance from the Guardian Ad Litem or the child welfare case manager involved in the case.



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Table of Contents

<i>General – Dependency</i>	<i>6</i>
<i>Types of Hearings</i>	<i>10</i>
<i>Answers to a Dependency Petition</i>	<i>11</i>
<i>Mediation</i>	<i>14</i>
<i>Case Plan</i>	<i>15</i>
<i>Termination of Parental Rights</i>	<i>16</i>
<i>Services</i>	<i>17</i>
<i>Contact Information</i>	<i>18</i>

GENERAL

This guide is written to help parents, children and families who are part of a case that involves allegations of abuse, abandonment and/or neglect in juvenile dependency court within the Seventh Judicial Circuit of Florida. It contains general information regarding how cases may proceed throughout the court system. Each county within the Seventh Judicial Circuit (Flagler, Putnam, St. Johns and Volusia) may have specific procedures in place that are the best practice for the professionals and public within that county. This guide is designed to give an overview of typical practices, but may not include each individual process within each county.

Court for these types of cases are held in a courthouse or courthouse annex and are heard by a Circuit Judge. A General Magistrate may also hear matters in these cases. Generally, many court dates are scheduled while these cases work their way through the court system. This means that families will most likely return to court several times prior to the final outcome of the case or until the Court is no longer involved in the case.

This guide will answer questions about dependency proceedings and will explain stages in a case. Information in this guide should not be considered legal advice. You are urged to contact a lawyer if you have questions about your specific legal rights. In most cases, a lawyer may be appointed for you if you cannot afford one.



What is a dependency proceeding?

- A dependency proceeding is a case brought before the Court based on allegations of abuse, abandonment and/or neglect of a child. The term “dependency” is based on the idea of a child being dependent on the State or Court to provide help and services.

What does abuse, abandonment and neglect mean?

- **“Abuse”** means any willful or threatened act that results in any physical, mental or sexual injury or harm that causes or is likely to cause the child’s physical, mental or emotional health to be significantly impaired.
- **“Abandonment”** means a parent or person responsible for taking care of the child, although able to do so, does not provide for the child’s care and support and makes no effort to communicate with the child.
- **“Neglect”** means that a child does not receive sufficient food, shelter, clothing or medical treatment or that a child is permitted to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.

How does a dependency proceeding start?

- Anyone who has knowledge of a child being or at risk of being abused, abandoned or neglected can initiate a dependency proceeding. Usually, a report is made to the Department of Children & Families (DCF) or law enforcement to start this kind of proceeding. DCF will in-



investigate the allegations and make a decision on whether to provide services to stabilize the family so the child can remain in the home or remove the child and order services for the child and family. Although DCF files the majority of dependency actions, anyone can file a dependency petition.

Who is involved in these types of proceedings?

- Parties involved in these types of proceedings usually include the Judge, a lawyer for DCF, the social service case manager, the parents/custodian, a Guardian Ad Litem and any other agency that may be providing services. The Court may also appoint a lawyer to the parent/custodian if there is proof that he/she cannot afford to hire one. Otherwise, any person involved may choose to hire a lawyer on their own.

Who is the Guardian Ad Litem?

- A Guardian Ad Litem is a person who is appointed by the Judge to protect the best interests of the child. The Guardian Ad Litem does not work for DCF. The duties of the Guardian Ad Litem are to preserve the child's safety and emotional well-being; assist in finding a stable and nurturing home environment; and protect the child from further harm. The Guardian Ad Litem files a written report with the Judge as to what they feel is best for the child regarding the case or plan for the family. Also, the Guardian Ad Litem appears in court to give input when needed.

What does “dependency” mean?

- For this purpose, the term “dependency” means that the child is dependent on the Court’s involvement and direction to ensure a safe, stable and permanent home for him or her once a petition alleging facts about the need for services has been filed. The term indicates that without the Court’s involvement, the issues cannot be resolved otherwise. Dependency cases are civil in nature. They are also considered non-public and have very strict rules regarding confidentiality.

How does a hearing in front of the Judge get started regarding a dependency case?

- Typically, an investigation begins once a report is received by DCF or law enforcement that alleges abuse, abandonment or neglect of a minor child. The investigation will determine whether there is a need to provide services to ensure the safety of the child in the home or if the child must be removed from the care of the parent/custodian and placed in the temporary custody of DCF for shelter care. If the child is removed, a shelter hearing will be held within 24 hours. The investigator or child welfare worker will advise where and when the shelter hearing will occur.



What is a shelter hearing?

- A shelter hearing will occur within 24 hours of a child's removal from his or her parent/custodian. Upon removal, someone from child welfare services will inform the parent/custodian where and when this hearing will occur. At this hearing, the Judge will determine if the child will continue to remain in shelter care to ensure the child's safety. Shelter placement may be with a relative, a non-relative or at a licensed DCF home/facility. The parent/custodian will be provided with an attorney if he/she cannot afford to hire one. A Guardian Ad Litem may be appointed to represent the best interest of the child. Any other hearings regarding the issues in the case may be determined at this time. The next hearing will most likely be an "arraignment" hearing. Prior to the arraignment date, DCF will file a Petition for Dependency that states the allegations that brought the case before the Court.

What is an arraignment hearing?

- An arraignment hearing is when the parent/custodian has an opportunity to answer the allegations contained in the dependency petition. This allows the Court to read and consider the allegations while determining issues like custody, visitation, counseling or any other needs that should be addressed at this time. If not already in place, an attorney may be appointed to the parent at this time. There are different ways a parent/custodian may answer the allegations in the petition.



Ways to answer to the dependency petition at an arraignment hearing:

- **Admit:** Admits the allegations within the dependency petition.
- **Consent:** Does not admit or deny the allegations within the dependency petition but allows the Court to be involved in the decisions made for the family and to go forward with a case plan.
- **Deny:** Denies the allegations within the dependency petition.

What happens if I *admit* or *consent* to the allegations in the dependency petition?

- If a parent/custodian admits or consents to the dependency allegations, the Court will typically direct DCF to prepare a Case Plan to determine the steps needed for the family to resolve the issues that brought the case before the Judge. The case will then be set for a “disposition” hearing.

What happens if I *deny* the allegations in the dependency petition?

- If the allegations are denied, DCF will have to prove the allegations against the parent/custodian and the parent/custodian will have to defend the allegations. A trial will be held, and all parties involved will have a chance to call witnesses to prove their side of the case. If a denial is entered, the case most likely will be set for “pre-

adjudicatory” (pre-trial) and “adjudicatory” (trial) hearings.

What is an adjudicatory hearing?

- An adjudicatory hearing is the same thing as a trial. It is a hearing where witnesses may be called to testify about the allegations in the case. There is no jury. The Judge will rule on the finding of dependency. The court may adjudicate the child to be a dependent child or withhold adjudication. In either instance, the case will then proceed to a disposition hearing. If the Court finds that the allegations have not been proven, the case may be dismissed.

What is a disposition hearing?

- A disposition hearing is when the Judge considers the recommendations by DCF for the family to ensure a safe and stable environment for the child. It is the time where a formal order is made containing the findings by the Judge. At this point, DCF will provide a “case plan” or plan for the parent(s) to follow in order to alleviate the need for services by DCF and the Court. If the case plan is not in place at this time, it will be shortly. At this hearing, the Judge may also advise of the need for a future “judicial review” hearing and “permanency” hearing if appropriate.



What is a judicial review hearing?

- The Court will hold a judicial review hearing a few months after the disposition in the case. The judicial review is held so the Judge can get an update on the case, review the placement and see how the child is doing, evaluate what services are being provided by DCF and determine if everyone involved is doing what they are supposed to do as agreed upon in the case plan. There may be another future judicial review hearing set at this time.

What is a permanency hearing?

- The goal of dependency proceedings is to protect and ensure safety to children, assist families in resolving the problems that brought the case before the Judge and establish a permanent resolution and placement for any child involved in this type of case. The intent is for a permanency goal to be established and ordered within one year of a child's removal from a parent/custodian. Permanency may mean reunification, long-term custody with another caregiver, or foster care, and in some cases, termination of the parents' rights and adoption.



What is mediation?

- If the Judge sends you to mediation, you most likely have denied the allegations in the petition against you. Mediation is a chance for all of the people involved in the case to sit down with a neutral third person, called a mediator, and try and come up with an agreement that is mutually acceptable and voluntary by all parties. It offers you a chance to discuss your options if you should agree to services. The contents of what will be in the case plan will be discussed, and this discussion and plan will occur based on what is in the best interest of the child. Once the mediation is complete, the mediator will file a report on the overall outcome of the mediation.

In some instances, DCF may hold a “Case Planning Conference”. This is basically the same as a mediation however a certified mediator is not involved. It usually involves just the parties in the case and is set up to discuss and develop a resolution so you may begin working on assigned tasks as quickly as possible. Any discussions that occur during a mediation or case planning conference are private and only those areas written in your agreement or plan are disclosed.



What is a case plan?

- During the dependency process, DCF, the lawyers in the case and the parent/custodian will have an opportunity to discuss a plan or written agreement as to the tasks that need to be completed before the Court and DCF withdraw their involvement in the case. The case plan spells out what is expected from all of the parties, including the parent/custodian, child, DCF, Guardian Ad Litem, and any temporary custodian. A case plan puts everyone on notice as to what is required and by whom. The terms of the plan are usually negotiated face-to-face with everyone involved in the case. The agreement will address what tasks need to be met, time frames and other issues like visitation. The Judge will review the case plan and make decisions on any areas of disagreement. If you choose not to be involved in creating the plan, the Court may approve the plan regardless of your lack of participation. Your participation in creating the case plan is very important in resolving the issue that brought the case before the Judge. Lack of participation could lead to a change in the goal or outcome of the case - resulting in long term custody with someone other than the parent, termination of parental rights and possibly adoption by another party.



What does Termination of Parental Rights mean?

- In some dependency cases, DCF may file a Petition to Terminate Parental Rights (TPR). In some severe cases, DCF may file a petition to terminate parental rights without filing a dependency petition first. The TPR petition asks the Judge to enter an order terminating or “ending” all parent/custodian legal rights to the child. Like a dependency petition, the parent/custodian is allowed to answer the allegations within the petition for termination of parental rights and hearings will occur requiring DCF to prove the allegations prior to an order being entered. In some cases, if termination of parental rights occurs, the child may be placed or remain in long-term care with a relative or non-relative, placed in foster care or considered for adoption. Once an order terminating parental rights has been entered, the person who it is entered against may forever lose any right to communicate, visit, or be responsible for the child.

Like many issues in the child welfare system, termination of parental rights proceedings are very complex. Because of the difficult nature of these cases, this guide cannot address each and every scenario and court process. If you are involved in a termination proceeding, you should seek legal advice if at any time you feel you need it. In proceedings involving termination of parental rights, a lawyer will automatically be appointed to represent you if you cannot afford one.

What services are available to me through DCF?

- A variety of services are available from DCF as well as from other community agencies that work with DCF. The availability of these services and their providers vary from community to community.

Often the Court or DCF will identify problems in the family and determine what services the family needs. Services may include:

Food Stamps	Medicaid
Aging and Adult Services	Employment & Training Programs
Foster Care	Developmental Services
Voluntary Family Services	Protective Services
Adoption Assistance	Mental Health Services
Children's Medical Services	Individual Counseling
Family Counseling	Anger Management Classes
Drug Treatment	
Parenting Classes	

If you need help understanding what services are included in these programs, and exactly what services are provided in your area, contact your child welfare worker.

DCF offers many of these services to families to prevent the removal of a child from the home. Child welfare workers also provide services to parents to help solve the problems that caused the child to be placed in foster care or out-of-home placement.



Contact Information

Flagler and Volusia Counties:

- **Department of Children & Families**
(386) 238-4910
210 N. Palmetto Avenue
Daytona Beach, FL 32114
- **Community Based Care**
(386) 238-4900
160 N. Beach Street
Daytona Beach, FL 32114

Putnam County:

- **Department of Children & Families**
(386) 329-3511 or 329-3512
600 College Road
Palatka, FL 32606
- **Partnership for Strong Families**
(386) 329-3599
600 College Road
Palatka, FL 32606

St. Johns County:

- **Department of Children & Families**
(904) 824-7381
75 King Street
St. Augustine, FL 32084
- **Family Integrity Program**
(904) 823-4430
1955 US 1 South, Suite B-6
St. Augustine, FL 32086

