

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

IN THE MATTER OF

Case No: 14-
Juvenile Division

AAA
DOB: _____

BBB
DOB: _____

The Minor Children
_____ /

**MOTHER'S VERIFIED MOTION TO ADJUDICATE THE CHILDREN DEPENDENT
AS TO THE FATHER PURSUANT TO FLORIDA STATUES, SECTION 39.507(5)
and FLORIDA STATUES, CHAPTER 39**

COMES NOW, CCC, the Mother, (hereafter "Mother"), of the minor children AAA and BBB (hereafter "Minor Children"), by and through her undersigned counsel, files this Mother's Verified Motion To Adjudicate The Children Dependent As To The Father Pursuant To Florida Statues, Section 39.507(5) and Other Relief and as such states as follows:

1. This Court has jurisdiction over this matter and over all divorce proceedings, except child support issues, which was relinquished to the state of _____. Otherwise the state of Florida has sole jurisdiction over all child custody matters. Although the divorce proceeding arose in the state of _____, the state of Florida has jurisdiction over the post judgment divorce issues and the children's issues. The Court in the state of _____ only has jurisdiction over the child support issues. See attached Composite Exhibit "A", Decree of Dissolution dated _____, 20__; Order on Petitioner's Motion for Reconsideration dated _____, 20__ and Order Granting Respondent's Renewed Motion to Decline UCCJEA Jurisdiction dated _____, 20__.

2. On or about _____, 20__, the Florida Department of Children and Families (DCF) filed a Dependent Petition against the Father. See attached Exhibit "B", Dependent Petition.
3. Thereafter on _____, 20__ the parties attended mediation. See attached Exhibit "C", Mediation Report.
4. The Mother is an uncharged parent in the dependency proceedings pending in the state of Florida. The Father is the charged parent.
5. The children were placed in the care and custody of the Mother pursuant to a Court order and have thrived under her care and custody.
6. On _____, 20__, the Court entered an Order withholding adjudication. See attached Exhibit "D", Order Withholding Adjudication as to the Father.
7. Subsequently, DCF gave both parents several Case Plans and the Court heard the judicial reviews on the case on a regular and ongoing basis and made its findings as to the parent's compliance with the terms and conditions of the respective Case Plans. ¹

6.1 Specifically, DCF filed Case Plans and the Court accepted the Case Plans for the parents on or about the following dates:

- a) _____, 20__,
- b) _____, 20__,
- c) _____, 20__,
- d) _____, 20__, and
- e) _____, 20__

8. The Father's Case Plan tasks included but were not limited to:
 - a) gain insight as to the recommendations and concerns as addressed in Dr. _____'s first evaluation dated _____, 20__;
 - b) shall demonstrate improvement of concerns raised in Dr. _____'s report;
 - c) follow the recommendations as set forth in Dr. _____'s evaluation;

¹ Some Judicial Review hearings occurred during several hearings.

- d) attend and successfully complete individual psychotherapy with a Master's level therapist;
 - e) attend and successfully complete infant/toddler therapeutic intervention;
 - f) engage in services with Family Court services including using the Family Wizard;
 - g) re-submit to an evaluation by Dr. _____ after the completion of the court ordered services prior to the termination of supervision of the case; and
 - h) provide financial support for his children.
9. The Judicial Review Social Study Reports were filed on or about the following dates:
- a) _____, 20__,
 - b) _____, 20__,
 - c) _____, 20__,
 - d) _____, 20__,
 - e) _____, 20__ and
 - f) _____, 20__.
10. The Father is in non-compliance and material breach with the terms and conditions of the Case Plan. As example, he is in non-compliance with attending and successfully complying with individual counseling and other case plan tasks.
11. Most importantly, the Father has not been able to demonstrate meaningful insight as to the allegations as set forth in the Dependent Petition, as such the children remain at risk of harm as to him.
12. Since 20__, the Court has held Judicial Reviews and other hearings to address the Father's compliance, not only with the Case Plan tasks, but also regarding his non-compliance with court orders such as:
- 12.1 Father's non-compliance with videotaping the minor children during the Skype calls;
 - 12.2 Father's non-compliance with videotaping the minor children during their school enrollment;
 - 12.3 Father's non-compliance with providing the Court with the minor children's medical insurance cards;

- 12.4 Father's non-compliance with the Court order requiring that all contact between the parents occur through Our Family Wizard;
- 12.5 Father's non-compliance with calling the children by their true names;
- 12.6 Father's non-compliance with communicating with the children via Skype as Court ordered;
- 12.7 Father's lack of candor with the Court with issues regarding his participation in individual therapy and with timesharing with the children at the Court approved location;
- 12.8 Father's non-compliance with paying child support;
- 12.9 Father's non-compliance with successfully completing the Case Plan tasks.
13. To date, the Father has not remedied the situation that caused the children's removal. The maltreatment risks that existed in 20__ with reference to the Father have not been remedied, and arguably, have increased due to his failure to comply with Court orders.
14. The state of _____ has been unwilling to conduct the court-ordered ICPC as to the Father's residence in _____ due to the Father's failure to successfully comply with the court ordered Case Plan tasks. See attached Exhibit "E".
15. The Mother is requesting that the Court enter and order of adjudication as to the minor children, AAA and BBB, due to the Father's non-compliance with the Case Plan tasks, pursuant to Florida Statutes, Section 39.507 (5) which states as follows:
- If the court later finds that the parents of the child 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 and shall thereafter have full authority under this chapter to provide for the child as adjudicated.

16. The Father has failed to comply with the _____ state order of the Court regarding child support. As of January and February 20___, the Father owes \$_____ (XXXXXXXXXX) in child support payments.
17. In addition to the Father's failure to comply with court orders, the Father has failed to place the children's interest first. As example, the Father made it extremely difficult, almost impossible for the children to receive their recommended school/educational services, that the Court designated the Mother to have sole parental decision making over the minor children's school/educational services. See attached Exhibit "D", Duplicate Report of the General Magistrate Regarding School/Educational Status and Permissible Photograph/Video of the Children and Order of the Court dated _____, 20___. The Father took exceptions to the General Magistrate's Report, however the exceptions were denied by the Court. See attached Exhibit "F", Order on Father's Exceptions to the General Magistrate's Report Regarding School/Educational Status, dated _____, 20__.
18. On _____, 20___, the General Magistrate issued a Report based upon Dr. _____'s second report outlining the tasks that the parents needed to be enrolled in and successfully complete. To date, the Father has failed to comply with the Court's Order. See attached Exhibit "G", Report of the General Magistrate and Order of the Court dated _____, 20__.
19. The Father during a portion of the duration of this case referred to the twin children by calling them by a different name. As example, the Mother would refer the child AAA by his name and BBB by his name. The Father in turn called BBB by using the name AAA, and referred to BBB as AAA. The Court after having heard the matter of the children's identity during several hearings directed the parents to use the children's names as they existed in the children's medical records. Specifically, the Father was ordered to call the children by the name that the Mother was referring them to. See attached Exhibit "H", Report of the General Magistrate and Order of the Court dated _____, 20__.
20. Most recently, the Father was in Miami having unsupervised timesharing with the minor children. The Father reported to the Court that he was staying at the

approved DCF location. He lied. In fact, the Father was having timesharing with the children at an unauthorized location.

21. An abuse report was called into the system during the Father's last unsupervised timesharing with the children. Although the case was closed as unsubstantiated, the Child Protection Team reported that it has concerns about the reported state that the children were in after the visit with the Father. See attached Exhibit "I", University of Miami Child Protection Team Medical Evaluation Report dated _____, 20__.
22. The Father has failed to participate in and successfully complete co-parenting and co-parenting therapy and co-parenting services.
23. The order of adjudication is necessary to protect the children from harm post the termination of supervision.
24. The Mother requests that the Court take Judicial Notice of all of the findings of non-compliance as to the Father's case plan tasks and court orders entered throughout the duration of this case and adjudicate the minor children dependent as to the Father.
25. This motion is filed in good faith.

WHEREFORE, the Mother, respectfully requests that the Court grant the Mother's Verified Motion To Adjudicate The Children Dependent As To The Father Pursuant To Florida Statutes, Section 39.507(5) and for any other relief that is in the best interest of the minor children.

VERIFICATION

CCC

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

BEFORE ME appeared, CCC, a single woman, who, after being duly sworn, deposes and says that she represents that she is the Mother in the above-styled cause, that she has read the foregoing. The Mother has produced a Florida's Driver's License as identification and did not take an oath.

SWORN TO OR AFFIRMED before me at Miami-Dade, Florida, this _____ day of _____ 20__.

NOTARY PUBLIC, State of Florida

Respectfully Submitted,

/S/ Lucy C. Piñeiro
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent to DCF Attorney, _____, to _____, Father's Attorney and GAL Attorney, _____, on this day of _____, 20__.

/S/ Lucy C. Piñeiro
Lucy C. Piñeiro, Esq.
Attorney for the Mother