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

IN THE INTEREST OF:	CASE NO:
DOB:	OBIGINAL
DOB:	SEP 2.3 2004
MINOR CHILDREN /	BY CIKCHI, CON
VERIFIED PETITION FOR	DEPENDENCY

COMES NOW Petitioner, State of Florida Department of Children and Families ("Department"), by and through the undersigned counsel, and files this Verified Petition for Dependency pursuant to Florida Statute 39.501 and Florida Rule of Juvenile Procedure 8.310(a). Petitioner petitions this Court to adjudicate the above-named child(ren) to be dependent within the meaning and intent of Chapter 39.01(15), Florida Statutes, and Florida Rules of Juvenile Procedure. As grounds, Petitioner alleges the following:

This Court has jurisdiction over the minor child(ren): 1.

Name	<u>Birthdate</u>	<u>Gender</u>	Person who has custody
		Male Male	Mother, Mother

- 2. The parents of the child(ren) are:
- The mother of the minor child(ren) is and her address is confidential.
- The legal father of the captioned child(ren) (individual not named on the child(ren)'s birth certificate and/or not married to the mother at the time of the child(ren)'s birth and/or not adjudicated the legal father), and and his address is

- 3. The UCCJEA Affidavit was filed with the Court at the Shelter Hearing and is incorporated herein by reference.
 - Mediation has not been offered at this time.
- 5. The minor children are at substantial risk of neglect as defined in Florida Statutes 30.01(44), by the mother/legal father (collectively "parents"), in that while able, the parents deprived the children, or allowed the children to be deprived of necessary food, clothing, shelter, health care, or medical treatment, or permitted the children to live in an environment when such deprivation or environment cause the children's physical, mental or emotional health to be significantly impaired or to be in danger of being significantly impaired.

In addition, or in the alternative, the minor child is at substantial risk of abuse, as defined in Florida Statutes 39.01(2), by the parents in that the parents' willful acts, omissions, or threatened acts resulted in or placed the child at prospective risk of any physical, mental, sexual injury or harm that causes or is likely to cause the child's physical, mental or emotional health to be significantly impaired.

In addition, or in the alternative, the parents of the minor child have **abandoned** the child, as defined in Florida Statutes 39.01(1), Florida Statutes, in that while being able, the parents made no provision for the child's support and made no effort to communicate with the child or made only marginal efforts that do not evince a settled purpose to assume all parental duties, which situation is sufficient to evince a willful rejection of parental obligations.

6. The Verified Petition is based on the following:

The Department commenced its investigation on the based upon its receipt of the following report:

"On the father caused a scene at the maternal grandmother's house. He began to verbally abuse the mother and threatened to flee with their premature infant children. At one point, the father balled up his fist as if to hit her and slammed the door behind him in a violent rage. In the mother and father were in an argument in the car and the father purposely slammed the brakes with the children in the car to startle her. About two months ago, the father pushed the mother and balled up his fist to hit her in a heated argument. About four months ago, the father kicked the mother and tossed one of their children (then 4 months ago) into the mother's arms. The following day, a neighbor called the police when he noticed the mother missing. The father had driven the mother around for hours and held her against her will in a parking lot with the

children. The mother managed to contact the neighbor via text message, and the police found the mother in extreme cold and rainy weather, locked up in the car with the father and children. The father was temporarily detained but not arrested. When the mother has threatened to end the marriage, the father threatened to take his life. On one occasion, around the father grabbed his hand gun and threatened to shoot himself after she threatened to leave him. The father pushed the mother several times during pregnancy and purposely slammed the car brakes during arguments in the car at least three times that caused the mother to go on premature labor several times. The father also mistreated the family dog by kicking it and kept the dog away from the mother when he would beat her knowing that she sought refuge and emotional support from their pet. The mother is in great fear for her and the children's safety. The father is threatening to flee with the children, which puts the children at risk considering the father's state of mind and abusive actions toward them.

The father controls the mother and her activity with the children. The mother can only feed the children when the father allows it. The children are malnourished due to his erratic behavior since he does not allow the mother to feed them on demand claiming that she is neglecting them by breast feeding them "that way". At times, the father has locked himself in the car with the kids without a/c at temperatures over 90 degrees and also locks himself in the bathroom for over two hours to keep them from the mother when they cry of hunger until he deems appropriate time to feed them.

The father is bipolar and his behavior has become more erratic. A D.V. Protective Order was filed against the father. There have been multiple incidents in the past four months. The family was residing in a for approximately four months. The mother returned home to Miami this week to escape the violence."

INVESTIGATION

Investigation reveals that the children were born in Florida and resided continuously in Florida from the family remained there for several months until they went on a vacation in State. The family remained there for several months until they went on a vacation in when the mother was in the Miami area, she took the twins and hid from the father. The father then filed an action in family court in that accused the mother of being mentally ill and kidnapping the children. Shortly thereafter, the mother filed for a domestic violence injunction against the father in Miami.

After receiving the case, Pl interviewed the mother about the allegations. She stated that she had to leave the father because she was afraid for her life and the life of her twin infant sons. According to the mother, the father has exhibited serious violent behavior towards her and the children and has a history of endangering the children.

The mother explained that the father exhibits symptoms of bipolar disorder, among symptoms for other serious mental health diagnoses. According to the mother, the family worked with a therapist, LCSW, while she was pregnant. They saw her for a few months until her husband decided to discontinue treatment because

the mother expressed during therapy that she was terrorized by the father's behavior of showing his guns when he was mad at her and keeping a gun next to their bed in the night stand on a consistent basis. The therapist tried to assist the mother in this dialog with the father and asked him if he would be willing to get rid of the guns to help her feel safer around him. She explained that the father then became very angry and refused to get rid of the guns. He left the session infuriated and on the ride back home he was very verbally abusive towards her. Additionally, he slammed the brakes of the car while on the highway several times in order to scare her.

The mother was pregnant at that time, carrying the twins in a high risk pregnancy due to a sub chorionic hematoma. She vomited in the car and started to have contractions as a consequence of the father's actions. The mother ended up having to go to the hospital due to threatened miscarriage and preterm labor several times because of the father's violent behavior towards her. Additionally, during her pregnancy, the father threatened to commit suicide and grabbed his gun on one occasion in order to kill himself. The mother had to use de-escalation techniques in order to convince him to put the gun down and had to promise not to leave him ever again. The father also called the family therapist in order to let her know he was having suicidal thoughts. The therapist deescalated the father and recommended for him to go to the emergency room.

Per the mother, the father would also show a variety of violent and controlling behavior, such as yelling and using profanities, making gestures, destroying her property, stopping her from leaving the room, stopping her from calling the police, and snatching her phone away from her. She was not allowed to leave the house without his consent. Very often he would display bizarre behaviors such as sleeping on the floor next to the door in order to stop her from leaving. The father would also sleep on the floor in the garage with no A/C or on the patio floor. While living in Florida, the father spent weeks on the sofa, crying, surfing the internet, or sleeping and not being able to focus and do his work. He blamed the mother for his depression by saying "you don't love me" or "you love the dog more than you love me". Two or three days later, the father would become manic and be "super happy", have lots of energy, be hyper verbal and say, "You are the most loving wife in the world!"

The mother went on to say that the father also displayed other violent behaviors in front of the children such as pushing her while holding the babies, throwing things at her (such as a bowl of salad towards her head or a laundry basket full of clothes at her back), smashing things, and punching holes in walls.

During the pregnancy, the father wanted to be the one making medical decisions for the mother. He refused to allow several essential prenatal medical treatments for the mother because he deemed he was more knowledgeable than the doctor about proper prenatal care. The mother was forced to agree with the father because she was afraid of his violent behavior. He would also dictate her diet. The father placed her on a Paleo diet which was gluten and grain free and he would get very angry when she had a desire to eat anything outside of the diet. He would also force the mother to take 45 supplement pills a day and would become mad if she would ask to know what he was giving her.

The mother left the father three times during her pregnancy and went to the maternal grandmother's house in order to feel safe. According to the mother, she spent most of her pregnancy being terrorized by the father and would often lock herself in the room with the dog shaking in fear of the father hitting her or possibility of him killing her. The father would then become very angry and would kick and punch the door until she opened it.

Not surprisingly, the babies were born very premature. During the delivery, the father became very angry with the neonatologist and became verbally aggressive. He refused multiple medical treatments for the babies and coerced the mother so she would not give her opinion because he insisted that he was the one knowledgeable enough to make medical decisions for the children. The mother was exhausted after having lost so much blood during the delivery and did not have the energy to argue with him.

The medical staff in the hospital became suspicious that there was domestic violence. As a consequence, the next day, the social worker came into the hospital room and asked the mother if there was domestic violence in the relationship. The mother said no at that time because she was afraid that the father would become very angry.

Later, the parents had a meeting with the neonatologist, nurses, and hospital administration where they warned the parents about the possible consequences of refusing crucial medical treatment for their premature twin sons. The doctor stated that this treatment could make a difference between life and death. The mother became very concerned and begged the father to please allow the doctors to treat the children as needed. After much begging, crying, and pleading, the father agreed with the condition that the mother again go on a very strict diet which consists of sugar free, gluten free, and grain free food. The mother had to promise the father that she would stick to the diet and eat only what he said to eat before the father consented to have the doctors administer the needed treatment to their sons.

The mother claims that the father consistently refused to allow her to take the babies to the pediatrician after they were born. She explained that the father believes that not having the children go to the doctor is the best way to keep the children away from all immunizations. Every time she asked the father to allow her to take the children to the doctor, he would become very upset and refuse to do so, even when the twins had a high fever.

Specifically, in the babies both had a fever and she wanted to call the doctor. The father refused to let the mother do so. The mother recalled that at around 2 am on one night in the party is the checked on the babies and the had a 104.3 fever. The had a 103.5 fever.

Additionally, the mother had concerns for the babies' health and weight as a result of the last time they saw their pediatrician in the last time they saw their age and she last time the last time they saw their age and she

recommended a monthly visit to her office in order to track their weight, nutrition and overall health.

The father refused to allow the children to go back to Dr. in the interest of the children to a doctor in the chil

Finally, the father consented to take the children to the pediatrician after the sleep doula he hired stated she could not work with the family unless they first took the children to see a pediatrician. He then agreed to take the children to Dr. in fold the parents that the children were seriously underweight according to the weight charts for their age and stated that the babies must be fed on demand. The mother told the doctor that the father consistently stopped her from breastfeeding the children on demand and often kept them away from her when they cried out of hunger if it was not on his strict schedule for feeding the children.

The mother described the father's severely controlling behavior. She explained that the father expected the mother to sit down and watch the babies cry for hours while he kept them away from her. She stated that when the children were six months old they started introducing solid food to the children. The father insisted that the babies be fed raw duck egg and raw cow liver daily.

The children are also being neglected, medically, As a result of the current investigation, the children were medically examined by the Child Protection Team (CPT). And was found to be malnourished. Was found to have a height and weight which were less than the second percentile. The CPT was unable to determine if he has failure to thrive.

The mother also provided the follow details regarding some of the other allegations in the report. She stated that the father would prevent her from cleaning by asserting that she is neglecting the children while she is cleaning. The mother showed PI pictures of an extremely dirty and untidy house with what appeared to be empty restaurant cooking oil containers, piles of clothing, and boxes of unidentified items. She stated that when the father gets angry with her for wanting to clean or feed the children, he would grab the children and lock himself in the car with the children without any air conditioning in the car and temperatures over 90 degrees. He would also lock himself in the bathroom with the children.

PI then interviewed several collateral witnesses.

The parents' marriage counselor, Mr. Mr. told PI that he was contacted by the mother who expressed concerns as to domestic violence in her relationship. Further, Mr. stated that the mother disclosed to him that the father would kick her in the presence of the children. He explained that in the beginning the father was open to counseling but as time progressed the father appeared less committed and refused to take responsibility for his actions. Mr. Mr. Went on to say that his main focus was trying to bring harmony to the marriage as the mother expressed being stressed in the relationship. According to Mr. Mr. The mother disclosed to him that every time she would clean the house, the father would get upset and undo everything that she had just cleaned.
PI also spoke to the children's pediatrician in explained that the family first came to her office for a meet and greet on They were then given a follow up appointment for According to the doctor, the children appeared under nourished and underweight. They were crying to the point of distress and it was obvious that they were hungry. She instructed the parents to feed the children and the father replied that it was not time as the children were on a feeding schedule. The doctor told PI that it was difficult to communicate with the parents during that time. She noticed that the family had no food with them for the children. Dr. further explained that she attempted to provide the parents with educational material as to feeding but the father got extremely agitated, stood up, grabbed his things and left. According to the doctor, the mother expressed that the father and the grandmother were preventing her from feeding the children.
Then, PI made contact with the children's pediatrician in the children's, Dr. She stated that her first contact with the family was on the children were just over a month old and they were recently removed from the NICU. The family had a follow up visit in the children were just over a month old and they were recently removed from the NICU. The family had a follow up visit in the children were described by the father. She then had no contact with the family until the children again, she noticed that they were way below height and weight ranges for their ages. The doctor noted that the mother presented as extremely stressed and worried. Dr. opined that if the mother is in a constant state of stress and fear, it can affect her breast milk, which can then affect the children.
Lastly, PI made contact with the mother's therapist, Dr. She stated that the father contacted her regarding the mother suffering from postpartum depression. Dr. She shall only had one face to face contact with the family and four contacts via phone. According to the doctor, the mother explained to her that she was new to the area and it was difficult for her to get back and forth as the father was not accommodating. She stated that the mother presented as appropriate with the children. She was nurturing and caring and she did not withhold food. However, the doctor went on to say that in the presence of the father, during the first visit, the mother

stated to the father that she was fearful of him and that the father was controlling and would not allow her to feed the children. Also, the mother said that the father was always yelling at her and cruel to her. According to Doctor and the father did no deny the allegations that were being made by the mother.
Doctor the stated that she was most surprised by the children's reactions. They appeared wide eyed and fearful, almost to the point of being startled, like children that were being exposed to constant yelling.
On DCF was finally able to obtain some of the orders from the family court in the sound and was able to piece together what has so far transpired there. At that point, it became clear that the court in the sound is sued an exparte order requiring that the children be sent back to to live with the father.
Meanwhile, the court in Miami issued the mother a temporary domestic violence injunction against the father which gives her 100 percent time sharing with the children and allows the father to have no contact with the children.
The parents have been contesting jurisdiction of the custody matter in both states for the past month. The two judges conferred this week and both entered new orders on
The court in Miami ruled that it cannot exercise family court jurisdiction over the children. As a result, the court in the case change.
At this time, the children are at extreme risk of harm if returned to the father's care in The children are safe in the care of the mother now, but at any time, the father may seek to enforce the custody order. The father has already sought the help of the police to return the children prior to the court order. However, the police wanted to wait for further direction from the court. Since a new order was assued on the court of the police may now be willing to remove the children from the mother and put them on a plane.
The mother has been participating in intensive voluntary services for the past two veeks. She has been observed appropriately caring for the children on multiple visits o the home by the service provider.

PRIORS

None.

The father has rebuffed contact by Pl. After several attempts, Pl finally reached the father on the phone and he hung up when Pl began questioning him about the case.

CONCLUSION

Pursuant to 39.402, the Department is asking the Court to find probable cause and reasonable efforts and thus to grant its petition to shelter the children as to the father. The mother has moved to a confidential location with the children. The siblings are placed together so there is no need for sibling visitation.

These activities and/or environments harmed the child(ren) as defined in Florida Statutes 39.01(32) and/or caused or are likely to cause the child(ren)'s physical, mental or emotional health to be significantly impaired or to be in danger of being significantly impaired.

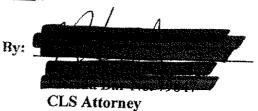
- 7. The Department is unable to ensure the protection of the minor child(ren) without judicial intervention.
 - 8. A shelter hearing was held on and the children were placed in the custody of their mother.
 - 9. The arraignment hearing is set for
 - 10. The Guardian Ad Litem Program was/was not appointed at the shelter hearing to represent the best interests of 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:
 - a. The mother of the minor child(ren) is and her address is confidential.
 - b. The legal father of the captioned child(ren) (individual not named on the child(ren)'s birth certificate and/or not married to the mother at the time of the child(ren)'s birth and/or not adjudicated the legal father), and and the legal father) and his address is

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

This Petition is filed in good faith. Dated PETITIONER, the State of Florida, Department of Children and Families By: Children's Legal Services' Attorney Department of Children and Families 401 N.W 27th Ave, South Tower 526 Miami, Florida 33128 Office: Fax: Email: I, Evans Bruno, hereby affirm that all the facts are true and correct and that I have personal knowledge of the same. b, CPI Child Protective Investigator Department of Children and Families, Unit Phone: STATE OF FLORIDA) COUNTY OF MIAMI-DADE) BEFORE ME, the undersigned authority, personally appeared the petitioner who is: Personally known: _____ Produced Identification: _____ Type: ____, after being duly sworn did state under oath that the foregoing petition is filed in good faith and on personal knowledge and information. Sworn to and subscribed to before me this ____day of NOTARY PUBLIC My Commission Expires:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Verified Petition for Dependency and Notice of Hearing were mailed/hand delivered to the parties/counsel of record; Guardian ad Litem Program, on about day of the control of the parties/counsel of record; Guardian ad Litem Program, on the control of the contro



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 as set forth in the Petition in front of the Honorable at the Juvenile Justice Center Court located at 3300 N.W 27th Avenue, Ct Room 2-9, Miami, Florida 33142.

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 two above pleas, the court will set a disposition date for the matter. At the disposition hearing, 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.

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 Administration as a soon as possible, but no later than 7 days before any proceeding scheduled in this matter.

NOTICE OF MASTER TRUST

Under section 737.303, Florida Statutes, this is to notify you that the Department of Children and Families has accepted the position of Trustee of a certain trust, promulgated on July 8, 1997, pursuant to the order of the Circuit Court of Leon County, dated July 8, 1997 (the "Master Trust"). The address of the Trustee is:

Agency Clerk
Florida Department of Children and Families
1317 Winewood Boulevard
Tallahassee, FL 32399-0700

Upon reasonable request, a beneficiary of this Master Trust and the beneficiary's representative are entitled to a complete copy of the trust instrument, including amendments. Upon reasonable request, the Trustee will provide a beneficiary, or the beneficiary's representative, with relevant information about the assets of the Master Trust related to that beneficiary and the particulars pertaining to administration of the Master Trust. If the child, a parent, or legal guardian has a question concerning this notice or a question or disagreement about the management of these funds in the Master Trust, the matter shall be directed to the District Administrator, acting for the Trustee, for review and response by appropriate district staff. The District Administrator, acting for the Trustee, may seek a court determination as to matters involving an apparent conflict of fiduciary duty.

If the child who is the subject of this proceeding is eligible for Social Security Act Title II, Supplemental Security Income, or Veterans' benefits, the department will be applying to the Social Security Administration or Department of Veterans' Affairs to be appointed as Representative Payee for the child. If appointed, the department will be receiving the child's SSA/SSI/VA monthly checks instead of the parent or legal guardian. After setting aside a personal allowance for the child, the balance will be used to repay the state for the costs of room and board for the child. If amounts are received that are greater than the room and board costs, these excess amounts will also be set aside in the Master Trust for the child. Some of these trust funds will be unavailable to the child for current needs, and all of the funds will be unavailable to the parents or legal guardians, in accordance with section 402.17(2)(c), Florida Statutes.

If the child who is the subject of this proceeding has any significant amount of money, property (other than the normal personal possessions) or other income, it may be necessary for the court to direct that this money, property or income be placed with the department as Trustee in order to permit the department to appropriately act in the child's best interests and provide for the child's current needs, long term needs, and, if applicable the special needs for a disability, while the child is in the care, custody or control of the department.

Pursuant to sections 402.17(2)(c) and 402.33, Florida Statutes, children who receive services may be entitled to a waiver or reduction of the fees customarily charged. The department counselor or child welfare attorney can discuss these charges as well as procedures for review of assessed fees, pursuant to Rule 65-6.022, Florida Administrative Code (formerly Rule 10-6.022, Florida Administrative Code).

The department is required to notify the Agency for Health Care Administration of pending personal injury claims involving clients. Failure of a client to report such possible third party liability could result in ineligibility for Medicaid benefits.

By law, a beneficiary, and the beneficiary's representative are entitled to an annual statement of accounts of the Master Trust relevant to that beneficiary, and upon termination of the Master Trust as to that beneficiary. In addition, copies of these annual accounting reports will be provided to the client's parent(s) or legal guardian(s), and, if applicable, the client's attorney if different from the beneficiary's representative. District accounting files are also available for inspection by these individuals. These requests may be directed to the district fiscal office. A copy of the client's most recent quarterly accounting will be filed in the official record of the court having jurisdiction over the client or the client's money and property at the time of each judicial review held in regard to the client.

ce: DCF
Court file
Child (if 14 years of age or older)
Guardian ad Litem Program
Attorney ad Litem
Parents or Legal Guardian
Counsel for Parents