

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA** **CIVIL ACTION**

**R. Q.,
Petitioner,**

**vs.
C. S. & J. S.,
Respondents, mother & father,**

Case No. 0 DR 0 N

ORDER TO SHOW CAUSE

This matter having come before the court on the petitioner's "Petition for Emergency Temporary Custody of Minor Child by Extended Family", filed 8/18/2010, it is ordered:

1. Findings

The minor child at issue in this case is K. S., born DDD. The sworn petition and the record demonstrate that the respondents may be unfit to provide the care and control of the child because of drug addiction and other issues. The respondents may have abused, abandoned or neglected the child. The court finds there is an emergency concerning the care of the child and her safety and well-being. The petitioner filed a UCCJEA affidavit with the motion. The *pro se* petitioner is the maternal grandmother of the child.

The child has resided in Lee County, Florida, since birth. There is no evidence that any other case is now pending anywhere concerning this child.

The petitioner has not filed the respondents' written consents to the petition. The respondents have not been served with process, that is, a copy of the petition and a summons, so the court does not have personal jurisdiction over the respondents.

2. Ruling

2.1 Jurisdiction - This court has subject matter jurisdiction over the issue of the child's custody under Chapter 751 and the court has personal jurisdiction over the petitioner and the child, K. S., born DDD. The child is now residing in Lee County, Florida, and she has lived here since her birth. Therefore, this court has jurisdiction over all custody issues under Chapter 751, Florida Statutes, and under the Uniform Child Custody Jurisdiction and Enforcement Act, the International Child Abduction Remedies Act, 42 U.S.C. ss. 11601 et seq., the Parental Kidnaping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at the Hague on October 25, 1980.

Under Chapter 751 and the UCCJEA, no other court anywhere has jurisdiction over these issues or can obtain jurisdiction over these issues absent a proceeding and findings that satisfy F.S. Chapter 39. However, this is a proceeding in which allegations identical to those required by

Chapter 39 for a determination of dependency have been made against the child's parents.

2.2 Order To Show Cause - The mother, C. S., and the father, J. S., are hereby ordered to appear personally before this court and show cause why the petition should not be granted and why the court should not determine they are unfit to care for the minor child and why the petitioner should not be awarded temporary custody of the child K. S. born DDD, subject to the provisions of Chapter 751, Florida Statutes.

If either parent fails to appear or if either appears and fails to show cause as ordered here, the court may grant the petition without further notice and order that temporarily pursuant to Chapter 751, Florida Statutes, the petitioner has full custody of K. S., born DDD.

If the petition is granted the petitioner shall have the full assistance of law enforcement officers in every jurisdiction at all times to remove the child from the mother and the father's custody or from any other person with whom the child may be found and to deliver the child to the petitioner who shall then return the child to Lee County, Florida.

The hearing on this Order to Show Cause shall be before undersigned judge at .m., on _____, _____, _____, in Courtroom 4 I, on the 4th Floor of the Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida.

The petitioner is ordered to have a certified copy of this Order to Show Cause personally served on the mother and the father, along with a copy of the petition and a summons, by a process server authorized to serve process in the jurisdiction where they may be and the server's return of service shall be filed in this court file before the above date.

The petition does not ask for child support from the respondents so child support is not an issue made by the pleadings and therefore the court has no authority to order child support paid to the petitioner by the respondents.

Because the court finds an emergency exists concerning the child's safety, until the hearing date above the court orders that temporarily the petitioner, R. Q., has full custody of the child K. S., born DDD, and the court will sign a separate order directing that she has such temporary custody, subject to the provisions of this Order to Show Cause.

If the respondents are not personally served with a certified copy of this Order to Show Cause and with a copy of the petition and a summons before the hearing set above, the court may cancel the order granting the petitioner temporary custody of the child.

Done and ordered in Fort Myers, Lee County, Florida, this _____

R. Thomas Corbin, Circuit Judge

Copies provided to:
Petitioner