

## **Instructions for Parents and Caregivers** **To Reopen a Juvenile Dependency Case**

*The following instructions have been prepared as a guide to assist you with the reopening of your dependency case. This outline is intended for informational purposes only and should not be substituted for, nor construed as legal advice.*

### **1. PREPARE A WRITTEN MOTION**

In order to reopen your case you must prepare and file a **Motion to Reopen and for Modification of Permanency Order** and **Notice of Hearing** with the Lee County Clerk of Courts. These documents are located on the 20<sup>th</sup> Judicial Circuit Administrative Office of the Court's website at: [www.ca.cjis20.org](http://www.ca.cjis20.org). Select the 'PROGRAMS' tab on the left side of the page, then click the 'JUVENILE' tab, once on the Juvenile page select the link titled "Link to Lee County Juvenile Dependency Instructions"; the documents can be found under "Downloads" in the upper right-hand corner of the page.

You must attach all supporting documentation to your motion showing that you have completed your unfinished Case Plan tasks. These tasks may include but are not limited to:

- Certificate of completing Parenting Class
- Certificate of completing Substance Abuse Treatment
- Certificate of completing Anger Management (ACT/BAN)
- Victim's counseling (ACT)
- Proof of income (pay stubs; W-2's, letter from employer)
- Proof of housing (lease)
- Proof of attendance at 12-step recovery program meetings (AA or NA)

### **2. FILE YOUR MOTION AND PAY FILING FEE**

File the motion with the **Lee County Clerk of Courts** along with all supporting documentation showing that you have completed your unfinished Case Plan tasks as listed in #1 above.

The Clerk is located at:

Lee County Justice Center  
1700 Monroe Street, First Floor  
Fort Myers, FL 33901

### 3. OBTAIN A HEARING DATE

After you have filed the **Motion to Reopen and for Modification of Permanency Order**, contact the office of your assigned judge and the Judicial Assistant will provide you with a hearing date:

- **Judicial Assistant to Judge Gilberto Perez: 239-533-9160**
- **Judicial Assistant to Judge Andrew Marcus: 239-533-2543**

Your Hearing date is:

\_\_\_\_\_ Time: \_\_\_\_\_  
In front of the presiding Circuit Judge, Lee County Justice Center, 3rd Floor,  
Courtroom 3A, 1700 Monroe Street, Fort Myers Florida 33901.

You must provide the hearing date and time that you obtained from the Judicial Assistant on the Notice of Hearing form and file the form with the Clerk of Courts.

### 4. SEND OUT NOTICE OF HEARING AND MOTION

Within 24 hours of filing the Notice of Hearing, you must send a copy of the **Notice of Hearing** and the **Motion to Reopen and for Modification of Permanency Order**, along with all supporting documentation showing you completed your unfinished Case Plan tasks as listed in #1 to:

**Children's' Legal Services**  
**Department of Children and Families**  
**2295 Victoria Avenue**  
**Ste. 254**  
**Fort Myers, Florida 33906**  
Phone number: **(239) 895-0217.**

You must also send a copy to the other parent, the Permanent Guardian(s) or other caregivers who have custody of your child(ren), if known, and the Guardian Ad Litem Program located at: 1700 Monroe Street, Fort Myers, FL 33901.

### 5. CONTACT LUTHERAN SERVICES OF FLORIDA

Within 48 hours of filing your motion, **contact Lutheran Services of Florida, Assistant Program Director (Joyce Mieses) at (239) 461-7640**, and let the Program Director know you filed a **Motion to Reopen and for Modification of Permanency Order** in your case.

- A. The Assistant Program Director will assign your case to a Child Welfare Case Manager who will contact you to set up an appointment. At that appointment the case manager will review your Case Plan tasks and your supporting documentation with you. The case manager may ask you to sign necessary releases, including those that will allow the case

manager to verify completion of the required services. If necessary the case manager may contact service providers for additional information, as well as the child(ren)'s current caregivers/guardians to advise of your motion and obtain their input.

- B. The case manager will consult with their supervisor to make a recommendation on the reopening of your case; you will be notified of that recommendation. The recommendation will be presented to the court at your hearing.
  - a. If the case manager recommends increased, unsupervised or overnight visitation and/or reunification as appropriate, then the case manager will support the **Motion to Reopen and for Modification of Permanency Order** and may request permission from the court to reunify you with your child(ren) on that date or a date shortly thereafter. A Judicial Review hearing date will also be set at this hearing.
  - b. If the case manager does not recommend that the case be reopened, you will be given an explanation as to why and what you need to do in order to satisfy your Case Plan. The case manager will present their recommendation to the court and then you will also have the opportunity to present your position to the judge at the hearing. The judge will then rule on your **Motion to Reopen and for Modification of Permanency Order**.

**\*\*PLEASE NOTE THAT EVERY CASE IS DIFFERENT AND THERE ARE OTHER POSSIBLE OUTCOMES OTHER THAN THOSE NOTED ABOVE. FAILURE TO ADHERE TO THE INSTRUCTIONS OUTLINED HEREIN MAY RESULT IN A DELAY IN YOUR HEARING.**

**IN THE CIRCUIT COURT, TWENTIETH JUDICIAL  
CIRCUIT, IN AND FOR LEE COUNTY, FLORIDA  
JUVENILE DIVISION**

**IN THE INTEREST OF:**

**CASE NO.:**

\_\_\_\_\_ /

**MOTION TO REOPEN AND FOR MODIFICATION OF PERMANENCY ORDER**

(§39.621(10), Fla.Stat., Rule 8.430, Fla.Juv.R.Pro)

1. My name is \_\_\_\_\_
2. My address is \_\_\_\_\_
3. I am the \_\_\_\_\_ of the above named child(ren).
4. The court has jurisdiction over this cause in that the above-named child(ren) was/were adjudicated dependent on \_\_\_\_\_
5. The court terminated protective services supervision and retained jurisdiction on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.
6. The child(ren) is/are currently in the custody of \_\_\_\_\_
7. I am requesting an order (check all that apply):  
 Reinstating protective services supervision  
 Modifying visitation  
 Reunifying the child(ren)
8. I can prove (check all that apply):  
 I have complied with the requirements of the reunification case plan filed and approved by the court in this case by:  
 Completing and benefiting from substance abuse treatment. (Attach certificate of completion, AA/NA slips, and/or letter from treatment provider).  
 By remaining free of alcohol, illegal drugs, and/or prescription drugs which have not been prescribed to me. (Attach AA/NA slips and/or letter from sponsor).  
 Completing and benefiting from parenting classes. (Attach certificate of completion and essay on what was learned in classes).  
 Completing and benefiting from anger management counseling. (Attach certificate of completion and essay on what was learned in classes).

\_\_\_\_\_ Completing and benefitting from a 26 week batterer's intervention course. (Attach certificate of completion and essay on what was learned in classes).

\_\_\_\_\_ By completing a course/counseling for victims of domestic violence. (Attach certificate of completion or letter from counselor and safety plan for avoiding and escaping violence).

\_\_\_\_\_ Maintaining legal, verifiable employment for \_\_\_\_\_ months. (Attach pay stubs and/or letter from employer).

\_\_\_\_\_ Maintaining clean, safe housing for \_\_\_\_\_ months. (Attach lease, rent receipts, and/or letter from landlord).

\_\_\_\_\_ Receiving mental health/psychiatric services and complying with all treatment plans and recommendations. (Attach letter from counselor/psychiatrist)

\_\_\_\_\_ Taking all medications prescribed to me as prescribed. (Attach letter from doctor/psychiatrist).

\_\_\_\_\_ By complying with the requirements of my probation. (Attach proof of termination of probation or letter from probation officer).

\_\_\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_ The circumstances which caused the child(ren) to be removed from my custody have been remedied in that: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The current placement is no longer in the child(ren)'s best interest because: \_\_\_\_\_

\_\_\_\_\_ The child(ren) \_\_\_\_\_ agree / \_\_\_\_\_ disagree with this motion.

\_\_\_\_\_ The current custodian recommends \_\_\_\_\_

\_\_\_\_\_ The Guardian ad Litem recommends \_\_\_\_\_

9. The modification that I am requesting will not endanger the child(ren)'s safety, well-being, and physical, mental, and emotional health because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

10. **I understand that the permanency placement and the conditions of that placement are intended to continue until the child(ren) reach(es) the age of majority and may not be changed unless the circumstances of the permanency order are no longer in the**

child(ren)'s best interest. I also understand that to change the permanency order or reinstate protective services supervision, the court must hold a hearing and consider all the factors in paragraphs 8 and 9 above and that it is my burden to demonstrate that the modification will not harm the child(ren)'s safety, well-being, and physical, mental, and emotional health.

11. I UNDERSTAND THAT THIS DOCUMENT WILL BE FILED WITH THE COURT, UNDER PENALTY OF PERJURY. I DECLARE THAT THE FACTS CONTAINED HEREIN ARE TRUE.

Signature \_\_\_\_\_

**STATE OF FLORIDA  
COUNTY OF LEE**

**THE FOREGOING** instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is \_\_\_\_ personally known to me or who has \_\_\_\_ produced \_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_  
NOTARY PUBLIC  
Print Name: \_\_\_\_\_  
Commission No.: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by regular U.S. Mail/hand delivery, the original hereof was furnished to Clerk of Circuit Court, Juvenile Division, 1700 Monroe Street, Fort Myers Florida 33901; and true copies hereof have been furnished to:

- ( ) Children's Legal Services, Department of Children and Family Services, 2295 Victoria Avenue, Ste. 254 Fort Myers, FL 33906
- ( ) Joyce Mieses, Assistant Case Management Program Director, Lutheran Services of Florida, 4150 Ford Street Ext., Suite 1C, Fort Myers, FL 33916
- ( ) Guardian ad Litem Program, 1700 Monroe Street, 6<sup>th</sup> Floor, Fort Myers, FL 33901
- ( ) The Permanent Guardian(s), \_\_\_\_\_, at \_\_\_\_\_
- ( ) \_\_\_\_\_, mother/father at \_\_\_\_\_

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_