

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: ADMINISTRATIVE REVIEWS)
BY FLORIDA DEPARTMENT) ADMINISTRATIVE ORDER
OF CHILDREN AND FAMILIES) NO. 1.7
IN FOSTER CARE CASES)
_____)

Pursuant to Title 42 U.S.C. § 675(5)(b), Federal funding requirements for children in foster care mandate that the status of each child be reviewed at least once every six months either by a court or by administrative review.

The Florida Department of Children and Families ("FDCF") has requested an administrative order allowing administrative reviews in foster care cases if a foster care judicial review cannot be obtained within the required six month time limit. FDCF (through counsel) represents that such action is based upon statewide negotiations with the Department of Health and Human Services and is necessary to preserve funding from the Federal Government.

Although it is the Court's belief that there are no cases within this circuit which cannot be heard within the six month time limit, this Order is entered for the sole purpose of cooperating with the Department so that their obligation to the Federal Government may be fulfilled.

It is therefore ORDERED AND ADJUDGED as follows:

The Department of Children and Families may conduct in-house administrative reviews in dependency cases within the Twentieth Judicial Circuit Court if a hearing cannot be provided by the Court within the six month time limit for foster care judicial reviews. These in-house reviews shall not replace the need for a judicial review and cannot be used in place of the initial judicial review of children pursuant to Florida Statute § 39.453(3)(a).

All foster care cases shall be scheduled by FDCF for judicial review at the first available date on the Court's docket. In the event that the Court is unable to conduct the judicial review

within the time frame prescribed by statute, counsel shall notify both the Court and the Chief Judge in each such case. This notice shall include a statement of the reason for the failure of FDCF to bring the matter before the Court within the applicable time frame.

If an administrative review becomes necessary, FDCF shall notify all parties and their attorneys of the date of the review. Such notice shall also be provided to the assigned judge, the assigned case worker and the case worker's supervisor. The FDCF attorney who is assigned to the case must be present at each administrative review. A report following the review shall be furnished to all parties, their attorneys, and to the Court in accordance with Chapter 39.

This Order is expressly intended to be temporary in nature and will expire by operation of law on January 1, 1999, unless extended by the Chief Judge by further order of the Court.

DONE AND ORDERED in Chambers, at Fort Myers, Lee County, Florida this

4th day of March 1998.

Hugh E. Starnes
Hugh E. Starnes
Chief Judge

History. - New.

I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, CHARLIE GREEN, CLERK CIRCUIT COURT LEE COUNTY, FLORIDA.

DATED: March 16, 1998
BY: Mark Wood
Deputy Clerk

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

2 This 16th Day of March 19 98 Record in Cir. Ct. Min.
Book 42 Page _____ and Record Verified.
CHARLIE GREEN By Mark Wood
Clerk Circuit Court Deputy Clerk