

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK, HIGHLANDS, AND HARDEE COUNTIES, FLORIDA**

JUVENILE DIVISION

ADMINISTRATIVE ORDER NO. 6-16.1

**IN RE: OUT OF COUNTY TRAVEL OF CHILDREN IN JUVENILE
DEPENDENCY CASES PURSUANT TO CHAPTER 39, FLORIDA STATUTES.**

WHEREAS, there are many children in Polk, Highlands, and Hardee Counties who are under the Court's jurisdiction or have been adjudicated dependent pursuant to Chapter 39, Florida Statutes; and

WHEREAS, these children may be in the temporary legal custody of, and residing with, other family members, non-relatives, or in Department of Children and Families (hereafter "DCF") foster homes; and

WHEREAS, these children may be in the permanent legal custody of DCF as parental rights have been terminated; and

WHEREAS, this Court recognizes the ongoing threat of emergency weather conditions that periodically face the State of Florida, especially during hurricane season; and

WHEREAS, this Court recognizes the need for children to travel, from time to time, within or outside the State of Florida, while in the custody of adults other than their parents; and

WHEREAS, it is necessary for the efficient administration of justice and for the safety of the children who are currently under this Court's jurisdiction pursuant to Chapter 39; it is therefore

ORDERED that:

1. Travel of Permanently Committed Children Within the State of Florida:
 - a. Children who are permanently committed to DCF may travel within the State of Florida without further order of the Court. However, if travel outside of Polk, Highlands, or Hardee Counties exceeds thirty (30) consecutive days, written permission from DCF is required.
 - b. Any visitation missed by the family due to the travel plans shall be made up within the first thirty (30) days of the child(ren)'s return.
2. Travel of Children in the Temporary Legal Custody of DCF, Family Members or Non-

Relatives:

- a. Children who are in the temporary legal custody of the DCF, other family members, or non-relatives may travel within the State without further order of the court provided that the parent(s) do not object to the travel plans. Travel outside of Polk, Highlands, or Hardee Counties shall not be for greater than fourteen (14) consecutive days. The relative, non-relative, or foster parent with whom the child(ren) is traveling shall present to DCF a complete itinerary as soon as the travel plans are known and shall update their whereabouts if the itinerary changes.
- b. At all times, when their whereabouts are known, the parent(s) must be informed of and agree to the travel plans of their child(ren). If the parent agrees to the travel and the travel is less than fourteen (14) consecutive days, no court order is required. If the parent does not agree to the travel, a hearing shall be set by the Department of Children and Families with Motion for Travel and Notice of Hearing sent to all parties and appropriate participants. The Court shall enter an order denying or granting the travel based upon the information provided at the hearing.
- c. Any visitation missed by the family due to the travel plans shall be made up within the first thirty (30) days of the child(ren)'s return.

3. Travel During Emergency Conditions:

- a. The children who are in the legal custody of DCF or other out-of-home care (either relative, non-relative, or foster care) as a result of a dependency matter in the Tenth Judicial Circuit, may, upon the declaration by the Governor of a "state of emergency", evacuate to a safe place either within or outside the State of Florida without further order of the Court and shall return as soon as practicable upon termination of the "state of emergency".
- b. Travel shall not be for greater than fourteen (14) consecutive days. The relative, non-relative, or foster parent with whom the child(ren) are traveling shall present to DCF or appropriate Community Based Care Provider a complete itinerary as soon as the travel plans are known. At all times, the foster parent or legal custodian shall notify and continue to update their whereabouts if the itinerary changes.
- c. Any visitation missed by the family due to the travel plans shall be made up within the first thirty (30) days of the child(ren)'s return.

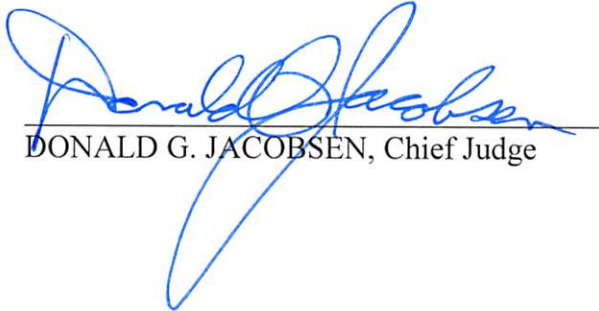
4. Individual Orders Forbidding Travel: Nothing in this administrative order shall supersede an individual order, entered by a court of competent jurisdiction, which forbids or limits travel by a child(ren).

5. Effective Date: This administrative order shall be effective immediately and shall remain in effect until further Order of this Court and all terms and conditions set forth in this

Administrative Order shall apply unless otherwise ordered by the Court.

6. Administrative Order No. 6-16.0, entered on September 10, 2004, is hereby **VACATED** and **SUPERCEDED** by this order.

DONE AND ORDERED in Chambers, at Bartow, Polk County, State of Florida, this 7th day of September, 2017.


DONALD G. JACOBSEN, Chief Judge

Original:
Polk County Clerk of the Circuit Court

Copies:
All Judges
Polk County Clerk of Courts
Highlands County Clerk of Courts
Hardee County Clerk of Courts
Trial Court Administrator
Department of Children and Families
Electronic Bar Mailing