IN THE CIRCUIT COURT OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ JUDICIAL CIRCUIT

IN AND FOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, FLORIDA

IN THE INTEREST OF: CASE NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DIV.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, JUDGE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Minor Child,

**MOTION TO DETERMINE DEPENDENT CHILD WITH CERTAIN SPECIAL NEEDS INDIGENT FOR CASE-RELATED DUE PROCESS COSTS**

COMES NOW the Child, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, by and through the undersigned counsel, and moves this Court to authorize case-related due process costs pursuant to sections 57.081, 57.082, and 39.01305, Florida Statutes, and in support thereof, shows the following:

1. This Court has jurisdiction over the subject matter of this action. The Child is currently in the care, custody, and control of \_\_\_\_\_\_\_\_\_\_\_ , under protective supervision of the Department.

2. The undersigned attorney was retained to represent the Child in the above case by [CHILD/FAMILY MEMBER/THIRD PARTY].

3. The undersigned attorney has agreed to represent the Child on a pro bono basis, or without additional compensation, pursuant to s. 39.01305(5), F.S.

4. Pursuant to s. 39.01305(5), F.S., the Child qualifies for representation because the Child:

\_\_\_\_\_ (a) resides in a skilled nursing facility or is being considered for placement in a skilled nursing home;

\_\_\_\_\_ (b) is prescribed psychotropic medication but declines assent to the psychotropic medication;

\_\_\_\_\_ (c) has a diagnosis of a developmental disability as defined in Florida Statues section 393.063;

\_\_\_\_\_ (d) is being placed in a residential treatment center or is being considered for placement in a residential treatment center;

\_\_\_\_\_ (e) is a victim of human trafficking as defined in section 787.06(2)(d).

5. The Child is without the financial means to pay the necessary case-related due process costs.

WHEREFORE, the undersigned attorney requests this Court enter an order determining the Child indigent for case-related due process costs.

Respectfully submitted,

IN THE CIRCUIT COURT OF THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ JUDICIAL CIRCUIT

IN AND FOR \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY, FLORIDA

IN THE INTEREST OF: CASE NO.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DIV.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, JUDGE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Minor Child,

**ORDER DETERMINING A DEPENDENT CHILD WITH CERTAIN SPECIAL NEEDS INDIGENT FOR CASE-RELATED DUE PROCESS COSTS**

THIS Motion to determine the Child with Certain Special Needs Indigent for Case-Related Due Process Costs pursuant to section 39.01305, Florida Statutes, is before this Court. Based on the information contained in the motion, and in the Child’s court file, the Court finds as follows:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ qualifies for appointment of an attorney because the Child (SELECT **ALL** THAT APPLY):

\_\_\_\_\_ (a) resides in a skilled nursing facility or is being considered for placement in a skilled nursing home;

\_\_\_\_\_ (b) is prescribed psychotropic medication but declines assent to the psychotropic medication;

\_\_\_\_\_ (c) has a diagnosis of a developmental disability as defined in Florida Statues section 393.063;

\_\_\_\_\_ (d) is being placed in a residential treatment center or is being considered for placement in a residential treatment center;

\_\_\_\_\_ (e) is a victim of human trafficking as defined in section 787.06(2)(d).

2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is willing to represent this Child on a pro bono basis and is eligible to request and incur state-funded case-related due process costs to represent the Child pursuant to s. 39.01305, Florida Statutes.

**THEREFORE, IT IS ORDERED**:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is authorized to represent the Child in this proceeding, as well as in fair hearings and appellate proceedings, to address the Child’s medical and related needs and the services and support necessary for the Child to live successfully in the community.

2. The Child is indigent for case-related due process costs and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is authorized to incur such costs pursuant to section 39.01305, Florida Statutes.

3. The attorney is authorized to incur case-related due process costs to take depositions including court reporter appearance fees. Service of process shall be through the sheriff unless the sheriff is unable to provide service of process. The sheriff shall be used to serve in-county law enforcement.

4. Any request for additional due process costs, including transcripts, private process servers, private investigators, and experts, shall be made by separate motion. The Justice Administrative Commission shall be served with any motion for additional due process costs.

5. Should any due process vendor desire direct payment from the Justice Administrative Commission, the vendor must enter into a contract with the Justice Administrative Commission. The defense and the vendor must comply with all policies and procedures of the Justice Administrative Commission related to the submission of billings for direct payment to a due process vendor.

6. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby entitled to receive copies of all documents concerning this Child, including educational, medical, and mental health records.

**DONE AND ORDERED** in \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County on this

\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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