**The Family Court of the State of Delaware**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | In and For |  | New Castle County |  | Kent County |  | Sussex County |

**AFTER HOURS DFS EMERGENCY REQUEST FOR CUSTODY**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Date: |  | |  |  | , |  | | |  | Time: | | |  | | | | |  | |
| Parent 1: | |  | | | | | | | | | DOB: | | | | |  | | |  |
| Parent 2: | |  | | | | | | | | | DOB: | | | | |  | | |  |
| Guardian 1: | |  | | | | | | | | | DOB: | | | | |  | | |  |
| Guardian 2: | |  | | | | | | | | | DOB: | | | | |  | | |  |
| DFS Worker: | |  | | | | | | DFS Worker Phone: | | | | | | |  | | | |  |
| DSCYF/DFS has requested emergency ex parte custody of: | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | , born | |  | | |  | | Race: | | |  | | |
|  | | | | | | | , born | |  | | |  | | Race: | | |  | | |
|  | | | | | | | , born | |  | | |  | | Race: | | |  | | |
|  | | | | | | | , born | |  | | |  | | Race: | | |  | | |
|  | | | | | | | , born | |  | | |  | | Race: | | |  | | |
|  | | | | | | | , born | |  | | |  | | Race: | | |  | | |
| **BELOW SECTION TO BE COMPLETED BY THE DIVISION OF FAMILY SERVICES:** | | | | | | | | | | | | | | | | | | | |
| Summary of Allegations: | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | |
| Under Section 3927 of Title 10 of the Delaware Code, Family Court Standing Order #3, and Rule 79.2 | | | | | | | | | | | | | | | | | | | |
| of the Family Court Rules of Civil Procedure, I declare under penalty of perjury under the laws of Delaware | | | | | | | | | | | | | | | | | | | |
| that the allegations contained herein are true and correct. | | | | | | | | | | | | | | | | | | | |

|  |
| --- |
|  |
| DFS Worker |
| Electronic signature permitted – sign “/s/ Your Name” |

|  |
| --- |
| Pursuant to the testimony above, additional information was gathered from the DFS worker: |
|  |

**The Family Court of the State of Delaware**

In and For

**EX PARTE CUSTODY ORDER ON DIVISION OF FAMILY SERVICES FILINGS**

|  |
| --- |
| File Number |
|
|  |
|
|
| Petition Number |
|
|
|  |
|

**DIVISION OF FAMILY SERVICES/ )**

**DEPARTMENT OF SERVICES FOR )**

**CHILDREN, YOUTH AND THEIR )**

**FAMILIES, )**

**)**

**Petitioner )**

**v. )**

**)**

|  |  |
| --- | --- |
|  | **)** |
|  | **)** |
|  | **)** |
|  | **)** |
|  | **)** |

**)**

**Respondents )**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| On | |  |  |  | , |  | , the Department of Services for Children, Youth and Their |
| Families, through its Division of Family Services (DSCYF/DFS) | | | | | | | |
|  | Submitted a written sworn affidavit alleging dependency, neglect and/or abuse; or | | | | | | |
|  | Presented sworn testimony, through a verbal order request, alleging dependency, neglect, and/or abuse. | | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| DSCYF/DFS has requested emergency ex parte custody of: | | | |
|  | , born |  | ; |
|  | , born |  | ; |
|  | , born |  | ; |
|  | , born |  | ; |
|  | , born |  | ; |
|  | , born |  | ; |

After review of the affidavit/oral testimony, the Court finds:

No emergency conditions exist sufficient to find probable cause that the child(ren) continue to be in actual physical, mental or emotional danger or there is a substantial risk thereof, based on the following:

Emergency conditions exist sufficient to find the existence of probable cause that the child(ren) continue to be in actual physical, mental or emotional danger or there is a substantial risk thereof, based on the following:

Continuation of residence in the home would be contrary to the welfare of the child(ren), and/or placement would be in the best interest of the child(ren), based on the following:

Reasonable efforts have been made to prevent the unnecessary removal of the child(ren) from his/her home as follows:

**IT IS HEREBY ORDERED:**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | A verbal order was issued on | | | | |  | | ; and the Court determined continuation in | | | | | | | |
|  | the residence would be contrary to the welfare of the child(ren); and/or placement would be in the best interests of the child(ren); physical or constructive removal of the child(ren) from the parents(s) or specified relative was ordered; and emergency temporary custody was awarded to DSCYF/DFS until further order. | | | | | | | | | | | | | | |
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|  | The Court denies the request for emergency ex parte custody and the underlying action will proceed in the usual course of business. | | | | | | | | | | | | | | |
|  |
|  |  | | | | | | | | | | | | | | |
|  | Physical or constructive removal of the child(ren) from the parent(s) or specified relative is ordered, and emergency temporary custody is awarded to DSCYF/DFS, until further order. | | | | | | | | | | | | | | |
|  |
|  |  | | | | | | | | | | | | | | |
|  |  | | | The Court requests the assistance of the law enforcement agency with jurisdiction in enforcing this custody order. | | | | | | | | | | | |
|  |  | | |
|  |  | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | |
|  | DFS/DSCYF shall file a Petition and supporting affidavit in the Family Court not later than noon on the next Court business day. | | | | | | | | | | | | | | |
|  |
|  |  | | | | | | | | | | | | | | |
|  | A Preliminary Protecting Hearing shall be held on the | | | | | | | |  | day of | |  | | , |  |
|  | at | |  | | AM  PM with Judge | |  | | | | | | . | | |
|  |  | |  | |  | |  | | | |  | | | | |
|  | Good cause was found to schedule the PPH out of guidelines for the following reason: | | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | |
|  |  |  | | | | | | | | | | | | | |
|  | The Office of the Child Advocate is appointed to represent the minor child(ren) in this matter. | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | |
|  | Pending further Order, visitation shall be at the discretion of DFS unless otherwise noted as follows: | | | | | | | | | | | | | | |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| IT IS SO ORDERED this |  | day of |  | , |  | . |

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| --- |
|  |
| **Judge** |
| Hon. |
| **Judge (Print)** |

|  |  |
| --- | --- |
| **Date mailed/emailed:** |  |

**TO BE COMPLETED BY COURT STAFF:**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | When the order was prepared, the date for the Preliminary Protective Hearing was unknown. | | | | | | | | | | | | |
|  | The PPH is scheduled for the | | |  | day of |  | | | , |  | at |  |  |
|  | AM | PM with Judge |  | | | | . |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Respondent       shall be appointed counsel for representation at the Preliminary Protective Hearing, subject to determination of indigency: | | | | |
|  |  | Agency appointment: | CLASI | ODS | Contract Attorney |
|  |  |  |  |  |  |
|  |  | Respondent       shall be appointed counsel for representation at the Preliminary Protective Hearing, subject to determination of indigency: | | | |
|  |  | Agency appointment: | CLASI | ODS | Contract Attorney |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| CC: | DFS DAG: |  | Parent 1: | | |  |
|  | DFS Worker: |  | Parent 1 Attorney: | CLASI | ODS |  |
|  | OCA.Orders@delaware.gov |  | Contract Parent Atty: | | |  |
|  | FC\_CIPCoordinator@delaware.gov |  | Parent 2: | | |  |
|  | Civil Case Processing |  | Parent 2 Attorney: | CLASI | ODS |  |
|  |  |  | Contract Parent Atty: | | |  |
|  |  |  | Other: | | |  |
|  |  |  | Other: | | |  |