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

In and For  New Castle County  Kent County  Sussex County

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

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| File Number |
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|
| Petition Number |
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|

**DIVISION OF FAMILY SERVICES/ )**

**DEPARTMENT OF SERVICES FOR )**

**CHILDREN, YOUTH AND THEIR )**

**FAMILIES, )**

**)**

**Petitioner )**

**v. )**

**)**

|  |  |
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|  | **)** |
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|  | **)** |

**)**

**Respondents )**

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| --- | --- | --- | --- | --- | --- | --- | --- |
| 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. | | | | | | |

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| 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. | | | | | | | | | | | | | | | | | |
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|  | 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. | | | | | | | | | | | | | | | | | |
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|  |  | | | The Court requests the assistance of the law enforcement agency with jurisdiction in enforcing this custody order. | | | | | | | | | | | | | | |
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|  | DFS/DSCYF shall file a Petition and supporting affidavit in the Family Court not later than noon on the next Court business day. | | | | | | | | | | | | | | | | | |
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|  | A Preliminary Protecting Hearing shall be held on 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 | | | | | | |
|  | The Office of the Child Advocate is appointed to represent the minor child(ren) in this matter. | | | | | | | | | | | | | | | | | |
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|  | Pending further Order, visitation shall be at the discretion of DFS unless otherwise noted as follows: | | | | | | | | | | | | | | | | | |

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

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

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

**TO BE COMPLETED BY COURT STAFF:**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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|  | 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 |  | | | | . |

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| 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: | | |  |