

**CONDUCTING THE SHELTER HEARING**  
**Detailed Time Line**

Introduction to applicable state and federal law	5 min.	12:00-12:05
Prerequisites to shelter? How does a shelter start? Who has standing to file? When must the hearing be conducted? Under what circumstances may it be delayed or continued?	10 min	12:05-12:15
What are the legal requirements of conducting the hearing? (What must be covered in every shelter hearing?)	20 min.	12:15-12:35
What must be contained in a proper order continuing a child in a removal or shelter posture following a shelter hearing?	10 min.	12:35-12:45
In an ideal shelter, what other things should be addressed by the Court (or the parties) and included in the order?	10 min.	12:45-12:55

## CONDUCTING THE SHELTER HEARING Outline

- I. Introduction to applicable state and federal law
  - A. Investigations and steps leading to removal of child from home are governed by Sections 39.301-39.308, Fla. Stat.
  - B. Shelter proceedings are governed by Sections 39.395, 39.401, and 39.402 of Fla. Stat.
  - C. Sec. 39.01(68) and (69) define “shelter” and “shelter proceeding.”
  - D. Florida Administrative Code Regulations also govern DCF actions.
  - E. ASFA and federal regulations impose additional requirements.
- II. Prerequisites to shelter? How does a shelter start? Who has standing to file? When must the hearing be conducted? Under what circumstances may it be delayed or continued? Sec. 39.301; Sec. 395; Sec. 39.401.
- III. What are the legal requirements of conducting the hearing? (What must be covered in every shelter hearing?) Sec. 39.402.
  - A. What must DCF do to successfully continue a child out of home after a shelter? Sec. 39.402.
  - B. What must the Court do to properly continue a child out of home after a shelter? Sec. 39.402.
- IV. What must be contained in a proper order continuing a child in a removal or shelter posture following a shelter hearing? Sec. 39.402.
- V. In an ideal shelter, what other things will be addressed by the Court (or the parties) and included in the order?