

Commonwealth of Puerto Rico
GENERAL COURT OF JUSTICE
Court of First Instance

Superior Municipal Court of _____

Department of the Family
<i>Petitioner</i>
v.
<i>Respondent</i>

Case No. _____

Re: Removal and Emergency Custody

Law No. 57 of 2023, Abuse Prevention, Family Preservation, and Child Safety, Well-being, and Protection Act

EMERGENCY APPLICATION FOR REMOVAL AND EMERGENCY CUSTODY

Comes now the Department of the Family, by and through _____, of legal age, and a resident of _____; and _____ (personal and professional circumstances)

In the opinion of the Department, there are children whose safety and well-being is in danger, for which reason, under penalty of contempt and perjury, states and prays the following:

1. The children's names and current ages and addresses are as follows:

Child's Name	Age	Name of Parents or Person in Charge	Living at	Has real or personal property*	Receives Social Security
1.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.				<input type="checkbox"/> personal <input type="checkbox"/> real	<input type="checkbox"/> Yes <input type="checkbox"/> No

*Personal property is that which may be easily moved from one place to another (e.g.: furniture, appliances, computer equipment). Real property are those that may be encumbered by a mortgage and are not moveable (e.g.: land, houses).

2. The aforementioned children are under the care and responsibility of the following individuals:

Name	Relation to the Child	Age	Physical and Mailing Address, if different	Telephone Number and Email Address
1.				
2.				

Case No. _____

5. The emergency situation described herein does not allow for reasonable efforts or they are not in order to prevent this removal for the following reasons. (Provide the applicable grounds under Section 44 of Law No. 57 of 2023):

Child's Name	Reasons
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

6. The children require the following necessary or emergency medical treatment, and the father, mother or person with custody refuses to give consent thereto or is not available to consent:

Child's Name	Medical Treatment
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

7. The following are witness to the foregoing:

Witness's Name	Address

8. The follow actions were carried out in regard to the:

<input type="checkbox"/> Father	<input type="checkbox"/> Mother	<input type="checkbox"/> Person with Custody	<input type="checkbox"/> Other:
<input type="checkbox"/> was served with a citation (provide evidence)	<input type="checkbox"/> was served with a citation (provide evidence)	<input type="checkbox"/> was served with a citation (provide evidence)	<input type="checkbox"/> was served with a citation (provide evidence)
<input type="checkbox"/> whereabouts unknown	<input type="checkbox"/> whereabouts unknown	<input type="checkbox"/> whereabouts unknown	<input type="checkbox"/> whereabouts unknown
<input type="checkbox"/> could not be located despite efforts	<input type="checkbox"/> could not be located despite efforts	<input type="checkbox"/> could not be located despite efforts	<input type="checkbox"/> could not be located despite efforts

Case No. _____

Explain what is known or actions that were carried out: (Also provide the last known address and to whom it belongs.)

For the foregoing reasons, the petitioner requests that this Court, pursuant to Law No. 57 of 2023:

Find that:

- the petitioner has exhausted reasonable efforts to keep the child in the home and prevent removal before filing this application.
- it is unnecessary to exhaust reasonable efforts before removal or they are not in order as this is an emergency that endangers the children’s health, safety, and well-being.
- keeping the children in their home is at odds with their well-being.

Provide that:

- the Department of the Family be granted temporary custody of the aforementioned children.
- the children receive the medical treatment required.
- the following children be barred from being relocated to another jurisdiction until a competent court provides otherwise.

Child’s Name	
1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

- personnel from the Department of the Family be given access to the children, their belongings, or to any file or personal documents. (List which of these you wish to be granted access.)

- the children’s belongings, documents, and files be delivered to personnel from the Department of the Family.
- temporary support be fixed for the benefit of the children.
- the Department of the Family be given physical custody of the children whose legal custody is granted.
- others protective or corrective measures to ensure the children’s safety:

Case No. _____

The petitioner requests that the respondent, the parents, or the person in charge of the children be informed that, pursuant to Law No. 57 of 2023, the Court may enter a finding default should they fail to appear for the hearing after being summoned. The petitioner further requests that they be advised that the Court may grant the following relief in cases under Law No. 57 of 2023, known as the Abuse Prevention, Family Preservation, and Child Safety, Well-being, and Protection Act, including placement of the child outside of the home or any other measure in the interest of the child. (Law No. 57 of 2023, Section 33(b) and (f); moreover, that they be advised of their right appear with an attorney when applicable.

In _____, Puerto Rico, this _____ day of _____ .
(day) (month) (year)

Name of Petitioner

Signature of Petitioner

OATH

Sworn and subscribed before me by _____ ,
18 years of age or older, married single, a(n) _____ ,
_____ by trade and a resident of _____ Puerto Rico,
whose identify and signature I have confirmed through _____
type of identification
number _____ .

In _____, Puerto Rico, this _____ day of _____ .
(day) (month) (year)

Name of Regional Clerk of the Court
 Acting Regional Clerk of the Court

By: _____
Name of Assistant Clerk of the Court
 Courtroom Clerk

Signature of Assistant Clerk of the Court
 Courtroom Clerk

CERTIFICATION

I certify having delivered a true and exact copy of this Application to the respondent, the father,
 the mother, or the person in charge of the children.

Name of Assistant Clerk of the Court
 Courtroom Clerk

Signature of Assistant Clerk of the Court
 Courtroom Clerk