

Supreme Court of Florida

No. SC2026-0289

IN RE: AMENDMENTS TO FLORIDA RULES OF JUVENILE PROCEDURE – FORMS 8.9781 AND 8.9782.

October 8, 2026

PER CURIAM.

The Florida Bar’s Juvenile Court Rules Committee filed a report proposing new Florida Rules of Juvenile Procedure Forms 8.9781 (Petition for Adjudication and Permanent Commitment (Pre-adjudication of Dependency) for Deceased Parent(s)) and 8.9782 (Petition for Permanent Commitment (Post-adjudication of Dependency) for Deceased Parent(s)).¹ The Court published the proposed amendments for comment, and none were received. We adopt the new forms as proposed by the Committee with minor technical and grammatical changes.

Section 39.5035(1)(a)1., Florida Statutes, provides:

1. We have jurisdiction. See art. V, § 2(a), Fla. Const.; see also Fla. R. Gen. Prac. & Jud. Admin. 2.140(b)(1).

If both parents of a child are deceased or the last known living parent of a child is deceased and a legal custodian has not been appointed for the child through a probate or guardianship proceeding, then an attorney for the department or any other person who has knowledge of the facts alleged or is informed of the alleged facts, and believes them to be true, may initiate a proceeding by filing a petition for adjudication and permanent commitment.

Similarly, section 39.5035(1)(b) provides that:

If both parents die or the last known living parent dies after a child has already been adjudicated dependent, an attorney for the department or any other person who has knowledge of the facts alleged or is informed of the alleged facts, and believes them to be true, may file a petition for permanent commitment. The petition must be filed within a reasonable time after the petitioner first becomes aware of the facts that support the petition for permanent commitment.

The Committee proposes, and we adopt, new forms 8.9781 and 8.9782 for use in each of these situations.

Accordingly, the Florida Rules of Juvenile Procedure are amended as set forth in the appendix to this opinion. New language is indicated by underscoring. The amendments become effective January 1, 2027, at 12:01 a.m.

It is so ordered.

COURIEL, C.J., and LABARGA, MUÑIZ, GROSSHANS, FRANCIS, BARRIOS, and TANENBAUM, JJ., concur.

THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER
THE EFFECTIVE DATE OF THESE AMENDMENTS.

Original Proceeding – Florida Rules of Juvenile Procedure

Sara Elizabeth Goldfarb, Chair, Juvenile Court Rules Committee,
Tallahassee, Florida, Hon. Angélica D. Zayas, Past Chair, Juvenile
Court Rules Committee, Miami, Florida, Joshua E. Doyle, Executive
Director, The Florida Bar, Tallahassee, Florida, and Heather S.
Telfer, Staff Liaison, The Florida Bar, Tallahassee, Florida,

for Petitioner

APPENDIX

FORM 8.9781. PETITION FOR ADJUDICATION AND PERMANENT COMMITMENT (PRE- ADJUDICATION OF DEPENDENCY) FOR DECEASED PARENT(S)

PETITION FOR ADJUDICATION AND PERMANENT COMMITMENT

Petitioner,(name)....., respectfully petitions this court for adjudication and permanent commitment to the Department of Children and Families of the minor child(ren)(name(s))....., and as grounds states the following:

1. The child,(name)....., is a male/female child born on(date)....., at(city, county, state)..... At the time of the filing of this petition, the child is(age).....

COMMENT: Repeat above for each child on petition.

2. The child(ren) is/are presently in the care and custody of(name)....., and is/are residing in County, Florida.

3. If this petition is an initial pleading, an affidavit under the Uniform Child Custody Jurisdiction and Enforcement Act is attached to this as petitioner's exhibit

4. The natural mother of the child(ren) is(name)....., who is deceased as of [OR] the natural mother's location is unknown as to the petitioner. A copy of the natural mother's death certificate is attached as an exhibit and is incorporated here by reference. [OR] A copy of a diligent search and inquiry is attached as an exhibit and incorporated here by reference or will be filed on completion.

5. The legal/prospective father of the child(ren)(name(s))..... is(name)....., who is deceased as of [OR] the legal/prospective father's location is unknown as to the petitioner. A copy of the legal/prospective father's death certificate is attached as an exhibit and is incorporated here by reference. [OR] A copy of a diligent search and inquiry is attached here as an

exhibit and incorporated here by reference or will be filed on completion.

COMMENT: Repeat #5 as necessary.

6. A guardian ad litem has has not been appointed to represent the interests of the child(ren) in this cause.

7. The child(ren) have not been adjudicated dependent.

8. Both parents of the child(ren) are deceased, or 1 parent is deceased and the other parent cannot be found after a diligent search or inquiry. [Explain and provide facts.]

9. A legal custodian has not been appointed for the child(ren) through a probate or guardianship proceeding.

10. This petition is filed in good faith and under oath.

The petitioner respectfully requests that this court grant this petition; find that both parents are deceased or 1 parent is deceased and the other parent cannot be found after a diligent search or inquiry; enter an order adjudicating the child(ren) dependent; and enter an order permanently committing the child(ren) to the custody of the department for subsequent adoption.

.....(petitioner's name and identifying information).....

Verification

.....(attorney's name).....
.....(address and telephone number).....
.....(e-mail address(es)).....
.....(Florida Bar number).....

Certificate of Service

I certify that on(date).... this document has been furnished to (here insert name(s) and service address(es) by (here insert method of service such as portal, e-mail, delivery, or mail).

In addition to required persons to be served, the following must be served:

.....(name(s))..... the person(s) who has physical custody of the child (if not the petitioner)

.....(name)....., a living relative of the natural mother

.....(name)....., a living relative of the father(s),(name(s)).....

.....(name)....., the guardian ad litem, if appointed.

Title

FORM 8.9782. PETITION FOR PERMANENT COMMITMENT (POST-ADJUDICATION OF DEPENDENCY) FOR DECEASED PARENT(S)

PETITION FOR PERMANENT COMMITMENT (POST- ADJUDICATION)

Petitioner,(name)....., respectfully petitions this court for permanent commitment of the minor child(ren),(name(s))....., who have been adjudicated dependent, to the Department of Children and Families for the purpose of subsequent adoption, and as grounds states the following:

1. The child,(name)....., is a male/female child born on(date)....., at(city, county, state)..... At the time of the filing of this petition, the child is(age).....

COMMENT: Repeat above for each child on petition.

2. The child(ren) is/are presently in the care and custody of(name)....., and is/are residing in County, Florida.

3. An updated affidavit under the Uniform Child Custody Jurisdiction and Enforcement Act is attached to this as petitioner's exhibit

4. The natural mother of the child(ren) is(name)....., who is deceased as of [OR] the natural mother's location is unknown as to the petitioner. A copy of the natural mother's death certificate is attached as an exhibit and is incorporated here by reference. [OR] A copy of a diligent search and inquiry is attached here as an exhibit and incorporated here by reference, or will be filed on completion.

5. The legal\prospective father of the child(ren)(name(s))..... is(name)....., who is deceased as of [OR] the legal/prospective father's location is unknown as to the petitioner. A copy of the legal/prospective father's death certificate is attached as an exhibit and is incorporated here by reference. [OR] A copy of a diligent search and inquiry is attached here as an exhibit and incorporated here by reference, or will be filed on completion.

COMMENT: Repeat #5 as necessary.

6. A guardian ad litem has has not been appointed to represent the interests of the child(ren) in this cause.

7. The court adjudicated the child(ren) dependent within the intent and meaning of Chapter 39, Florida Statutes, on(date).....

8. Both parents of the child(ren) are deceased, or 1 parent is deceased and the other parent cannot be found after a diligent search or inquiry. [Explain and provide facts.]

9. A legal custodian has not been appointed for the child(ren) through a probate or guardianship proceeding.

10. This petition is filed in good faith and under oath.

The petitioner respectfully requests that this court grant this petition; find that both parents are deceased or 1 parent is deceased

and the other parent cannot be found after a diligent search or inquiry; and enter an order permanently committing the child(ren) to the custody of the department for subsequent adoption.

.....(petitioner's name and identifying information).....

Verification

.....(attorney's name).....
.....(address and telephone number).....
.....(e-mail address(es)).....
.....(Florida Bar number).....

Certificate of Service

I certify that on(date)..... this document has been furnished to (here insert name(s) and service address(es) by (here insert method of service such as portal, e-mail, delivery, or mail).

In addition to required persons to be served, the following must be served:

.....(name(s))..... the person(s) who has physical custody of the child (if not the petitioner)

.....(name)....., a living relative of the natural mother

.....(name)....., a living relative of the father(s),(name(s)).....

.....(name)....., the guardian ad litem, if appointed.

Title