

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

☐ Superior ☐ Municipal Court of _____

Petitioner

v.

Respondent

Case No. _____

RE: Removal and Emergency Custody

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

APPLICATION FOR REMOVAL AND EMERGENCY CUSTODY

Comes now the Department of the Family, by and through _____ ,
of legal age and assigned to _____ .
(Municipality)

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, the petitioner states and prays the following:

I. EMERGENCY CUSTODY IS SOUGHT FOR THE FOLLOWING CHILDREN:

1.	Child's First and Last Name(s):	Date of Birth:	Age	Address of the child's current residence:	Has real or personal property ☐ personal ☐ real	Receives Social Security ☐ Yes ☐ No
Sex: ☐ Male ☐ Female ☐ Intersex ☐ Identifies as: _____ Which of the following terms describes the child? (check all that apply): ☐ Black or of African Descent ☐ White ☐ Indigenous Peoples ☐ Asian ☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer With of the following does the child identify? (check all that apply): ☐ Puerto Rican ☐ American (USA) ☐ Dominican ☐ Colombian ☐ Mexican ☐ Cuban ☐ Asian ☐ European ☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer						
2.	Child's First and Last Name(s):	Date of Birth:	Age	Address of the child's current residence:	Has real or personal property ☐ personal ☐ real	Receives Social Security ☐ Yes ☐ No
Sex: ☐ Male ☐ Female ☐ Intersex ☐ Identifies as: _____ Which of the following terms describes the child? (check all that apply): ☐ Black or of African Descent ☐ White ☐ Indigenous Peoples ☐ Asian ☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer With of the following does the child identify? (check all that apply): ☐ Puerto Rican ☐ American (USA) ☐ Dominican ☐ Colombian ☐ Mexican ☐ Cuban ☐ Asian ☐ European ☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer						
3.	Child's First and Last Name(s):	Date of Birth	Age	Address of the child's current residence:	Has real or personal property ☐ personal ☐ real	Receives Social Security ☐ Yes ☐ No
Sex: ☐ Male ☐ Female ☐ Intersex ☐ Identifies as: _____ Which of the following terms describes the child? (check all that apply): ☐ Black or of African Descent ☐ White ☐ Indigenous Peoples ☐ Asian ☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer With of the following does the child identify? (check all that apply): ☐ Puerto Rican ☐ American (USA) ☐ Dominican ☐ Colombian ☐ Mexican ☐ Cuban ☐ Asian ☐ European ☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer						

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4.	Child's First and Last Name(s):	Date of Birth	Age	Address of the child's current residence:	Has real or personal property ☐ personal ☐ real	Receives Social Security ☐ Yes ☐ No
Sex: ☐ Male ☐ Female ☐ Intersex ☐ Identifies as: _____ Which of the following terms describes the child? (check all that apply): ☐ Black or of African Descent ☐ White ☐ Indigenous Peoples ☐ Asian ☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer With of the following does the child identify? (check all that apply): ☐ Puerto Rican ☐ American (USA) ☐ Dominican ☐ Colombian ☐ Mexican ☐ Cuban ☐ Asian ☐ European ☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer						

II.RESPONDENT´S INFORMATION:

1. Respondent:

First and Last Name(s)

Age: Mobile Phone Number: Alternate Phone Number:

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Email: _____

Physical Address: _____

Is the physical address the same as the mailing address? ☐ Yes ☐ No (provide a mailing address):

¿Does the respondent have a history of abuse? ☐ Yes ☐ No ☐ I don't know

¿Is there a case against respondent related to this incident of abuse? ☐ Yes ☐ No ☐ I don't know

¿Was a protection order requested or is there a protection order in effect against the respondent?
☐ Yes ☐ No ☐ I don't know

The following actions were carried out in regard to the respondent:
☐ Summoned to appear (provide evidence) ☐ The respondent's whereabouts are unknown
☐ The respondent could not be located despite: _____

Respondent's relation to the children:

	Respondent is the child's:			
Child's First and Last Name(s):	mother	father	Other Relative	(Specify)
1.	☐	☐	☐	
2.	☐	☐	☐	
3.	☐	☐	☐	
4.	☐	☐	☐	

Sex: ☐ Male ☐ Female ☐ Intersex ☐ I don't know ☐ Identifies as: _____

Which of the following terms describes the respondent? (check all that apply):

☐ Black or of African Descent ☐ White ☐ Indigenous Peoples ☐ Asian

☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer

With of the following does the respondent identify? (check all that apply):

☐ Puerto Rican ☐ American (USA) ☐ Dominican ☐ Colombian

☐ Mexican ☐ Cuban ☐ Asian ☐ European

☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer

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2. Respondent:

First and Last Name(s)

Age: Mobile Phone Number: Alternate Phone Number:

() - () -

Email: _____

Physical Address: _____

Is the physical address the same as the mailing address? ☐ Yes ☐ No (provide a mailing address):

¿Does the respondent have a history of abuse? ☐ Yes ☐ No ☐ I don't know

¿Is there a case against respondent related to this incident of abuse? ☐ Yes ☐ No ☐ I don't know

¿Was a protection order requested or is there a protection order in effect against the respondent?
☐ Yes ☐ No ☐ I don't know

The following actions were carried out in regard to the respondent:
☐ Summoned to appear (provide evidence) ☐ The respondent's whereabouts are unknown
☐ The respondent could not be located despite: _____

Respondent's relation to the children:

	Respondent is the child's:			
Child's First and Last Name(s):	mother	father	Other Relative	(Specify)
1.	☐	☐	☐	
2.	☐	☐	☐	
3.	☐	☐	☐	
4.	☐	☐	☐	

Sex: ☐ Male ☐ Female ☐ Intersex ☐ I don't know ☐ Identifies as: _____

Which of the following terms describes the respondent? (check all that apply):
☐ Black or of African Descent ☐ White ☐ Indigenous Peoples ☐ Asian
☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer

With of the following does the respondent identify? (check all that apply):
☐ Puerto Rican ☐ American (USA) ☐ Dominican ☐ Colombian
☐ Mexican ☐ Cuban ☐ Asian ☐ European
☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer

3. Respondent:

First and Last Name(s)

Age: Mobile Phone Number: Alternate Phone Number:

() - () -

Email: _____

Physical Address: _____

Is the physical address the same as the mailing address? ☐ Yes ☐ No (provide a mailing address):

¿Does the respondent have a history of abuse? ☐ Yes ☐ No ☐ I don't know

¿Is there a case against respondent related to this incident of abuse? ☐ Yes ☐ No ☐ I don't know

¿Was a protection order requested or is there a protection order in effect against the respondent?
☐ Yes ☐ No ☐ I don't know

The following actions were carried out in regard to the respondent:
☐ Summoned to appear (provide evidence) ☐ The respondent's whereabouts are unknown

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☐ The respondent could not be located despite: _____

Respondent's relation to the children:

	Respondent is the child's:			
Child's First and Last Name(s):	mother	father	Other Relative	(Specify)
1.	☐	☐	☐	
2.	☐	☐	☐	
3.	☐	☐	☐	
4.	☐	☐	☐	

Sex: ☐ Male ☐ Female ☐ Intersex ☐ I don't know ☐ Identifies as: _____

Which of the following terms describes the respondent? (check all that apply):
☐ Black or of African Descent ☐ White ☐ Indigenous Peoples ☐ Asian
☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer

With of the following does the respondent identify? (check all that apply):
☐ Puerto Rican ☐ American (USA) ☐ Dominican ☐ Colombian
☐ Mexican ☐ Cuban ☐ Asian ☐ European
☐ Identifies as: _____ ☐ I don't know ☐ I rather not answer

4. Respondent: _____

First and Last Name(s)

Age: Mobile Phone Number Alternate Phone Number:

_____ () - () -

Email: _____

Physical Address: _____

Is the physical address the same as the mailing address? ☐ Yes ☐ No (provide a mailing address): _____

¿Does the respondent have a history of abuse? ☐ Yes ☐ No ☐ I don't know

¿Is there a case against respondent related to this incident of abuse? ☐ Yes ☐ No ☐ I don't know

¿Was a protection order requested or is there a protection order in effect against the respondent?
☐ Yes ☐ No ☐ I don't know

The following actions were carried out in regard to the respondent:
☐ Summoned to appear (provide evidence) ☐ The respondent's whereabouts are unknown
☐ The respondent could not be located despite: _____

Respondent's relation to the children:

	Respondent is the child's:			
Child's First and Last Name(s):	mother	father	Other Relative	(Specify)
1.	☐	☐	☐	
2.	☐	☐	☐	
3.	☐	☐	☐	
4.	☐	☐	☐	

Sex: ☐ Male ☐ Female ☐ Intersex ☐ I don't know ☐ Identifies as: _____

☐ Black or of African Descent ☐ White ☐ Indigenous Peoples ☐ Asian
☐ Identifies as: ☐ I don't know ☐ I rather not answer

☐ Puerto Rican
 ☐ American (USA)
 ☐ Dominican
 ☐ Colombian
☐ Mexican
 ☐ Cuban
 ☐ Asian
 ☐ European
☐ Identifies as:
 ☐ I don't know
 ☐ I rather not answer

First and Last Name(s): _____ ☐ father ☐ mother ☐ person with custody

Age: Mobile Phone Number: Alternate Phone Number:
() - () -

Email: _____

Physical Address: _____

Is the physical address the same as the mailing address? ☐ Yes ☐ No (provide a mailing address):

First and Last Name(s): _____ ☐ father ☐ mother ☐ person with custody

Age: _____ Mobile Phone Number: () - _____ Alternate Phone Number: () - _____

Email:

Physical Address:

Is the physical address the same as the mailing address? ☐ Yes ☐ No (provide a mailing address):

1. There is an emergency situation that, in the opinion of the petitioner, endangers the safety and well-being of the children, making this application necessary:

Child's Name	Situation and Need
1.	
2.	
3.	
4.	

☐ Sexual Abuse	☐ Identity or Whereabouts Unknown	☐ Human Trafficking
☐ Obscene Conduct	☐ Lack of Shelter	☐ Domestic Violence
☐ Exploitation	☐ Lack of Education	☐ Lack of participation in the service plan
☐ Lack of Medical Attention	☐ Lack of Food	☐ Lack of Visitation/ Contact/ Communication
☐ Lack of Supervision	☐ Lack of Clothing	☐ Failure to respond to notice of hearings
☐ Emotional or Mental Abuse	☐ Physical Abuse	
☐ Negligence	☐ Institutional Negligence	
☐ Lack of Communication	☐ Institutional Abuse	
☐ Using a minor to engage in obscene conduct		
☐ Other:		

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IV. REASONABLE EFFORTS:

The Department of the Family made reasonable efforts to keep the child in the home and prevent removal before filing this application.

1.

[Child's First and Last Name(s)]

☐ Yes *(describe the activities, services rendered, and services referred to family members to meet their needs and prevent removal.)*

☐ No *(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, pursuant to the applicable grounds under Section 44 of Law No. 57 of 2023.)*

2.

[Child's First and Last Name(s)]

☐ Yes *(describe the activities, services rendered, and services referred to family members to meet their needs and prevent removal.)*

☐ No *(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, pursuant to the applicable grounds under Section 44 of Law No. 57 of 2023.)*

3.

[Child's First and Last Name(s)]

☐ Yes *(describe the activities, services rendered, and services referred to family members to meet their needs and prevent removal.)*

☐ No *(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, pursuant to the applicable grounds under Section 44 of Law No. 57 of 2023.)*

4.

[Child's First and Last Name(s)]

☐ Yes *(describe the activities, services rendered, and services referred to family members to meet their needs and prevent removal.)*

☐ No *(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, pursuant to the applicable grounds under Section 44 of Law No. 57 of 2023.)*

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V. MEDICAL TREATMENT:

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.	

VI. RELIEF:

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.

[Child's First and Last Name(s)]
- ☐ 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.

[Child's First and Last Name(s)]
- ☐ 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 are ordered to receive the medical treatment required.

[Child's First and Last Name(s)]
- ☐ The following children be barred from being relocated to another jurisdiction until a competent court provides otherwise:

[Child's First and Last Name(s)]
- ☐ Temporary support be fixed for the benefit of the children.

[Child's First and Last Name(s)]
- ☐ Officials 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 an officer of the Department of the Family.

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- ☐ The children, whose legal custody has been awarded to the petitioner, be placed in the physical custody of an officer of the Department of the Family.
- ☐ Others protective or corrective measures to ensure the children’s safety:

VII. WITNESSES:

The following are witnesses to the foregoing:

Witnesses 1:

First and Last Name(s)

Email: Telephone:

Physical Address:

Is the physical address the same as the mailing address?

☐ Yes ☐ No (provide a mailing address):

Witnesses 2:

First and Last Name(s)

Email: Telephone:

Physical Address:

Is the physical address the same as the mailing address?

☐ Yes ☐ No (provide a mailing address):

Witnesses 3:

First and Last Name(s)

Email: Telephone:

Physical Address:

Is the physical address the same as the mailing address?

☐ Yes ☐ No (provide a mailing address):

A request is made for the hearing to be held by videoconference: ☐ Yes ☐ 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 of 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, the petitioner requests that they be advised of their right appear with an attorney when applicable.

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By filing this emergency application, I certify, under penalty of perjury, that each and every fact set forth herein is known to me to be true or is the result of my investigation. I further state that I will appear personally in court to testify under oath on such facts at the emergency hearing.

On _____ / _____ / _____ .

Name of Petitioner

Signature of Petitioner

The Judicial Branch of Puerto Rico offers reasonable accommodation so that persons with disabilities may have the same opportunity to participate in court proceedings or in its programs, services, and activities. If you or the person seeking relief needs an interpreter or reasonable accommodation, you may fill out the Application for Interpreter Services, Reasonable Accommodation and Video Recording (OAT 1948), available at the Offices of the Clerk of the Court, *Pro Se* Centers, and on the following E-Court webpage: <https://poderjudicial.pr/Documentos/formularios/OAT-1948-English-Version.pdf>.