

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY,
FLORIDA

Case No: [REDACTED]

Judge: [REDACTED]

IN THE INTEREST OF:

[REDACTED]
DOB: [REDACTED]

A minor child

ATTORNEY AD LITEM'S MOTION IN LIMINE

The minor child who is the subject of these proceedings, by and through her undersigned Attorney Ad Litem, respectfully files this Motion in Limine pursuant to Fla.R.Juv.P. 8.350 and as grounds therefore states that:

1. On June 18, 2003, the Department of Children and Families, hereinafter referred to as "the Department," filed a status report informing the court of the completion of the child's psychological evaluation by Dr. [REDACTED], and on June 20, 2003, the Department filed a status report that included a suitability assessment by Dr. [REDACTED].

2. The Department has made representations to the undersigned attorney ad litem that Dr. [REDACTED] and Dr. [REDACTED] will not appear as witnesses at the July 11, 2003 evidentiary hearing.

3. Although Fla.R.Juv.P. 8.350(a)(11)(A) states that "[a]t the hearing, the court shall consider, at a minimum, all of the following:...(iv) the written findings of the evaluation and suitability assessment prepared by a qualified evaluator," the hearing for placement must also comport with the Florida Evidence Code regarding hearsay evidence, Fla.Stat § § 90.801-90.805.

4. Both Dr. [REDACTED]'s psychological evaluation and Dr. [REDACTED]'s suitability assessment are statements made out of court.

5. Were the Department to offer Dr. [REDACTED]'s psychological evaluation and Dr. [REDACTED]'s suitability assessment in the hearing to prove the truth of any matter asserted, admission of these documents would violate Fla.Stat § 90.802 (Hearsay rule).

6. Fla.R.Juv.P. 8.350(a)(11)(B) states that, in a hearing on placement, "[a]ll parties shall be permitted to present evidence and witnesses concerning the suitability of the placement." Fla.R.Juv.P. 8.350(a)(11)(B).

7. Dr. [REDACTED]'s psychological evaluation and Dr. [REDACTED]'s suitability assessment appear to present some points of conflict as to the best placement for the child, and clarification of each doctor's precise opinion can best be accomplished through cross-examination at a hearing.

WHEREFORE, the undersigned Attorney Ad Litem respectfully requests based on Fla.R.Juv.P. 8.235(a) that this Court grant the undersigned's Motion in Limine, exclude any unsworn documents from the hearing for placement, and summon Drs. [REDACTED] and [REDACTED] to appear telephonically at the hearing scheduled for the July 11, 2003.

Respectfully submitted,

by _____

[REDACTED]
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CERTIFICATE OF SERVICE

(redacted)