

By Representative Kelly

1                                   A bill to be entitled  
2           An act relating to child custody and  
3           visitation; amending s. 61.13, F.S.; providing  
4           for standing in court with respect to persons  
5           who have been awarded temporary custody of a  
6           minor child for the purpose of evaluating what  
7           custody arrangements are in the best interest  
8           of the child; amending s. 751.011, F.S.;  
9           redefining the term "extended family"; amending  
10          s. 751.02, F.S.; providing that grandparents of  
11          a minor child may bring proceedings in circuit  
12          court to determine the temporary custody of the  
13          child under certain circumstances; amending s.  
14          752.01, F.S.; revising language with respect to  
15          an action by a grandparent for the right of  
16          visitation; providing an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. Subsection (7) of section 61.13, Florida  
21 Statutes, 1996 Supplement, is amended to read:

22           61.13 Custody and support of children; visitation  
23 rights; power of court in making orders.--

24           (7) In any case where the child is actually residing  
25 with a grandparent in a stable relationship, whether the court  
26 has awarded custody to the grandparent or not, the court may  
27 recognize the grandparents as having the same standing as  
28 parents for evaluating what custody arrangements are in the  
29 best interest of the child. In any case where the child is  
30 actually residing in a stable relationship with any person who  
31 has been awarded temporary custody under chapter 751, the

1 court may recognize that person or persons as having the same  
2 standing as parents for evaluating what custody arrangements  
3 are in the best interest of the child.

4 Section 2. Subsection (1) of section 751.011, Florida  
5 Statutes, 1996 Supplement, is amended to read:

6 751.011 Definitions.--As used in ss. 751.01-751.05,  
7 the term:

8 (1) "Extended family" is any family composed of the  
9 minor child and a relative of the child who is the child's  
10 brother, sister, grandparent, aunt, uncle, or cousin; or any  
11 family composed of the minor child and any person with whom  
12 the minor child has formed a binding relationship and with  
13 whom the minor child has resided for a period of 6 months or  
14 more.

15 Section 3. Section 751.02, Florida Statutes, is  
16 amended to read:

17 751.02 Determination of temporary custody proceedings;  
18 jurisdiction.--Any relative of a minor child who has the  
19 signed, notarized consent of the child's legal parents, or any  
20 relative of the child, including a putative father, with whom  
21 the child is presently living, or the grandparents of the  
22 minor child, may bring proceedings in the circuit court to  
23 determine the temporary custody of the child. A putative  
24 father may bring a proceeding for temporary custody only when  
25 he is unable to perfect personal service of process upon the  
26 mother of the child. When the putative father is able to  
27 perfect personal service of process upon the mother of the  
28 child, he must petition for custody and other relief,  
29 including the establishment of his paternity of the child,  
30 under chapter 742.

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1           Section 4. Paragraph (e) of subsection (1) of section  
2 752.01, Florida Statutes, is amended to read:

3           752.01 Action by grandparent for right of visitation;  
4 when petition shall be granted.--

5           (1) The court shall, upon petition filed by a  
6 grandparent of a minor child, award reasonable rights of  
7 visitation to the grandparent with respect to the child when  
8 it is in the best interest of the minor child if:

9           (e) The minor is living with both natural parents who  
10 are still married to each other whether or not there is a  
11 broken relationship between either or both parents of the  
12 minor child and the grandparents, and either or both parents  
13 have used their parental authority to prohibit a relationship  
14 between the minor child and the grandparents only upon a  
15 showing that prohibition of visitation between the minor child  
16 and the grandparents would harm the minor child or be to the  
17 minor child's detriment.

18           Section 5. This act shall take effect October 1, 1997.

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21           HOUSE SUMMARY

22  
23 Provides that in any case where a child is actually  
24 residing in a stable relationship with any person who has  
25 been awarded temporary custody under ch. 751, F.S., the  
26 court may recognize that person as having the same  
27 standing as a parent for evaluating what custody  
28 arrangements are in the best interest of the child.  
29 Redefines the term "extended family" to include any  
30 family composed of the minor child and any person with  
31 whom the minor child has formed a binding relationship  
and with whom the minor child has resided for a period of  
6 months or more. Authorizes grandparents, under certain  
circumstances, to bring proceedings in circuit court to  
determine the temporary custody of a child. Revises  
language with respect to an action by a grandparent for  
the right of visitation. See bill for details.