

By Senator Campbell

33-1319-02

1 A bill to be entitled
2 An act relating to the custody and support of
3 children; amending s. 61.13, F.S.; providing
4 that a noncustodial parent may not be denied
5 access to his or her minor child's school or
6 extracurricular activities except by court
7 order; providing an effective date.

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

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11 Section 1. Paragraph (b) of subsection (2) of section
12 61.13, Florida Statutes, is amended to read:

13 61.13 Custody and support of children; visitation
14 rights; power of court in making orders.--

15 (2)

16 (b)1. The court shall determine all matters relating
17 to custody of each minor child of the parties in accordance
18 with the best interests of the child and in accordance with
19 the Uniform Child Custody Jurisdiction Act. It is the public
20 policy of this state to assure that each minor child has
21 frequent and continuing contact with both parents after the
22 parents separate or the marriage of the parties is dissolved
23 and to encourage parents to share the rights and
24 responsibilities, and joys, of childrearing. After considering
25 all relevant facts, the father of the child shall be given the
26 same consideration as the mother in determining the primary
27 residence of a child irrespective of the age or sex of the
28 child.

29 2. The court shall order that the parental
30 responsibility for a minor child be shared by both parents
31 unless the court finds that shared parental responsibility

1 would be detrimental to the child. Evidence that a parent has
2 been convicted of a felony of the third degree or higher
3 involving domestic violence, as defined in s. 741.28 and
4 chapter 775, or meets the criteria of s. 39.806(1)(d), creates
5 a rebuttable presumption of detriment to the child. If the
6 presumption is not rebutted, shared parental responsibility,
7 including visitation, residence of the child, and decisions
8 made regarding the child, may not be granted to the convicted
9 parent. However, the convicted parent is not relieved of any
10 obligation to provide financial support. If the court
11 determines that shared parental responsibility would be
12 detrimental to the child, it may order sole parental
13 responsibility and make such arrangements for visitation as
14 will best protect the child or abused spouse from further
15 harm. Whether or not there is a conviction of any offense of
16 domestic violence or child abuse or the existence of an
17 injunction for protection against domestic violence, the court
18 shall consider evidence of domestic violence or child abuse as
19 evidence of detriment to the child.

20 a. In ordering shared parental responsibility, the
21 court may consider the expressed desires of the parents and
22 may grant to one party the ultimate responsibility over
23 specific aspects of the child's welfare or may divide those
24 responsibilities between the parties based on the best
25 interests of the child. Areas of responsibility may include
26 primary residence, education, medical and dental care, and any
27 other responsibilities that the court finds unique to a
28 particular family.

29 b. The court shall order "sole parental
30 responsibility, with or without visitation rights, to the
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1 other parent when it is in the best interests of" the minor
2 child.

3 c. The court may award the grandparents visitation
4 rights with a minor child if it is in the child's best
5 interest. Grandparents have legal standing to seek judicial
6 enforcement of such an award. This section does not require
7 that grandparents be made parties or given notice of
8 dissolution pleadings or proceedings, nor do grandparents have
9 legal standing as "contestants" as defined in s. 61.1306. A
10 court may not order that a child be kept within the state or
11 jurisdiction of the court solely for the purpose of permitting
12 visitation by the grandparents.

13 3. Access to records and information pertaining to a
14 minor child, including, but not limited to, medical, dental,
15 and school records, may not be denied to a parent because the
16 parent is not the child's primary residential parent. Full
17 rights under this subparagraph apply to either parent unless a
18 court order specifically revokes these rights, including any
19 restrictions on these rights as provided in a domestic
20 violence injunction. A parent having rights under this
21 subparagraph has the same rights upon request as to form,
22 substance, and manner of access as are available to the other
23 parent of a child, including, without limitation, the right to
24 in-person communication with medical, dental, and education
25 providers.

26 4. Access to a minor child's school activities or
27 extracurricular activities may not be denied to a parent
28 because the parent is not the child's primary residential
29 parent unless a court order, including, but not limited to, a
30 domestic-violence injunction, specifically revokes or
31 restricts such a right of access.

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Section 2. This act shall take effect July 1, 2002.

SENATE SUMMARY

Provides that a noncustodial parent may not be denied access to his or her minor child's school or extracurricular activities except by court order.