

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to temporary custody of a child by an
7 extended family member or putative father; amending s.
8 751.011, F.S.; defining the term "extended family member";
9 amending s. 751.02, F.S.; authorizing an extended family
10 member to bring a proceeding in court to determine the
11 temporary custody of a child; amending s. 751.03, F.S.;
12 specifying the information that must be included in a
13 petition for temporary custody by an extended family
14 member or putative father; providing that only an extended
15 family member or putative father may file a petition for
16 temporary custody under ch. 751, F.S.; amending s. 751.05,
17 F.S.; providing that either or both of the child's parents
18 may petition the court to modify the order granting
19 temporary custody under certain circumstances; providing
20 an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Subsection (1) of section 751.011, Florida
25 Statutes, is amended to read:

26 751.011 Definitions.--As used in ss. 751.01-751.05, the
27 term:

28 (1) "Extended family member" is any person who is a
29 relative:

30 (a) Within the third degree by blood or marriage to the
31 parent or stepparent of a child and who is caring full time for
32 that child in the role of substitute parent; or

33 (b) Within the third degree by blood or marriage to the
34 parent or stepparent of a child and who is caring full time for
35 that child and a half-brother or half-sister of that child in
36 the role of substitute parent ~~family composed of the minor child~~
37 ~~and a relative of the child who is the child's brother, sister,~~
38 ~~grandparent, aunt, uncle, or cousin.~~

39 Section 2. Section 751.02, Florida Statutes, is amended to
40 read:

41 751.02 Determination of temporary custody proceedings;
42 jurisdiction.--Any extended family member ~~relative~~ of a minor
43 child who has the signed, notarized consent of the child's legal
44 parents, or any extended family member ~~relative~~ of the child,
45 including a putative father, with whom the child is presently
46 living, may bring proceedings in the circuit court to determine
47 the temporary custody of the child. A putative father may bring
48 a proceeding for temporary custody only when he is unable to
49 perfect personal service of process upon the mother of the
50 child. When the putative father is able to perfect personal
51 service of process upon the mother of the child, he must

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52 petition for custody and other relief, including the
53 establishment of his paternity of the child, under chapter 742.

54 Section 3. Section 751.03, Florida Statutes, is amended to
55 read:

56 751.03 Petition for temporary custody; contents.--Each
57 ~~Every~~ petition for temporary custody of a minor child must be
58 verified by the petitioner and must contain statements, to the
59 best of petitioner's knowledge and belief, showing:

60 (1) The name, date of birth, and current address of the
61 child;

62 (2) The names and current addresses of the child's
63 parents;

64 (3) The names and current addresses of the persons with
65 whom the child has lived during the past 5 years;

66 (4) The places where the child has lived during the past 5
67 years;

68 (5) Information concerning any custody proceeding in this
69 or any other state with respect to the child;

70 (6) The residence and post office address of the
71 petitioner;

72 (7) The petitioner's relationship to the child, including
73 the circumstances leading the petitioner to believe he is the
74 natural father of the child when the petitioner is the putative
75 father; ~~and~~

76 (8) The consent of the child's parents, or the
77 circumstances of the child's current living situation with the
78 petitioner, including all information concerning the fitness of
79 the parents to raise the child and information concerning

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80 whether either parent has abused, abandoned, or neglected the
81 child;-

82 (9) Any temporary or permanent child support, attorney's
83 fees, costs, and disbursements;

84 (10) Whether an order of protection governing the parties
85 or a party and a minor child of the parties or party is in
86 effect and, if so, the court or similar jurisdiction in which
87 the order was entered;

88 (11) That it is in the best interest of the child for the
89 petitioner to have custody of the child; and

90 (12)~~(9)~~ A statement of the period of time the petitioner
91 is requesting temporary custody, including a statement of the
92 reasons supporting that request.

93
94 Only an extended family member or putative father may file a
95 petition under this chapter.

96 Section 4. Subsection (7) of section 751.05, Florida
97 Statutes, is amended to read:

98 751.05 Order granting temporary custody.--

99 (7) At any time, either or both of the child's parents may
100 petition the court to modify or terminate the order granting
101 temporary custody upon a finding that the parent requesting the
102 termination of the order is a fit parent, or by consent of the
103 parties.

104 Section 5. This act shall take effect on July 1, 2005.