

Bill No. SB 510

Barcode 913332

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Posey) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

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

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

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

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

(b) Within the third degree by blood or marriage to the parent or stepparent of a child and who is caring full-time for that child and a half-brother or half-sister of that child, in the role of substitute parent ~~family composed of the minor child and a relative of the child who is the~~

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1 ~~child's brother, sister, grandparent, aunt, uncle, or cousin.~~

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

4 751.02 Determination of temporary custody proceedings;  
5 jurisdiction.--Any extended family member ~~relative~~ of a minor  
6 child who has the signed, notarized consent of the child's  
7 legal parents, or any extended family member ~~relative~~ of the  
8 child, including a putative father, with whom the child is  
9 presently living, may bring proceedings in the circuit court  
10 to determine the temporary custody of the child. A putative  
11 father may bring a proceeding for temporary custody only when  
12 he is unable to perfect personal service of process upon the  
13 mother of the child. When the putative father is able to  
14 perfect personal service of process upon the mother of the  
15 child, he must petition for custody and other relief,  
16 including the establishment of his paternity of the child,  
17 under chapter 742.

18 Section 3. Section 751.03, Florida Statutes, is  
19 amended to read:

20 751.03 Petition for temporary custody; contents.--Each  
21 ~~Every~~ petition for temporary custody of a minor child must be  
22 verified by the petitioner and must contain statements, to the  
23 best of petitioner's knowledge and belief, showing:

24 (1) The name, date of birth, and current address of  
25 the child;

26 (2) The names and current addresses of the child's  
27 parents;

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

30 (4) The places where the child has lived during the  
31 past 5 years;

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

3 (6) The residence and post office address of the  
4 petitioner;

5 (7) The petitioner's relationship to the child,  
6 including the circumstances leading the petitioner to believe  
7 he is the natural father of the child when the petitioner is  
8 the putative father; ~~and~~

9 (8) The consent of the child's parents, or the  
10 circumstances of the child's current living situation with the  
11 petitioner, including all information concerning the fitness  
12 of the parents to raise the child, including information  
13 concerning whether either parent has abused, abandoned, or  
14 neglected the child;-

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

17 (10) Whether an order of protection governing the  
18 parties or a party and a minor child of the parties or party  
19 is in effect and, if so, the court or similar jurisdiction in  
20 which the order was entered;

21 (11) That it is in the best interests of the child for  
22 the petitioner to have custody of the child; and

23 (12)~~(9)~~ A statement of the period of time the  
24 petitioner is requesting temporary custody, including a  
25 statement of the reasons supporting that request.

26  
27 Only an extended family member or putative father may file a  
28 petition under this chapter.

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

31 751.05 Order granting temporary custody.--

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1 (7) At any time, either or both of the child's parents  
 2 may petition the court to modify or terminate the order  
 3 granting temporary custody upon a finding that the parent  
 4 requesting the termination of the order is a fit parent, or by  
 5 consent of the parties.

6 Section 5. This act shall take effect July 1, 2005.  
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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause

12  
 13 and insert:

14 A bill to be entitled  
 15 An act relating to temporary custody of a child  
 16 by an extended family member or putative  
 17 father; amending s. 751.011, F.S.; defining the  
 18 term "extended family member"; amending s.  
 19 751.02, F.S.; authorizing an extended family  
 20 member to bring a proceeding in court to  
 21 determine the temporary custody of a child;  
 22 amending s. 751.03, F.S.; specifying the  
 23 information that must be included in a petition  
 24 for temporary custody by an extended family  
 25 member or putative father; providing that only  
 26 an extended family member or putative father  
 27 may file a petition for temporary custody under  
 28 ch. 751, F.S.; amending s. 751.05, F.S.;  
 29 providing that either or both of the child's  
 30 parents may petition the court to modify the  
 31 order granting temporary custody under certain

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1 | circumstances; providing an effective date.  
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