

1                   A bill to be entitled  
 2           An act relating to temporary custody of a child by an  
 3           extended family member or putative father; amending s.  
 4           751.011, F.S.; defining the term "extended family member";  
 5           amending s. 751.02, F.S.; authorizing an extended family  
 6           member to bring a proceeding in court to determine the  
 7           temporary custody of a child; amending s. 751.03, F.S.;  
 8           specifying the information that must be included in a  
 9           petition for temporary custody by an extended family  
 10          member or putative father; providing that only an extended  
 11          family member or putative father may file a petition for  
 12          temporary custody under ch. 751, F.S.; amending s. 751.05,  
 13          F.S.; providing that either or both of the child's parents  
 14          may petition the court to modify the order granting  
 15          temporary custody under certain circumstances; providing  
 16          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 (1) of section 751.011, Florida  
 21           Statutes, is amended to read:

22           751.011 Definitions.--As used in ss. 751.01-751.05, the  
 23           term:

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

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

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

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

37           751.02 Determination of temporary custody proceedings;  
 38 jurisdiction.--Any extended family member ~~relative~~ of a minor  
 39 child who has the signed, notarized consent of the child's legal  
 40 parents, or any extended family member ~~relative~~ of the child,  
 41 including a putative father, with whom the child is presently  
 42 living, may bring proceedings in the circuit court to determine  
 43 the temporary custody of the child. A putative father may bring  
 44 a proceeding for temporary custody only when he is unable to  
 45 perfect personal service of process upon the mother of the  
 46 child. When the putative father is able to perfect personal  
 47 service of process upon the mother of the child, he must  
 48 petition for custody and other relief, including the  
 49 establishment of his paternity of the child, under chapter 742.

50           Section 3. Section 751.03, Florida Statutes, is amended to  
 51 read:

52           751.03 Petition for temporary custody; contents.--Each  
 53 ~~Every~~ petition for temporary custody of a minor child must be  
 54 verified by the petitioner and must contain statements, to the  
 55 best of petitioner's knowledge and belief, showing:

56           (1) The name, date of birth, and current address of the

- 57 child;
- 58 (2) The names and current addresses of the child's
- 59 parents;
- 60 (3) The names and current addresses of the persons with
- 61 whom the child has lived during the past 5 years;
- 62 (4) The places where the child has lived during the past 5
- 63 years;
- 64 (5) Information concerning any custody proceeding in this
- 65 or any other state with respect to the child;
- 66 (6) The residence and post office address of the
- 67 petitioner;
- 68 (7) The petitioner's relationship to the child, including
- 69 the circumstances leading the petitioner to believe he is the
- 70 natural father of the child when the petitioner is the putative
- 71 father; ~~and~~
- 72 (8) The consent of the child's parents, or the
- 73 circumstances of the child's current living situation with the
- 74 petitioner, including all information concerning the fitness of
- 75 the parents to raise the child, including information concerning
- 76 whether either parent has abused, abandoned, or neglected the
- 77 child;-
- 78 (9) Any temporary or permanent child support, attorney's
- 79 fees, costs, and disbursements;
- 80 (10) Whether an order of protection governing the parties
- 81 or a party and a minor child of the parties or party is in
- 82 effect and, if so, the court or similar jurisdiction in which
- 83 the order was entered;
- 84 (11) That it is in the best interests of the child for the

85 petitioner to have custody of the child; and

86 (12)(9) A statement of the period of time the petitioner  
 87 is requesting temporary custody, including a statement of the  
 88 reasons supporting that request.

89  
 90 Only an extended family member or putative father may file a  
 91 petition under this chapter.

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

94 751.05 Order granting temporary custody.--

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

100 Section 5. This act shall take effect July 1, 2006.