

CHAMBER ACTION

1 The Future of Florida's Families Committee recommends the  
2 following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

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

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 within the third degree by blood or marriage to the parent or stepparent of a child ~~family composed of the minor child and a relative of the child who is the child's brother, sister, grandparent, aunt, uncle, or cousin.~~

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

751.02 Determination of temporary custody proceedings; jurisdiction.--

(1) The following individuals may bring proceedings in the circuit court to determine the temporary custody of a minor child:

(a) Any extended family member ~~relative of a minor child~~ who has the signed, notarized consent of the child's legal parents; ~~or~~

(b) Any extended family member or a putative father who is caring full time for the child in the role of a substitute parent and relative of the child, ~~including a putative father,~~ with whom the child is presently living, ~~may bring proceedings in the circuit court to determine the temporary custody of the child.~~

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52           (2) A putative father may bring a proceeding for temporary  
 53 custody only when he is unable to perfect personal service of  
 54 process upon the mother of the child. When the putative father  
 55 is able to perfect personal service of process upon the mother  
 56 of the child, he must petition for custody and other relief,  
 57 including the establishment of his paternity of the child, under  
 58 chapter 742.

59           Section 3. Section 751.03, Florida Statutes, is amended to  
 60 read:

61           751.03 Petition for temporary custody; contents.--Each  
 62 ~~Every~~ petition for temporary custody of a minor child must be  
 63 verified by the petitioner and must contain statements, to the  
 64 best of petitioner's knowledge and belief, showing:

65           (1) The name, date of birth, and current address of the  
 66 child;

67           (2) The names and current addresses of the child's  
 68 parents;

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

71           (4) The places where the child has lived during the past 5  
 72 years;

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

75           (6) The residence and post office address of the  
 76 petitioner;

77           (7) The petitioner's relationship to the child, including  
 78 the circumstances leading the petitioner to believe he is the

79 | natural father of the child when the petitioner is the putative  
80 | father; ~~and~~

81 |       (8) The consent of the child's parents, or the  
82 | circumstances of the child's current living situation with the  
83 | petitioner, including information concerning the fitness of the  
84 | parents to raise the child and whether either parent has abused,  
85 | abandoned, or neglected the child;

86 |       (9) Any temporary or permanent child support obligations  
87 | for the benefit of the child;

88 |       (10) Whether an order of protection governing the parties  
89 | or a party and a minor child of the parties or party is in  
90 | effect and, if so, the court in which the order was entered;

91 |       (11) That it is in the best interest of the child for the  
92 | petitioner to have custody of the child; and

93 |       (12)~~(9)~~ A statement of the period of time the petitioner  
94 | is requesting temporary custody, including a statement of the  
95 | reasons supporting that request.

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97 | Only an extended family member or a putative father may file a  
98 | petition under this chapter.

99 |       Section 4. Subsections (5) and (7) of section 751.05,  
100 | Florida Statutes, are amended to read:

101 |       751.05 Order granting temporary custody.--

102 |       (5)(a) The order granting temporary custody of the minor  
103 | child to the petitioner may not include an order for the support  
104 | of the child unless the parent has received personal or  
105 | substituted service of process, the petition requests an order

106 for the support of the child, and there is evidence of the  
107 parent's ability to pay the support ordered.

108 (b) The order granting temporary custody may redirect all  
109 or part of an existing child support obligation to be paid to  
110 the extended family member who is granted temporary custody of  
111 the child. If the court redirects an existing child support  
112 obligation, the clerk of the circuit court in which the  
113 temporary custody order is entered shall transmit a certified  
114 copy thereof to the court originally entering the child support  
115 order. The temporary custody order shall be recorded and filed  
116 in the original action in which child support was determined and  
117 become a part thereof.

118 (7) At any time, either or both of the child's parents may  
119 petition the court to modify or terminate the order granting  
120 temporary custody. The court shall terminate the order upon a  
121 finding that the parent ~~requesting the termination of the order~~  
122 is a fit parent, or by consent of the parties. The court may  
123 modify an order granting temporary custody if the parties  
124 consent or if modification is in the best interest of the child.

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