

Bill No. SB 118

Barcode 685974

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 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.--Any extended family member ~~relative~~ of a minor child who has the signed, notarized consent of the child's

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1 legal parents, or any extended family member or putative
2 father relative of the child, ~~including a putative father who~~
3 is caring full time for the child in the role of a substitute
4 parent and, with whom the child is presently living, may bring
5 proceedings in the circuit court to determine the temporary
6 custody of the child. A putative father may bring a
7 proceeding for temporary custody only when he is unable to
8 perfect personal service of process upon the mother of the
9 child. When the putative father is able to perfect personal
10 service of process upon the mother of the child, he must
11 petition for custody and other relief, including the
12 establishment of his paternity of the child, under chapter
13 742.

14 Section 3. Section 751.03, Florida Statutes, is
15 amended to read:

16 751.03 Petition for temporary custody; contents.--Each
17 ~~Every~~ petition for temporary custody of a minor child must be
18 verified by the petitioner and must contain statements, to the
19 best of petitioner's knowledge and belief, showing:

20 (1) The name, date of birth, and current address of
21 the child;

22 (2) The names and current addresses of the child's
23 parents;

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

26 (4) The places where the child has lived during the
27 past 5 years;

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

30 (6) The residence and post office address of the
31 petitioner;

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1 (7) The petitioner's relationship to the child,
2 including the circumstances leading the petitioner to believe
3 he is the natural father of the child when the petitioner is
4 the putative father; ~~and~~

5 (8) The consent of the child's parents, or the
6 circumstances of the child's current living situation with the
7 petitioner, including information concerning the fitness of
8 the parents to raise the child and whether either parent has
9 abused, abandoned, or neglected the child;-

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

12 (10) Whether an order of protection governing the
13 parties or a party and a minor child of the parties or party
14 is in effect and, if so, the court in which the order was
15 entered;

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

18 (12)~~(9)~~ A statement of the period of time the
19 petitioner is requesting temporary custody, including a
20 statement of the reasons supporting that request.

21
22 Only an extended family member or putative father may file a
23 petition under this chapter.

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

26 751.05 Order granting temporary custody.--

27 (7) At any time, either or both of the child's parents
28 may petition the court to modify or terminate the order
29 granting temporary custody. The court shall terminate the
30 order upon a finding that the parent ~~requesting the~~
31 ~~termination of the order~~ is a fit parent, or by consent of the

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1 parties. The court may modify an order granting temporary
2 custody if the parties consent or if modification is in the
3 best interest of the child.

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

7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

11 and insert:

12 A bill to be entitled

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

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1 certain conditions; providing an effective
2 date.

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