

Bill No. SB 118

Barcode 970716

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Posey) recommended the following
substitute for amendment (685974):

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.--

(1) The following individuals may bring proceedings in

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1 the circuit court to determine the temporary custody of a
2 minor child:

3 (a) Any extended family member ~~relative of a minor~~
4 ~~child~~ who has the signed, notarized consent of the child's
5 legal parents; ~~7~~ or

6 (b) Any extended family member or a putative father
7 ~~relative of the child, including a putative father who is~~
8 caring full time for the child in the role of a substitute
9 parent and, ~~7~~ with whom the child is presently living, ~~may bring~~
10 ~~proceedings in the circuit court to determine the temporary~~
11 ~~custody of the child.~~

12 (2) A putative father may bring a proceeding for
13 temporary custody only when he is unable to perfect personal
14 service of process upon the mother of the child. When the
15 putative father is able to perfect personal service of process
16 upon the mother of the child, he must petition for custody and
17 other relief, including the establishment of his paternity of
18 the child, under chapter 742.

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

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

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

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

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

31 (4) The places where the child has lived during the

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1 past 5 years;

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

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

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

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

15 (9) Any temporary or permanent child support
16 obligations for the benefit of the child;

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 in which the order was
20 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. Subsections (5) and (7) of section 751.05,
30 Florida Statutes, are amended to read:

31 751.05 Order granting temporary custody.--

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1 (5)(a) The order granting temporary custody of the
 2 minor child to the petitioner may not include an order for the
 3 support of the child unless the parent has received personal
 4 or substituted service of process, the petition requests an
 5 order for the support of the child, and there is evidence of
 6 the parent's ability to pay the support ordered.

7 (b) The order granting temporary custody may redirect
 8 all or part of an existing child support obligation to be paid
 9 to the extended family member who is granted temporary custody
 10 of the child. If the court redirects an existing child support
 11 obligation, the clerk of the circuit court in which the
 12 temporary custody order is entered shall transmit a certified
 13 copy thereof to the court originally entering the child
 14 support order. The temporary custody order shall be recorded
 15 and filed in the original action in which child support was
 16 determined and become a part thereof.

17 (7) At any time, either or both of the child's parents
 18 may petition the court to modify or terminate the order
 19 granting temporary custody. The court shall terminate the
 20 order upon a finding that the parent ~~requesting the~~
 21 ~~termination of the order~~ is a fit parent, or by consent of the
 22 parties. The court may modify an order granting temporary
 23 custody if the parties consent or if modification is in the
 24 best interest of the child.

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

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled

3 An act relating to temporary custody of a child

4 by an extended family member or putative

5 father; amending s. 751.011, F.S.; defining the

6 term "extended family member"; amending s.

7 751.02, F.S.; authorizing an extended family

8 member to bring a proceeding in court to

9 determine the temporary custody of a child;

10 amending s. 751.03, F.S.; specifying the

11 information that must be included in a petition

12 for temporary custody by an extended family

13 member or putative father; providing that only

14 an extended family member or putative father

15 may file a petition for temporary custody under

16 ch. 751, F.S.; amending s. 751.05, F.S.;

17 authorizing a court to redirect child support

18 payments to an extended family member;

19 providing that either or both of the child's

20 parents may petition the court to modify the

21 order granting temporary custody under certain

22 circumstances; authorizing the court to modify

23 an order granting temporary custody under

24 certain conditions; providing an effective

25 date.

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