

By Senator Fasano

11-49-06

1                                   A bill to be entitled

2           An act relating to temporary custody of a child

3           by an extended family member or putative

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

5           term "extended family member"; amending s.

6           751.02, F.S.; authorizing an extended family

7           member to bring a proceeding in court to

8           determine the temporary custody of a child;

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

10          information that must be included in a petition

11          for temporary custody by an extended family

12          member or putative father; providing that only

13          an extended family member or putative father

14          may file a petition for temporary custody under

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

16          providing that either or both of the child's

17          parents may petition the court to modify the

18          order granting temporary custody under certain

19          circumstances; providing an effective date.

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

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23           Section 1. Subsection (1) of section 751.011, Florida

24 Statutes, is amended to read:

25           751.011 Definitions.--As used in ss. 751.01-751.05,

26 the term:

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

28 relative:

29           (a) Within the third degree by blood or marriage to

30 the parent or stepparent of a child and who is caring

31 full-time for that child in the role of substitute parent; or

1           (b) Within the third degree by blood or marriage to  
2 the parent or stepparent of a child and who is caring  
3 full-time for that child and a half-brother or half-sister of  
4 that child, in the role of substitute parent family composed  
5 ~~of the minor child and a relative of the child who is the~~  
6 ~~child's brother, sister, grandparent, aunt, uncle, or cousin.~~

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

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

23           Section 3. Section 751.03, Florida Statutes, is  
24 amended to read:

25           751.03 Petition for temporary custody; contents.--Each  
26 ~~Every~~ petition for temporary custody of a minor child must be  
27 verified by the petitioner and must contain statements, to the  
28 best of petitioner's knowledge and belief, showing:

29           (1) The name, date of birth, and current address of  
30 the child;

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- 1           (2) The names and current addresses of the child's  
2 parents;
- 3           (3) The names and current addresses of the persons  
4 with whom the child has lived during the past 5 years;
- 5           (4) The places where the child has lived during the  
6 past 5 years;
- 7           (5) Information concerning any custody proceeding in  
8 this or any other state with respect to the child;
- 9           (6) The residence and post office address of the  
10 petitioner;
- 11           (7) The petitioner's relationship to the child,  
12 including the circumstances leading the petitioner to believe  
13 he is the natural father of the child when the petitioner is  
14 the putative father; ~~and~~
- 15           (8) The consent of the child's parents, or the  
16 circumstances of the child's current living situation with the  
17 petitioner, including all information concerning the fitness  
18 of the parents to raise the child, including information  
19 concerning whether either parent has abused, abandoned, or  
20 neglected the child;-
- 21           (9) Any temporary or permanent child support,  
22 attorney's fees, costs, and disbursements;
- 23           (10) Whether an order of protection governing the  
24 parties or a party and a minor child of the parties or party  
25 is in effect and, if so, the court or similar jurisdiction in  
26 which the order was entered;
- 27           (11) That it is in the best interests of the child for  
28 the petitioner to have custody of the child; and
- 29           (12)(9) A statement of the period of time the  
30 petitioner is requesting temporary custody, including a  
31 statement of the reasons supporting that request.

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

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

751.05 Order granting temporary custody.--

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

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