

By Senator Posey

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A bill to be entitled

An act relating to child custody; creating s. 61.5065, F.S.; prohibiting a court from modifying a child custody order that involves a member of the National Guard or a United States military reserve unit who is called to active duty; providing a limited exception; providing an effective date.

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

Section 1. Section 61.5065, Florida Statutes, is created to read:

61.5065 Parent called to active military duty; modification of child custody prohibited; exception.--

(1)(a) If a parent who is a member of the National Guard or United States Reserve Forces is called into active military duty, a court may not, during the period that such parent is on active duty, modify a previous judgment or child custody order or issue a new order that changes a child's custody placement as it existed on the date the parent was called to active duty.

(b) The court may, however, enter a temporary change-of-custody order if there is clear and convincing evidence that a temporary change of custody while the parent is on active duty is in the best interest of the child.

(c) If a temporary change-of-custody order is entered, upon the parent's return from active military duty the court shall reinstate the child custody order that was in effect immediately preceding the temporary order.

1 (2) If a motion for change of custody is filed after a
2 parent returns from active military duty, the court may not
3 consider the parent's absence due to that military duty in any
4 determination regarding the child's best interest.

5 Section 2. This act shall take effect July 1, 2007.

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8 SENATE SUMMARY

9 Prohibits a court from modifying a child custody order to
10 change the custody placement of a child whose parent is a
11 member of the National Guard or a United States military
12 reserve unit that is called to active duty. Provides a
13 temporary limited exception.
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