

CS/HB 435

2007

1 A bill to be entitled
2 An act relating to child custody; creating s. 61.13002,
3 F.S.; prohibiting a court from modifying child custody
4 during the time a parent is activated, deployed, or
5 temporarily assigned to military service; providing a
6 limited exception; requiring reinstatement upon parent's
7 return from military service; limiting application of
8 prohibition; providing an effective date.

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

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12 Section 1. Section 61.13002, Florida Statutes, is created
13 to read:

14 61.13002 Child custody modification.--

15 (1) If a supplemental petition to modify or a motion for
16 change of child custody and parental responsibility is filed
17 during the time a parent is activated, deployed, or temporarily
18 assigned to military service and the parent's ability to
19 continue as the primary caretaker of a minor child is materially
20 affected as a result, the court may not issue an order or modify
21 or amend a previous judgment or order that changes custody as it
22 existed on the date the parent was activated, deployed, or
23 temporarily assigned to military service, except that a court
24 may enter a temporary order to modify or amend custody if there
25 is clear and convincing evidence that the temporary modification
26 or amendment is in the best interests of the child. When
27 entering a temporary order under this section, the court shall
28 consider and provide for, if feasible, contact between the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 military service member and his or her child, including, but not
30 limited to, electronic communication by webcam, telephone, or
31 other available means. The court shall also permit liberal time-
32 sharing during periods of leave from military service, as it is
33 in the child's best interests to maintain the parent-child bond
34 during the parent's military service.

35 (2) If a temporary order is issued under this section, the
36 court shall reinstate the custody judgment or order previously
37 in effect upon the parent's return from active military service,
38 deployment, or temporary assignment.

39 (3) This section shall not apply to permanent change of
40 station moves by military personnel, which shall be governed by
41 s. 61.13001.

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