

1                                   A bill to be entitled  
 2           An act relating to child custody; amending ss. 751.01,  
 3           751.011, 751.02, 751.03, and 751.05, F.S.; creating an  
 4           action for temporary custody of a minor child by certain  
 5           authorized persons interested in the welfare of the child;  
 6           providing a definition; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

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 10           Section 1. Section 751.01, Florida Statutes, is amended to  
 11   read:

12           751.01 Purpose of act.--The purposes of ss. 751.01-751.05  
 13   are to:

14           (1) Recognize that many minor children in this state live  
 15   with and are well cared for by members of their extended  
 16   families or other persons interested in the welfare of minor  
 17   children. The parents of these children have often provided for  
 18   their care by placing them temporarily with another family  
 19   member or another person interested in the welfare of the minor  
 20   children who is better able to care for them. Because of the  
 21   care being provided the children by their extended families or  
 22   other persons interested in the welfare of the minor children,  
 23   they are not dependent children.

24           (2) Provide for the welfare of a minor child who is living  
 25   with extended family members or another person interested in the  
 26   welfare of the minor child. At present, such family members or  
 27   other persons interested in the welfare of the minor child are  
 28   unable to give complete care to the child in their custody

29 | because they lack a legal document that explains and defines  
 30 | their relationship to the child, and they are unable effectively  
 31 | to consent to the care of the child by third parties.

32 | (3) Provide temporary custody of a minor child to a family  
 33 | member or another person interested in the welfare of the minor  
 34 | child having physical custody of the minor child to enable the  
 35 | custodian to:

36 | (a) Consent to all necessary and reasonable medical and  
 37 | dental care for the child, including nonemergency surgery and  
 38 | psychiatric care;

39 | (b) Secure copies of the child's records, held by third  
 40 | parties, that are necessary to the care of the child, including,  
 41 | but not limited to:

- 42 | 1. Medical, dental, and psychiatric records;
- 43 | 2. Birth certificates and other records; and
- 44 | 3. Educational records;

45 | (c) Enroll the child in school and grant or withhold  
 46 | consent for a child to be tested or placed in special school  
 47 | programs, including exceptional education; and

48 | (d) Do all other things necessary for the care of the  
 49 | child.

50 | Section 2. Section 751.011, Florida Statutes, is amended  
 51 | to read:

52 | 751.011 Definitions.--As used in ss. 751.01-751.05, the  
 53 | term:

54 | (1) "Extended family member" is any person who is:

55 | (a) ~~(1)~~ A relative within the third degree by blood or  
 56 | marriage to the parent; or

57 |        ~~(b)(2)~~ The stepparent of a child if the stepparent is  
 58 | currently married to the parent of the child and is not a party  
 59 | in a pending dissolution, separate maintenance, domestic  
 60 | violence, or other civil or criminal proceeding in any court of  
 61 | competent jurisdiction involving one or both of the child's  
 62 | parents as an adverse party.

63 |        (2) "Person interested in the welfare of a minor child" is  
 64 | any person who is 18 years of age or older who has the consent  
 65 | of the custodial parent or parents to assume custodial  
 66 | responsibility for the minor child.

67 |        Section 3. Section 751.02, Florida Statutes, is amended to  
 68 | read:

69 |        751.02 Determination of temporary custody proceedings;  
 70 | jurisdiction.--The following individuals may bring proceedings  
 71 | in the circuit court to determine the temporary custody of a  
 72 | minor child:

73 |        (1) Any extended family member or another person  
 74 | interested in the welfare of a minor child who has the signed,  
 75 | notarized consent of the child's legal parents; or

76 |        (2) Any extended family member or another person  
 77 | interested in the welfare of a minor child who is caring full  
 78 | time for the child in the role of a substitute parent and with  
 79 | whom the child is presently living.

80 |        Section 4. Section 751.03, Florida Statutes, is amended to  
 81 | read:

82 |        751.03 Petition for temporary custody; contents.--Each  
 83 | petition for temporary custody of a minor child must be verified

84 by the petitioner and must contain statements, to the best of  
85 petitioner's knowledge and belief, showing:

86 (1) The name, date of birth, and current address of the  
87 child;

88 (2) The names and current addresses of the child's  
89 parents;

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

92 (4) The places where the child has lived during the past 5  
93 years;

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

96 (6) The residence and post office address of the  
97 petitioner;

98 (7) The petitioner's relationship to the child;

99 (8) The consent of the child's parents, or the specific  
100 acts or omissions of the parents which demonstrate that the  
101 parents have abused, abandoned, or neglected the child as  
102 defined in chapter 39;

103 (9) Any temporary or permanent orders for child support,  
104 the court entering the order, and the case number;

105 (10) Any temporary or permanent order for protection  
106 entered on behalf of or against either parent, the petitioner,  
107 or the child; the court entering the order; and the case number;

108 (11) That it is in the best interest of the child for the  
109 petitioner to have custody of the child; and

110 (12) A statement of the period of time the petitioner is  
 111 requesting temporary custody, including a statement of the  
 112 reasons supporting that request.

113  
 114 Only an extended family member or another person interested in  
 115 the welfare of a minor child may file a petition under this  
 116 chapter.

117 Section 5. Paragraph (b) of subsection (5) of section  
 118 751.05, Florida Statutes, is amended to read:

119 751.05 Order granting temporary custody.--

120 (5)

121 (b) The order granting temporary custody may redirect all  
 122 or part of an existing child support obligation to be paid to  
 123 the extended family member or another person interested in the  
 124 welfare of a minor child who is granted temporary custody of the  
 125 child. If the court redirects an existing child support  
 126 obligation, the order granting temporary custody must include,  
 127 if possible, the determination of arrearages owed to the obligee  
 128 and the person awarded temporary custody and must order payment  
 129 of the arrearages. The clerk of the circuit court in which the  
 130 temporary custody order is entered shall transmit a certified  
 131 copy thereof to the court originally entering the child support  
 132 order. The temporary custody order shall be recorded and filed  
 133 in the original action in which child support was determined and  
 134 become a part thereof. A copy of the temporary custody order  
 135 shall be filed with the depository that serves as the official  
 136 recordkeeper for support payments due under the support order.

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137 | The depository shall maintain separate accounts and separate  
138 | account numbers for individual obligees.

139 |       Section 6. This act shall take effect July 1, 2007.