

HB 621

2011

1 A bill to be entitled
2 An act relating to child custody; amending s. 61.13002,
3 F.S.; providing that a parent's activation, deployment, or
4 temporary assignment to military service and the resultant
5 temporary disruption to the child may not be the sole
6 factor in granting a petition for or modification of time-
7 sharing and parental responsibility; providing that a
8 time-sharing and parental responsibility order in effect
9 before a temporary change due to a parent's military
10 service shall automatically be reinstated after a
11 specified period after return and notice by the returning
12 parent; providing an exception; specifying burden of proof
13 for the exception; providing an effective date.

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

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17 Section 1. Subsections (1) and (4) of section 61.13002,
18 Florida Statutes, are amended to read:

19 61.13002 Temporary time-sharing modification and child
20 support modification due to military service.—

21 (1) If a supplemental petition or a motion for
22 modification of time-sharing and parental responsibility is
23 filed because a parent is activated, deployed, or temporarily
24 assigned to military service and the parent's ability to comply
25 with time-sharing is materially affected as a result, the court
26 may not issue an order or modify or amend a previous judgment or
27 order that changes time-sharing as it existed on the date the
28 parent was activated, deployed, or temporarily assigned to

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29 military service, except that a court may enter a temporary
30 order to modify or amend time-sharing if there is clear and
31 convincing evidence that the temporary modification or amendment
32 is in the best interests of the child. However, a parent's
33 activation, deployment, or temporary assignment to military
34 service and the resultant temporary disruption to the child may
35 not be the sole factor in a court's decision to grant a petition
36 for or modification of time-sharing and parental responsibility.
37 When entering a temporary order under this section, the court
38 shall consider and provide for, if feasible, contact between the
39 military servicemember and his or her child, including, but not
40 limited to, electronic communication by webcam, telephone, or
41 other available means. The court shall also permit liberal time-
42 sharing during periods of leave from military service, as it is
43 in the child's best interests to maintain the parent-child bond
44 during the parent's military service.

45 (4) If a temporary order is issued under this section, the
46 court shall reinstate the time-sharing order previously in
47 effect before the military parent's activation, deployment, or
48 temporary assignment to military service, within 10 days after
49 notification by that parent of his or her ~~upon the servicemember~~
50 ~~parent's~~ return from active military service, deployment, or
51 temporary assignment, unless the court finds that resumption of
52 the original order is no longer in the child's best interest.
53 The nonmilitary parent bears the burden of proving that
54 resumption of the original order is no longer in the child's
55 best interest.

56 Section 2. This act shall take effect July 1, 2011.