

By Senator Bean

4-01285A-19

20191174__

1 A bill to be entitled
2 An act relating to custody of minor children by
3 extended family; amending s. 751.01, F.S.; revising
4 the purposes of ch. 751, F.S.; amending s. 751.03,
5 F.S.; providing that a petition for concurrent custody
6 may include certain requests; amending s. 751.05,
7 F.S.; authorizing a court to establish conditions for
8 a parent to obtain custody in an order granting
9 temporary custody under certain circumstances;
10 requiring the court to establish any conditions for
11 the transition of custody of the child to the parent
12 which are in the child's best interest, and to
13 consider specified factors; providing an effective
14 date.

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

17
18 Section 1. Subsection (4) is added to section 751.01,
19 Florida Statutes, to read:

20 751.01 Purpose of act.—The purposes of this chapter are to:
21 (4) Protect the welfare of minor children by providing for
22 transitions of custody that consider each child's developmental
23 stage and psychological needs.

24 Section 2. Subsection (8) of section 751.03, Florida
25 Statutes, is amended to read:

26 751.03 Petition for temporary or concurrent custody;
27 contents.—Each petition for temporary or concurrent custody of a
28 minor child must be verified by the petitioner, who must be an
29 extended family member, and must contain statements, to the best

4-01285A-19

20191174__

30 of the petitioner's knowledge and belief, providing:

31 (8) If concurrent custody is being requested:

32 (a) The ~~time~~ periods during the last 12 months that the
33 child resided with the petitioner;

34 (b) The type of document, if any, provided by the parent or
35 parents to enable the petitioner to act on behalf of the child;

36 (c) The services or actions that the petitioner is unable
37 to obtain or undertake without an order of custody; ~~and~~

38 (d) Whether each parent has consented in writing to the
39 entry of an order of concurrent custody; and

40 (e) Any other request related to the protection of the
41 welfare of the child, including provisions for transitioning
42 custody or a plan for visitation.

43
44 A copy of the written consent and any documents provided by the
45 parent to assist the petitioner in obtaining services must be
46 attached to the petition.

47 Section 3. Paragraph (b) of subsection (4) and subsection
48 (6) of section 751.05, Florida Statutes, are amended to read:

49 751.05 Order granting temporary or concurrent custody.—

50 (4) The order granting:

51 (b) Temporary custody of the minor child to the petitioner
52 may also grant visitation rights to the child's parent or
53 parents, if it is in the best interest of the child. If the
54 order of temporary custody is entered after a determination of
55 parental unfitness or because the parents could not be located
56 after notice was provided, the court may establish conditions
57 that must be met demonstrating the fitness of the parent to care
58 for the child before he or she may obtain custody.

4-01285A-19

20191174__

59 (6) At any time, either or both of the child's parents may
60 petition the court to modify or terminate the order granting
61 temporary custody.

62 (a) The court shall terminate the order upon a finding that
63 the parent is a fit parent, or by consent of the parties.

64 (b) The court may modify an order granting temporary
65 custody if the parties consent or if modification is in the best
66 interest of the child.

67 (c) The court shall establish any conditions for the
68 transition of the child to the parents' custody which are in the
69 best interest of the child, considering the length of time the
70 child lived with the extended family member, the child's
71 developmental stage and psychological needs, the need for a
72 gradual transition from one setting to another, and visitation
73 with the extended family member.

74 Section 4. This act shall take effect July 1, 2019.