

By the Committee on Judiciary; and Senator Bean

590-03206-19

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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.; providing requirements for orders granting
8 concurrent or temporary custody; requiring the court
9 to establish any conditions for the transition of
10 custody of the child to the parent which are in the
11 child's best interest under certain circumstances;
12 requiring the court to consider specified factors;
13 authorizing the court to require parties to comply
14 with conditions agreed to be the parties in the order
15 granting concurrent custody or demonstrate that
16 failure to comply does not endanger the welfare of the
17 child; providing an effective date.

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

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21 Section 1. Subsection (4) is added to section 751.01,
22 Florida Statutes, to read:

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

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

29 751.03 Petition for temporary or concurrent custody;

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30 contents.—Each petition for temporary or concurrent custody of a
31 minor child must be verified by the petitioner, who must be an
32 extended family member, and must contain statements, to the best
33 of the petitioner's knowledge and belief, providing:

34 (8) If concurrent custody is being requested:

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

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

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

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

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

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

50 Section 3. Subsections (4), (6), and (7) of section 751.05,
51 Florida Statutes, are amended to read:

52 751.05 Order granting temporary or concurrent custody.—

53 (4) The order granting:

54 (a) Concurrent custody of the minor child may not eliminate
55 or diminish the custodial rights of the child's parent or
56 parents, except that the court may approve and enforce any
57 conditions agreed to by the parties as part of the court order.

58 The order must expressly state that the grant of custody does

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59 not affect the ability of the child's parent or parents to
60 obtain physical custody of the child at any time, unless the
61 parent or parents agreed to such a condition and it was included
62 in the order.

63 (b) Temporary custody of the minor child to the petitioner
64 may establish conditions to demonstrate the parent's fitness
65 before the child may be returned to the physical custody of the
66 parent and may also grant visitation rights to the child's
67 parent or parents, if it is in the best interest of the child.

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

71 (a) The court shall terminate the order upon a finding that
72 the parent is a fit parent, or by consent of the parties. If the
73 child has been in the temporary custody of an extended family
74 member for 6 months or longer, the court shall establish any
75 conditions for the transition of the child to the parents'
76 custody which are in the best interest of the child, considering
77 the length of time the child lived with the extended family
78 member, the child's developmental stage and psychological needs,
79 the need for a gradual transition from one setting to another,
80 and visitation with the extended family member.

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

84 (7) At any time, the petitioner or either or both of the
85 child's parents may move the court to terminate the order
86 granting concurrent custody.

87 (a) The court shall terminate the order upon a finding that

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88 either or both of the child's parents object to the order,
89 except that if the order granting concurrent custody contains
90 conditions agreed to by the parties, the court may require the
91 parties to comply with such conditions or demonstrate that the
92 failure to comply does not endanger the welfare of the child
93 before allowing the parents to regain physical custody.

94 (b) The fact that an order for concurrent custody has been
95 terminated does not preclude any person who is otherwise
96 eligible to petition for temporary custody from filing such
97 petition.

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