

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.

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

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 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
 21 to:

22 (4) Protect the welfare of minor children by providing for
 23 transitions of custody that consider each child's developmental
 24 stage and psychological needs.

25 Section 2. Subsection (8) of section 751.03, Florida

26 Statutes, is amended to read:

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

32 (8) If concurrent custody is being requested:

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

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

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

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

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

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

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

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51 751.05 Order granting temporary or concurrent custody.—
52 (4) The order granting:
53 (b) Temporary custody of the minor child to the petitioner
54 may also grant visitation rights to the child's parent or
55 parents, if it is in the best interest of the child. If the
56 order of temporary custody is entered after a determination of
57 parental unfitness or because the parents could not be located
58 after notice was provided, the court may establish conditions
59 that must be met demonstrating the fitness of the parent to care
60 for the child before he or she may obtain custody.
61 (6) At any time, either or both of the child's parents may
62 petition the court to modify or terminate the order granting
63 temporary custody.
64 (a) The court shall terminate the order upon a finding
65 that the parent is a fit parent, or by consent of the parties.
66 (b) The court may modify an order granting temporary
67 custody if the parties consent or if modification is in the best
68 interest of the child.
69 (c) The court shall establish any conditions for the
70 transition of the child to the parents' custody which are in the
71 best interest of the child, considering the length of time the
72 child lived with the extended family member, the child's
73 developmental stage and psychological needs, the need for a
74 gradual transition from one setting to another, and visitation
75 with the extended family member.

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