

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.; requiring a petition for concurrent custody to
 6 include certain requests; amending s. 751.05, F.S.;
 7 providing requirements for orders granting concurrent
 8 or temporary custody; requiring the court to establish
 9 conditions for the transition of custody of the child
 10 under certain circumstances; requiring the court to
 11 consider specified factors; authorizing the court to
 12 require parties to comply with conditions agreed to by
 13 the parties in the order granting concurrent custody
 14 or to demonstrate that failure to comply does not
 15 endanger the welfare of the child; providing an
 16 effective date.

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

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

22 751.01 Purpose of act.—The purposes of this chapter are
 23 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;
 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
 38 | or parents to enable the petitioner to act on behalf of the
 39 | child;

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

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

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

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

51 Section 3. Subsections (4), (6), and (7) of section
 52 751.05, Florida Statutes, are amended to read:

53 751.05 Order granting temporary or concurrent custody.—

54 (4) The order granting:

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

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

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

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

73 (a) The court shall terminate the order upon a finding
 74 that the parent is a fit parent, or by consent of the parties.
 75 If the child has been in the temporary custody of an extended

76 | family member for 6 months or longer, the court must establish
77 | any conditions for the transition of the child to the parent's
78 | or parents' custody which are in the best interests of the
79 | child. Such conditions must consider the length of time the
80 | child lived with the extended family member, the child's
81 | developmental stage and psychological needs, the need for a
82 | gradual transition from one setting to another, and visitation
83 | with the extended family member.

84 | **(b)** The court may modify an order granting temporary
85 | custody if the parties consent or if modification is in the best
86 | interest of the child.

87 | (7) At any time, the petitioner or either or both of the
88 | child's parents may move the court to terminate the order
89 | granting concurrent custody.

90 | **(a)** The court shall terminate the order upon a finding
91 | that either or both of the child's parents object to the order,
92 | except that if the order granting concurrent custody contains
93 | conditions agreed to by the parties, the court may require the
94 | parties to comply with such conditions or demonstrate that the
95 | failure to comply does not endanger the welfare of the child
96 | before allowing either or both parents to regain physical
97 | custody.

98 | **(b)** The fact that an order for concurrent custody has been
99 | terminated does not preclude any person who is otherwise
100 | eligible to petition for temporary custody from filing such

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101 | petition.

102 | Section 4. This act shall take effect July 1, 2020.