

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. 751.011,
5 F.S.; revising the definition of the term "extended
6 family member"; amending s. 751.02, F.S.; revising the
7 requirements for an individual seeking concurrent
8 custody; amending s. 751.03, F.S.; requiring a
9 petition for temporary or concurrent custody to
10 include specified provisions relating to the best
11 interest of the child; amending s. 751.05, F.S.;
12 authorizing the court to include specified provisions
13 relating to the best interest of the child in an order
14 granting temporary or concurrent custody; authorizing
15 the court to modify such order and to establish
16 reasonable conditions for transitioning custody under
17 certain circumstances; requiring the court to consider
18 specified factors when establishing such conditions;
19 authorizing the court to require parties to comply
20 with specified provisions relating to a reasonable
21 plan for transitioning custody before terminating the
22 order; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsection (4) is added to section 751.01,
 27 Florida Statutes, to read:

28 751.01 Purpose of act.—The purposes of this chapter are
 29 to:

30 (4) Protect the welfare of minor children by allowing
 31 transitions of custody consistent with their best interest.

32 Section 2. Subsection (2) of section 751.011, Florida
 33 Statutes, is amended to read:

34 751.011 Definitions.—As used in this chapter, the term:

35 (2) "Extended family member" means a person who is:

36 (a) A relative of a minor child within the third degree by
 37 blood or marriage to the parent; ~~or~~

38 (b) The stepparent of a minor child if the stepparent is
 39 currently married to the parent of the child and is not a party
 40 in a pending dissolution, separate maintenance, domestic
 41 violence, or other civil or criminal proceeding in any court of
 42 competent jurisdiction involving one or both of the child's
 43 parents as an adverse party; or

44 (c) An individual who qualifies as "fictive kin" as
 45 defined in s. 39.01.

46 Section 3. Paragraph (a) of subsection (2) of section
 47 751.02, Florida Statutes, is amended to read:

48 751.02 Temporary or concurrent custody proceedings;
 49 jurisdiction.—

50 (2) In addition to the requirements of subsection (1), an

51 individual seeking concurrent custody must:

52 (a) Currently have physical custody of the child or ~~and~~
 53 have had physical custody of the child for at least 10 days in
 54 any 30-day period within the last 12 months; and

55 Section 4. Subsection (13) of section 751.03, Florida
 56 Statutes, is amended, and subsection (14) is added to that
 57 section, to read:

58 751.03 Petition for temporary or concurrent custody;
 59 contents.—Each petition for temporary or concurrent custody of a
 60 minor child must be verified by the petitioner, who must be an
 61 extended family member, and must contain statements, to the best
 62 of the petitioner's knowledge and belief, providing:

63 (13) ~~A statement of~~ The period of time for which the
 64 petitioner is requesting temporary custody, including a
 65 statement of the reasons supporting that request.

66 (14) Any other provisions that are related to the best
 67 interest of the child, including, but not limited to, a
 68 reasonable plan for transitioning custody.

69 Section 5. Subsections (4), (6), and (7) of section
 70 751.05, Florida Statutes, are amended to read:

71 751.05 Order granting temporary or concurrent custody.—

72 (4) The order granting:

73 (a) Concurrent custody of the minor child may not
 74 eliminate or diminish the custodial rights of the child's parent
 75 or parents. The order must expressly state that the grant of

76 | custody does not affect the ability of the child's parent or
77 | parents to obtain physical custody of the child at any time,
78 | except that the court may include provisions that are requested
79 | in the petition which are related to the best interest of the
80 | child, including a reasonable transition plan that provides for
81 | the transition of custody back to the child's parent or parents.

82 | (b) Temporary custody of the minor child to the petitioner
83 | may include provisions requested in the petition which are
84 | related to the best interest of the child, including a
85 | reasonable transition plan that provides for the transition of
86 | custody back to the child's parent or parents, and may also
87 | grant visitation rights to the child's parent or parents, if it
88 | is in the best interest of the child.

89 | (6) At any time, either or both of the child's parents may
90 | petition the court to modify or terminate the order granting
91 | temporary custody.

92 | (a) The court may modify an order granting temporary
93 | custody if the parties consent or if modification is in the best
94 | interest of the child.

95 | (b) The court shall terminate the order upon a finding
96 | that the parent is a fit parent, or by consent of the parties,
97 | except that the court may require the parties to comply with
98 | provisions approved in the order which are related to a plan for
99 | transitioning custody before terminating the order. ~~The court~~
100 | may modify an order granting temporary custody if the parties

101 ~~consent or if modification is in the best interest of the child.~~

102 (c) If the order granting temporary custody was entered
103 after a finding that the child's parent or parents are unfit and
104 the child has been in the temporary custody of an extended
105 family member for a significant period of time, as determined by
106 the court, the court may, on its own motion, establish
107 reasonable conditions, which are in the best interest of the
108 child, for transitioning the child back to the custody of the
109 child's parent or parents. The court must consider the following
110 factors when establishing reasonable conditions:

111 1. The length of time the child lived or resided with the
112 extended family member.

113 2. The child's developmental stage.

114 3. The length of time reasonably necessary to complete the
115 transition.

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

119 (a) The court shall terminate the order upon a finding
120 that either or both of the child's parents object to the order,
121 except that the court may require the parties to comply with
122 provisions approved in the order which are related to a
123 reasonable plan for transitioning custody before terminating the
124 order.

125 (b) The fact that an order for concurrent custody has been

126 | terminated does not preclude any person who is otherwise
127 | eligible to petition for temporary custody from filing such
128 | petition.

129 | Section 6. This act shall take effect July 1, 2020.