

HB 949

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A bill to be entitled
An act relating to temporary custody of minor children; amending s. 39.301, F.S.; requiring a protective investigator to provide certain information and, if necessary, guidance to a relative of a child contacted during a protective investigation; amending s. 751.02, F.S.; authorizing a grandparent to petition for temporary or concurrent custody of his or her grandchild, regardless of certain circumstances; amending s. 751.03, F.S.; including a statement of specific acts or omissions of a child's parents which demonstrate certain use of a controlled substance or alcohol in the statements that may be contained in a petition for temporary or concurrent custody; defining the term "controlled substance"; amending s. 751.05, F.S.; requiring the court to grant a petition for temporary custody if the court finds it is in the best interests of the child to grant custody and there is a substantial threat of harm if custody is not granted; providing that certain evidence is sufficient for the court to make such a finding; defining the term "controlled substance"; providing an effective date.

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

26 **Section 1. Paragraph (b) of subsection (14) of section**
27 **39.301, Florida Statutes, is amended to read:**

28 39.301 Initiation of protective investigations.—

29 (14)

30 (b) The parents or legal custodians shall be informed of
31 the right to refuse services, as well as the responsibility of
32 the department to protect the child regardless of the acceptance
33 or refusal of services. If the services are refused, a
34 collateral contact shall include a relative, if the protective
35 investigator has knowledge of and the ability to contact a
36 relative. If a relative of the child is contacted, the
37 protective investigator shall inform the relative of the option
38 to petition for temporary or concurrent custody of the child
39 pursuant to chapter 751 and, if necessary, provide guidance on
40 the manner in which to file the petition. If the services are
41 refused and the department deems that the child's need for
42 protection requires services, the department shall take the
43 child into protective custody or petition the court as provided
44 in this chapter. At any time after the commencement of a
45 protective investigation, a relative may submit in writing to
46 the protective investigator or case manager a request to receive
47 notification of all proceedings and hearings in accordance with
48 s. 39.502. The request must include the relative's name,
49 address, and phone number and the relative's relationship to the
50 child. The protective investigator or case manager shall forward

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51 such request to the attorney for the department. The failure to
52 provide notice to either a relative who requests it pursuant to
53 this subsection or to a relative who is providing out-of-home
54 care for a child may not result in any previous action of the
55 court at any stage or proceeding in dependency or termination of
56 parental rights under any part of this chapter being set aside,
57 reversed, modified, or in any way changed absent a finding by
58 the court that a change is required in the child's best
59 interests.

60 **Section 2. Subsection (1) of section 751.02, Florida
61 Statutes, is amended to read:**

62 751.02 Temporary or concurrent custody proceedings;
63 jurisdiction.—

64 (1) The following individuals may bring proceedings in the
65 circuit court to determine the temporary or concurrent custody
66 of a minor child:

67 (a) An Any extended family member who has the signed,
68 notarized consent of the child's legal parents; ~~or~~

69 (b) An Any extended family member who is caring full time
70 for the child in the role of a substitute parent and with whom
71 the child is presently living; or

72 (c) An extended family member who is a grandparent of the
73 child and who is seeking custody, regardless of whether the
74 child is in the grandparent's care or presently living with the
75 grandparent.

76 **Section 3. Subsection (9) of section 751.03, Florida
77 Statutes, is amended to read:**

78 751.03 Petition for temporary or concurrent custody;
79 contents.—Each petition for temporary or concurrent custody of a
80 minor child must be verified by the petitioner, who must be an
81 extended family member, and must contain statements, to the best
82 of the petitioner's knowledge and belief, providing:

83 (9) If temporary custody is being requested:—

84 (a) The consent of the child's parents;, or

85 (b) The specific acts or omissions of the parents which
86 demonstrate that the parents have abused, abandoned, or
87 neglected the child as defined in chapter 39; or

88 (c) The specific acts or omissions of the parents which
89 demonstrate extensive, abusive, and chronic use of a controlled
90 substance or alcohol to the extent that the parents' ability to
91 provide supervision and care for the child has been or is likely
92 to be severely compromised. As used in this paragraph, the term
93 "controlled substance" means prescription drugs not prescribed
94 for the parent or not administered as prescribed and controlled
95 substances as outlined in Schedule I or Schedule II of s.

96 893.03.

97 **Section 4. Paragraph (b) of subsection (3) of section
98 751.05, Florida Statutes, is amended to read:**

99 751.05 Order granting temporary or concurrent custody.—

100 (3) If one of the minor child's parents objects to:

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101 (b) The petition for temporary custody, the court shall
102 grant the petition only upon a finding, by clear and convincing
103 evidence, that:

104 1. The child's parent or parents are unfit to provide for
105 the care and control of the child. In determining that a parent
106 is unfit, the court must find that the parent has abused,
107 abandoned, or neglected the child, as defined in chapter 39; or

108 2. The best interests of the child would be served by the
109 granting of custody, and there is a substantial threat of
110 significant and demonstrable harm to the child if custody is not
111 granted. Evidence of extensive, abusive, and chronic use of a
112 controlled substance or alcohol by a parent to the extent that
113 the parent's ability to provide supervision and care for the
114 child has been or is likely to be severely compromised is
115 sufficient for a court to make a finding of substantial threat
116 of significant and demonstrable harm to the child. As used in
117 this paragraph, the term "controlled substance" means
118 prescription drugs not prescribed for the parent or not
119 administered as prescribed and controlled substances as outlined
120 in Schedule I or Schedule II of s. 893.03.

121 | **Section 5.** This act shall take effect July 1, 2026.