## Florida Senate - 2005

## CS for SB 510

By the Committee on Judiciary; and Senators Fasano and Posey

590-1643-05

1	A bill to be entitled
2	An act relating to temporary custody of a child
3	by an extended family member or putative
4	father; amending s. 751.011, F.S.; defining the
5	term "extended family member"; amending s.
б	751.02, F.S.; authorizing an extended family
7	member to bring a proceeding in court to
8	determine the temporary custody of a child;
9	amending s. 751.03, F.S.; specifying the
10	information that must be included in a petition
11	for temporary custody by an extended family
12	member or putative father; providing that only
13	an extended family member or putative father
14	may file a petition for temporary custody under
15	ch. 751, F.S.; amending s. 751.05, F.S.;
16	providing that either or both of the child's
17	parents may petition the court to modify the
18	order granting temporary custody under certain
19	circumstances; providing an effective date.
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21	Be It Enacted by the Legislature of the State of Florida:
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23	Section 1. Subsection (1) of section 751.011, Florida
24	Statutes, is amended to read:
25	751.011 DefinitionsAs used in ss. 751.01-751.05,
26	the term:
27	(1) "Extended family <u>member</u> " is any <u>person who is a</u>
28	<u>relative:</u>
29	(a) Within the third degree by blood or marriage to
30	the parent or stepparent of a child and who is caring
31	full-time for that child in the role of substitute parent; or
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1	(b) Within the third degree by blood or marriage to
2	the parent or stepparent of a child and who is caring
3	full-time for that child and a half-brother or half-sister of
4	that child, in the role of substitute parent family composed
5	of the minor child and a relative of the child who is the
6	child's brother, sister, grandparent, aunt, uncle, or cousin.
7	Section 2. Section 751.02, Florida Statutes, is
8	amended to read:
9	751.02 Determination of temporary custody proceedings;
10	jurisdictionAny <u>extended family member</u> <del>relative</del> of a minor
11	child who has the signed, notarized consent of the child's
12	legal parents, or any <u>extended family member</u> relative of the
13	child, including a putative father, with whom the child is
14	presently living, may bring proceedings in the circuit court
15	to determine the temporary custody of the child. A putative
16	father may bring a proceeding for temporary custody only when
17	he is unable to perfect personal service of process upon the
18	mother of the child. When the putative father is able to
19	perfect personal service of process upon the mother of the
20	child, he must petition for custody and other relief,
21	including the establishment of his paternity of the child,
22	under chapter 742.
23	Section 3. Section 751.03, Florida Statutes, is
24	amended to read:
25	751.03 Petition for temporary custody; contents <u>Each</u>
26	Every petition for temporary custody of a minor child must be
27	verified by the petitioner and must contain statements, to the
28	best of petitioner's knowledge and belief, showing:
29	(1) The name, date of birth, and current address of
30	the child;
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1 (2) The names and current addresses of the child's 2 parents; 3 (3) The names and current addresses of the persons with whom the child has lived during the past 5 years; 4 5 (4) The places where the child has lived during the б past 5 years; 7 (5) Information concerning any custody proceeding in 8 this or any other state with respect to the child; (6) The residence and post office address of the 9 petitioner; 10 (7) The petitioner's relationship to the child, 11 12 including the circumstances leading the petitioner to believe 13 he is the natural father of the child when the petitioner is the putative father; and 14 (8) The consent of the child's parents, or the 15 circumstances of the child's current living situation with the 16 17 petitioner, including all information concerning the fitness 18 of the parents to raise the child, including information concerning whether either parent has abused, abandoned, or 19 neglected the child; -20 21 (9) Any temporary or permanent child support, attorney's fees, costs, and disbursements; 22 23 (10) Whether an order of protection governing the parties or a party and a minor child of the parties or party 2.4 is in effect and, if so, the court or similar jurisdiction in 25 26 which the order was entered; 27 (11) That it is in the best interests of the child for 2.8 the petitioner to have custody of the child; and (12)(9) A statement of the period of time the 29 petitioner is requesting temporary custody, including a 30 statement of the reasons supporting that request. 31

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1 2 Only an extended family member or putative father may file a petition under this chapter. 3 4 Section 4. Subsection (7) of section 751.05, Florida 5 Statutes, is amended to read: б 751.05 Order granting temporary custody.--7 (7) At any time, either or both of the child's parents 8 may petition the court to modify or terminate the order 9 granting temporary custody upon a finding that the parent requesting the termination of the order is a fit parent, or by 10 11 consent of the parties. 12 Section 5. This act shall take effect July 1, 2005. 13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN 14 COMMITTEE SUBSTITUTE FOR Senate Bill 510 15 16 17 This Committee Substitute makes the following changes: 18 Identifies additional family members who are authorized to petition for temporary custody of a child, rather than extending temporary custody authority to non-family 19 members; 20 Provides that an extended family member caring full-time for a child or a child and half-sibling, as a substitute 21 parent, within the third degree by blood or marriage to the parent or stepparent of a child, is authorized to file a temporary custody petition; 22 23 Adds an additional criteria to current petition 2.4 requirements to include information about the fitness of the parents; and 25 Specifies that only an extended family member or a putative father can file a petition for temporary 26 custody. 27 2.8 29 30 31

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