

2020124er

1
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 individuals seeking concurrent
8 custody; amending s. 751.03, F.S.; allowing any other
9 provisions related to the best interest of the child
10 to be considered in a petition for temporary or
11 concurrent custody; amending s. 751.05, F.S.;
12 authorizing courts to include provisions requested in
13 petitions for temporary or concurrent custody which
14 relate to the best interest of the child; authorizing
15 the court to order on its own motion the transitioning
16 of a child back to the custody of his or her parents
17 in such proceedings under certain circumstances;
18 requiring the court to consider specified factors when
19 entering such order; authorizing courts to require
20 parties to comply with provisions approved in the
21 order which relate to a reasonable plan for
22 transitioning custody before terminating the order;
23 providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (4) is added to section 751.01,
28 Florida Statutes, to read:

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

2020124er

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

32 Section 2. Section 751.011, Florida Statutes, is amended to
33 read:

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

35 (1) "Concurrent custody" means that an eligible extended
36 family member is awarded custodial rights to care for a child
37 concurrently with the child's parent or parents.

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

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

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

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

49 Section 3. Subsection (2) of section 751.02, Florida
50 Statutes, is amended to read:

51 751.02 Temporary or concurrent custody proceedings;
52 jurisdiction.—

53 (2) In addition to the requirements of subsection (1), an
54 individual seeking concurrent custody must:

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

58 (b) Not have signed, written documentation from a parent

2020124er

59 which is sufficient to enable the custodian to do all of the
60 things necessary to care for the child which are available to
61 custodians who have an order issued under s. 751.05.

62 Section 4. Subsection (13) of section 751.03, Florida
63 Statutes, is amended, and subsection (14) is added to that
64 section, to read:

65 751.03 Petition for temporary or concurrent custody;
66 contents.—Each petition for temporary or concurrent custody of a
67 minor child must be verified by the petitioner, who must be an
68 extended family member, and must contain statements, to the best
69 of the petitioner's knowledge and belief, providing:

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

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

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

78 751.05 Order granting temporary or concurrent custody.—

79 (4) The order granting:

80 (a) Concurrent custody of the minor child may not eliminate
81 or diminish the custodial rights of the child's parent or
82 parents. The order must expressly state that the grant of
83 custody does not affect the ability of the child's parent or
84 parents to obtain physical custody of the child at any time,
85 except that the court may approve provisions requested in the
86 petition which are related to the best interest of the child,
87 including a reasonable transition plan that provides for a

2020124er

88 return of custody back to the child's parent or parents.

89 (b) Temporary custody of the minor child to the petitioner
90 may include provisions requested in the petition which are
91 related to the best interest of the child, including a
92 reasonable transition plan that provides for a return of custody
93 back to the parent or parents, and may also grant visitation
94 rights to the child's parent or parents, if it is in the best
95 interest of the child.

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

99 (a) The court may modify an order granting temporary
100 custody if the parties consent or if modification is in the best
101 interest of the child.

102 (b) The court shall terminate the order upon a finding that
103 the parent is a fit parent, or by consent of the parties, except
104 that the court may require the parties to comply with provisions
105 approved in the order which are related to a reasonable plan for
106 transitioning custody before terminating the order.

107 (c) If the order granting temporary custody was entered
108 after a finding that the child's parent or parents are unfit and
109 the child has been in the temporary custody of an extended
110 family member for a period of time the court determines to be
111 significant, the court may, on its own motion, establish
112 reasonable conditions, which are in the best interests of the
113 child, for transitioning the child back to the custody of the
114 child's parent or parents. In determining such reasonable
115 conditions, the court shall consider all of the following:

116 1. The length of time the child lived or resided with the

2020124er

117 extended family member.

118 2. The child's developmental stage.

119 3. The length of time reasonably needed to complete the
120 transition ~~The court may modify an order granting temporary~~
121 ~~eustody if the parties consent or if modification is in the best~~
122 ~~interest of the child.~~

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

126 (a) The court shall terminate the order upon a finding that
127 either or both of the child's parents object to the order,
128 except that the court may require the parties to comply with
129 provisions approved in the order which are related to a
130 reasonable plan for transitioning custody before terminating the
131 order.

132 (b) The fact that an order for concurrent custody has been
133 terminated does not preclude any person who is otherwise
134 eligible to petition for temporary custody from filing such
135 petition.

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