

LEGISLATIVE ACTION

Senate Comm: RCS 04/07/2021 House

The Committee on Rules (Wright) recommended the following:

## Senate Amendment (with title amendment)

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Delete lines 27 - 77
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4 and insert:

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5 responsibilities, and joys, of childrearing. <u>Except as otherwise</u> 6 <u>provided in this paragraph</u>, there is no presumption for or 7 against the father or mother of the child or for or against any 8 specific time-sharing schedule when creating or modifying the 9 parenting plan of the child.

The court shall order that the parental responsibility
 for a minor child be shared by both parents unless the court



to the child. The following evidence creates a rebuttable presumption of detriment to the child: that a. A parent has been convicted of a misdemeanor of the first degree or higher involving domestic violence, as defined in s. 741.28 and chapter 775;or b. A parent meets the criteria of s. 39.806(1)(d); or c. A parent has been convicted of or had adjudication withheld for an offense enumerated in s. 943.0435(1)(h)1.a., and at the time of the offense: (I) The parent was 18 years of age or older. (II) The victim was under 18 years of age or the parent believed the victim to be under 18 years of age or the parent believed the victim to be under 18 years of age or the parent is advised by the court that the presumption exists, shared parental responsibility, including time-sharing with the child, and decisions made regarding the child, may not be granted to the court determines that shared parental responsibility would be detrimental to the child, it may order sole parental responsibility and make such arrangements for time-sharing as specified in the parenting plan as will best protect the child or abused spouse from further harm. Whether or not there is a conviction of any offense of domestic violence of domestic violence	12	finds that shared parental responsibility would be detrimental
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39 the existence of an injunction for protection against domestic	37	or abused spouse from further harm. Whether or not there is a
	38	conviction of any offense of domestic violence or child abuse or
40 violence, the court shall consider evidence of domestic violence	39	the existence of an injunction for protection against domestic
	40	violence, the court shall consider evidence of domestic violence

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41 or child abuse as evidence of detriment to the child. 42 3.a. In ordering shared parental responsibility, the court 43 may consider the expressed desires of the parents and may grant 44 to one party the ultimate responsibility over specific aspects of the child's welfare or may divide those responsibilities 45 between the parties based on the best interests of the child. 46 Areas of responsibility may include education, health care, and 47 any other responsibilities that the court finds unique to a 48 49 particular family. 4.b. The court shall order sole parental responsibility for 50 51 a minor child to one parent, with or without time-sharing with 52 the other parent if it is in the best interests of the minor 53 child. 54 5. There is a rebuttable presumption against granting time-55 sharing with a minor child if a parent has been convicted of or 56 had adjudication withheld for an offense enumerated in s. 57 943.0435(1)(h)1.a., and at the time of the offense: 58 a. The parent was 18 years of age or older. 59 b. The victim was under 18 years of age or the parent 60 believed the victim to be under 18 years of age. 61 62 A parent may rebut the presumption upon a specific finding in 63 writing by the court that the parent poses no significant risk 64 of harm to the child and that time-sharing is in the best 65 interests of the minor child. If the presumption is rebutted, 66 the court shall consider all time-sharing factors in subsection 67 (3) when developing a time-sharing schedule. 68 6.3. Access to records and information pertaining to a 69



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71	And the title is amended as follows:
72	Delete lines 2 - 7
73	and insert:
74	An act relating to parenting and time-sharing of a
75	minor child for a convicted parent; amending s. 61.13,
76	F.S.; creating a rebuttable presumption against shared
77	parental responsibility and time-sharing with a minor
78	child for certain parents who have been convicted of
79	or had adjudication withheld for a specified offense;
80	providing an effective date.