2020 Bill Highlights

As of 3/13/2020

SB 124 – Custody of Minor Children by Senator Bean (R - Jacksonville)

Companion Bill: HB 185 - Representative Roach (R- North Fort Myers)

Target Population: Minor children in the custody of extended family members; the parents seeking custody of those children; the Department of Children and Families.

Summary: Revises the requirements for custody transitions by extended family; Provides a legal mechanism for extended family to petition a court for temporary or concurrent custody of a child which allows them the authority to provide medical care, enroll the child in school, and provide other services for the care of the child. Allows for the parents and extended family to include their requests for the protection of the child in a transition plan approved by a judge. Following an extended family member having custody of a child for a significant period of time, courts are authorized to set requirements that take into account the best interest of the child for returning the child to parents. Allows the court jurisdiction to enforce provisions for transition of custody even if the parents object.
Impact: SB 124 is designed to help families in crisis who need help caring for children but don’t require the dependency system because relatives or close friends are willing to step up and take care of the children for a time. This often occurs when the parent leaves due to military deployment, meeting a job-related requirement, experiencing an extended illness, being incarcerated, or seeking assistance for a substance use disorder.

A legal change in guardianship is needed when the biological parent or guardian is unavailable. Key decisions or issues can arise if there is not someone with the legal right to make decisions for the child available. Enrolling in school, field trip permission slips, medical procedures, playing after-school sports, participating in certain activities, and more require the signature and permission from the child’s legal guardian.

Another critical feature of the bill is to give the option of a transition plan when a child returns to the parents. This is not needed in many cases, but in light of the opioid crisis and the realities of substance abuse/mental health, this provision protects children by setting up the transition in advance. An opportunity to go before a judge to finalize a transition plan will ensure that all party’s rights are taken into account and that children will be safe throughout the process. If the parties choose to do this, the bill allows judges to enforce conditions that the parties agree to and take into account the best interest of the child.

The Children’s Campaign supports the ability for children in unique custody situations to have the same sense of normalcy as their peers. It is important that placement and custody decisions are made in the best interest of the child to encourage permanency and stability.

Effective Date: Upon becoming law