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Florida Family Law Practice Manual

Publication 80643 Release 63 December 2009

HIGHLIGHTS

2008 and 2009 Parental Responsibility and Timesharing Legislation

- See Chapter 8.

New Standard Family Law Forms

- See Volume 4.

2008 and 2009 Parental Responsibility and Timesharing Legislation

Chapter 8 has been substantially rewritten to reflect legislation enacted in 2008 and 2009, which changed the terminology used in family law cases involving minor children, replacing the terms “custody” and “visitation” with “timesharing,” and “custodial parent,” “noncustodial parent,” and “residential parent” with the word “parent.” Under the new legislation, written parenting plans, including timesharing schedules, must be established in dissolution actions involving minor children. Parenting plans must be agreed to by the parents and approved by the court. If the parties cannot agree to a plan, or if the court finds that the

agreed-to plan is not in the child’s best interests, the plan must be established by the court [*see* 2009 Fla. Laws, ch. 2009-180, § 1].

While the child’s best interests continue to be the governing factor in determining timesharing arrangements, the 2008 legislation adds new factors that the court must consider in making a best interests determination, including each parent’s “demonstrated capacity” to consider the child’s needs, to encourage the relationship between the child and the other parent, and to honor the time-sharing schedule, while being reasonable about necessary changes to the schedule [*see* 2008 Fla. Laws, ch. 2008-61, § 8].

Chapter 8 also discusses 2009 legislation that simplifies the procedures a parent must follow prior to relocating. These procedures apply to all parents with timesharing rights, regardless of where the child resides [*see* 2009 Fla. Laws, ch. 2009-180, § 4]. In addition, Chapter 8 discusses newly enacted legislation governing the appointment and duties of parenting coordinators

[see 2009 Fla. Laws, ch. 2009-180, § 2], and modification of time-sharing when one of the parents is unavailable because of military duty [see 2008 Fla. Laws, ch. 2008-61, § 10].

New Standard Family Law Forms

In addition to updating Chapter 8 with coverage of 2008 and 2009 legislation, this release adds two standard parenting plan forms adopted by the Florida Supreme Court in 2009 [see *In Re: Amendments to the Florida Supreme Court Approved Family Law Forms, 2009 Fla. LEXIS 574, ___ Fla. L. Weekly ___, ___ So. 3d ___* (Fla. Mar. 26, 2009); see also ch. 32, *Parental Responsibility and Timesharing*]. One of the parenting plan forms is for general use in cases involving parental responsibility and timesharing [see Fla. Sup. Ct. Approved Form 12.995(a)], and the other is for use in cases involving agreed or court-imposed safety precautions [see Fla. Sup. Ct. Approved Form 12.995(b)].

Revised Standard Family Law Forms

In addition to adopting parenting plan forms, the Supreme Court also adopted amendments to a number of existing forms. Most of the amendments (1) revised the forms to reflect the 2008 statutory terminology changes, and (2) incorporated into the forms the concepts of timesharing and parenting plans. Additional minor revisions and editorial changes were also made [see *In Re: Amendments to the Florida Supreme Court Approved Family Law Forms, 2009 Fla. LEXIS 574, ___ Fla. L. Weekly ___, ___ So. 3d ___* (Fla. Mar. 26, 2009) (setting forth all amended forms in Appendix to Court's opinion)]. The following is a list of amended forms that were replaced in Volume 4:

- Notice of Limited Appearance, Florida Supreme Court Approved

Family Law Form 12.900(b).

- Consent to Limited Appearance by Attorney, Florida Supreme Court Approved Family Law Form 12.900(c).
- Agreement Limiting Representation, Florida Supreme Court Approved Family Law Form 12.900(g).
- Notice of Related Cases, Florida Supreme Court Approved Family Law Form 12.900(h).
- Petition for Dissolution of Marriage with Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.901(b)(1).
- Uniform Child Custody Jurisdiction and Enforcement Act (UC-CJEA) Affidavit, Florida Supreme Court Approved Family Law Form 12.902(d).
- Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e).
- Marital Settlement Agreement for Dissolution of Marriage with Dependent or Minor Child(ren), Florida Family Law Rules of Procedure Form 12.902(f)(1).
- Answer, Waiver, and Request for Copy of Final Judgment of Dissolution of Marriage, Florida Family Law Rules of Procedure Form 12.903(a).
- Answer to Petition for Dissolution of Marriage, Florida Family Law Rules of Procedure Form 12.903(b).
- Answer to Petition and Counterpetition for Dissolution of Marriage with Dependent or Minor Child(ren), Florida Family Law

Rules of Procedure Form 12.903(c).

- Answer to Supplemental Petition, Florida Family Law Rules of Procedure Form 12.903(e).
- Petition for Support Unconnected with Dissolution of Marriage with Dependent or Minor Child(ren), Florida Family Law Rules of Procedure Form 12.904(a).
- Supplemental Petition to Modify Parenting Plan/Time-Sharing Schedule and Other Relief, Florida Supreme Court Approved Family Law Form 12.905(a).
- Supplemental Petition for Modification of Child Support, Florida Supreme Court Approved Family Law Form 12.905(b).
- Supplemental Petition for Temporary Modification of Parenting Issues for Child(ren) of Parent Activated, Deployed, or Temporarily Assigned to Military Service, Florida Supreme Court Approved Family Law Form 12.905(d).
- Affidavit Of Diligent Search, Florida Supreme Court Approved Family Law Form 12.913(c).
- Standard Family Law Interrogatories for Original or Enforcement Proceedings, Florida Supreme Court Approved Family Law Form 12.930(b).
- Standard Family Law Interrogatories for Modification Proceedings, Florida Supreme Court Approved Family Law Form 12.930(c).
- Motion to Modify or Dissolve Temporary Injunction (not intended for use in DV cases), Florida Supreme Court Approved Family Law Form 12.940(d).
- Order Dissolving Temporary Injunction. (not intended for use in DV cases), Florida Supreme Court Approved Family Law Form 12.940(e).
- Verified Motion for Temporary Injunction to Prevent Removal of Minor Child(ren) and/or Denial of Passport Services, Florida Supreme Court Approved Family Law Form 12.941(a).
- Temporary Injunction to Prevent Removal of Minor Child(ren) and/or Denial of Passport Services (Ex Parte), Florida Supreme Court Approved Family Law Form 12.941(b).
- Temporary Injunction to Prevent Removal of Minor Child(ren) and/or Denial of Passport Service (After Notice), Florida Supreme Court Approved Family Law Form 12.941(c).
- Emergency Verified Motion for Child Pick-Up Order, Florida Supreme Court Approved Family Law Form 12.941(d).
- Order to Pick-Up Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.941(e).
- Motion for Appointment of Guardian ad Litem, Florida Supreme Court Approved Family Law Form 12.942(a).
- Order Appointing Guardian ad Litem, Florida Supreme Court Approved Family Law Form 12.942(b).
- Motion to Deviate from Child Support Guidelines, Florida Supreme Court Approved Family Law Form 12.943.
- Motion for Temporary Support and Time-Sharing With Depen-

dent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.947(a).

- Temporary Order of Support with Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.947(b).
- Motion for Civil Contempt/Enforcement, Florida Supreme Court Approved Family Law Form 12.960.
- Notice of Hearing on Motion for Civil Contempt/Enforcement, Florida Supreme Court Approved Family Law Form 12.961.
- Petition for Injunction for Protection Against Domestic Violence, Florida Supreme Court Approved Family Law Form 12.980(a).
- Temporary Injunction for Protection Against Domestic Violence With Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.980(c)(1).
- Final Judgment of Injunction for Protection Against Domestic Violence With Minor Child(ren) (After Notice), Florida Supreme Court Approved Family Law Form 12.980(d)(1).
- Stepparent Adoption: Consent and Waiver by Parent, Florida Supreme Court Approved Family Law Form 12.981(a)(1).
- Joint Petition for Adoption by Stepparent, Florida Supreme Court Approved Family Law Form 12.981(b)(1).
- Final Judgment of Stepparent Adoption, Florida Supreme Court Approved Family Law Form 12.981(b)(2).
- Petition for Change of Name (Minor Child(ren)), Florida Supreme

Court Approved Family Law Form 12.982(c).

- Petition to Determine Paternity and for Related Relief, Florida Supreme Court Approved Family Law Form 12.983(a).
- Answer to Petition to Determine Paternity and for Related Relief, Florida Supreme Court Approved Family Law Form 12.983(b).
- Answer to Petition and Counterpetition to Determine Paternity and for Related Relief, Florida Supreme Court Approved Family Law Form 12.983(c).
- Final Judgment of Paternity, Florida Supreme Court Approved Family Law Form 12.983(g).
- Final Judgment of Dissolution of Marriage with Dependent or Minor Child(ren) (Uncontested), Florida Supreme Court Approved Family Law Form 12.990(b)(1).
- Final Judgment of Dissolution of Marriage with Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.990(c)(1).
- Supplemental Final Judgment Modifying Parental Responsibility, Visitation, or Parenting Plan/Time-Sharing Schedule and Other Relief, Florida Supreme Court Approved Family Law Form 12.993(a).
- Supplemental Temporary Judgment Modifying Parenting Issues for Child(ren) of A Parent Activated, Deployed, or Temporarily Assigned to Military Service, Florida Supreme Court Approved Family Law Form 12.993(d).
- Final Judgment for Support Unconnected with Dissolution of

Marriage with Dependent or Minor Child(ren), Florida Supreme Court Approved Family Law Form 12.994(a).

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