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# Florida Family law Practice Manual

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## HIGHLIGHTS

### Volume 1

- Chapter 8, *Parental Responsibility and Timesharing*

### Volume 2

- Chapter 12, *Temporary Relief*

### Volume 3

- Text of Florida Statutes and Rules

### Volume 4

- Text of Florida Family Law Rules of Procedure Forms and Florida Supreme Court Approved Family Law Forms

### Volume 1

#### Chapter 8, Parental Responsibility and Timesharing

##### New Chapter Title

The title of Chapter 8 has been changed from “*Custody of Minor Child*” to “*Parental Responsibility and Timesharing*,” to reflect changes in statutory terminology [see 2008 Fla. Laws, ch. 2008-61].

### Parenting Coordinators

Discussion of a newly adopted 2010 procedural rule regarding parenting coordinators has been added to Chapter 8 in this release. The new rule, Florida Family Law Rule of Procedure 12.742, has been described by the Florida Supreme Court as implementing and complementing the 2009 statute regarding parenting coordinators [see In re Amendments to the Fla. Family Law Rules of Procedure, 27 So. 3d 650 (Fla. 2010) (adopting and explaining Rule 12.742); see also 2009 Fla. Laws, ch. 2009-180, § 2, creating Fla. Stat. § 61.125 (parenting coordinators)]. The 2009 legislation standardized the qualifications, appointment, duties, payment, and termination of parenting coordinators [see Fla. Stat. § 61.125]. Rule 12.742 covers the following [see Fla. Fam. L. R. P. 12.742]: (1) specific procedures for obtaining appointment of an initial or subsequent parenting coordinator; (2) the maximum time for service of a parenting coordinator; (3) procedures for obtaining involuntary termination of a parenting coordinator’s

services based on good cause; (4) specific actions that may be taken by a parenting coordinator who has the express written consent of the parties, one party, or the court, respectively; (5) limitations on a parenting coordinator's authority, including a prohibition against resolving substantive disputes between the parties and the meaning of the term "substantive dispute"; (6) grounds and procedures for a parenting coordinator to obtain a temporary *ex parte* emergency order; (7) submission by a parenting coordinator of written communications to the court regarding nonconfidential matters; and (8) limitations on a parenting coordinator's duty to testify or be subject to discovery. In sum, the discussion added in this release renders Chapter 8 completely up to date with regard to Florida legislation and rules that govern parenting coordinators.

In this release, the following new cases pertaining to parental responsibility and timesharing are discussed in Chapter 8: *Arthur v. Arthur*, 35 Fla. L. Weekly S 38, \_\_\_ So. 3d \_\_\_, 2010 Fla. LEXIS 41 (Fla. Jan. 14, 2010); *Lovell v. Lovell*, 14 So. 3d 1111 (Fla. 5th DCA 2009); *Mahmood v. Mahmood*, 15 So. 3d 1 (Fla. 4th DCA 2009).

#### Further Revision to Reflect 2008–2009 Statutory Amendments:

The last release incorporated coverage of important 2008 and 2009 parenting legislation into this publication, including changes in statutory terminology, a new requirement that parents have a written parenting plan, new statutory provisions governing the use of parenting coordinators, and a streamlining of relocation statute procedures [*see* 2009 Fla. Laws, ch. 2009-180; 2008 Fla. Laws, ch. 2008-61]. This release further addresses coverage of the 2008 and 2009 legislation in Chapter 8. Specifically, (1) an introductory section has

been added that explains how the legislation is covered in the chapter, with regard to both its substance and the 2008 terminology changes [*see* § 8.01]; (2) various sections have been revised to clearly differentiate the 2008 and 2009 legislation from prior law [*see* §§ 8.01–8.06]; and (3) coverage of related issues has been combined, including coverage of shared and sole parental responsibility [*see* § 8.02] and discussion of nonparental custody and visitation [*see* § 8.06].

## Volume 2

### Chapter 12, *Temporary Relief*

The portions of this chapter that pertain to orders for temporary parental responsibility and timesharing have been revised to reflect the 2008–2009 parenting legislation. In addition, the section regarding procedure [*see* § 12.02] has been revised to include a discussion of pleadings, financial disclosure, and notice in actions involving requests for financial relief. The discussion regarding financial disclosure has been updated to specifically reflect the impact of Florida Family Law Rule of Procedure 12.285 on the submission of financial documents in temporary proceedings, and recent case law concerning temporary financial disclosure is incorporated [*see* *Jacob v. Jacob*, 26 So. 3d 11 (Fla. 2d DCA 2009)].

## Volume 3

### Text of Florida Statutes and Rules

New Florida Family Law Rule of Procedure 12.742 regarding parenting coordinators has been added to Volume 3 [*see* In re Amendments to the Fla. Family Law Rules of Procedure, 27 So. 3d 650 (Fla. 2010) (adopting Rule 12.742)].

Another new rule, Family Law Rule of Procedure 12.201, exempts family law cases from the procedural requirements that are applicable to complex litigation in civil cases generally [*see* Fla. Fam. L. R. P.

12.201; Fla. R. Civ. P. 1.201 (defining complex litigation in civil context and imposing procedural requirements in complex litigation cases); *see also* In re Amendments to the Fla. Rules of Civ. Procedure—Mgmt. of Cases Involving Complex Litig., 15 So. 3d 558 (Fla. 2009) (adopting Rules 1.201 and 12.201). New rule 12.201 has been added to Volume 3 in this release.

Two other family law rules that were amended in connection with the subject of complex litigation have been replaced with their amended versions in Volume 3 [*see* Fla. Fam. L. R. P. 12.015, 12.100; *see also* In re Amendments to the Fla. Rules of Civ. Procedure—Mgmt. of Cases Involving Complex Litig., 34 Fla. L. Weekly S 576, 30 So. 3d 477, 2009 Fla. LEXIS 1795 (Fla. Oct. 15, 2009) (amending Rules 12.015 and 12.100); In re Amendments to the Fla. Rules of Civ. Procedure—Mgmt. of Cases Involving Complex Litig., 15 So. 3d 558 (Fla. 2009) (amending Rule 12.100)].

Seven family law procedural rules were amended by the Supreme Court in 2008, and then in final form in 2009, to reflect important 2008 parenting legislation. Those rules have all been replaced in Volume 3 to reflect the most current version of each. The affected rules are (1) 12.010, (2) 12.200, (3) 12.210, (4) 12.363, (5) 12.491, (6) 12.610, and (7) 12.650 [*see* In re Amendments to the Fla. Family Law Rules, 19 So. 3d 950 (Fla. 2009); In re Amendments to Fla. Family Law Rule 12.010, 997 So. 2d 401 (Fla. 2008); In re Amendments to the Fla. Family Law Rules, 995 So. 2d 445 (Fla. 2008); *see also* 2008 Fla. Laws, ch. 2008-61].

Family law rules that were revised in the course of 2008, regular-cycle amendments, have been replaced to reflect their most current content. These rules are (1) Rule

12.040, (2) Rule 12.290, (3) Rule 12.310, (4) Rule 12.410, and (5) Rule 12.492 [*see* In re Amendments to Fla. Family Law Rules, 995 So. 2d 407 (Fla. 2008)].

#### **Volume 4**

#### **Text of Florida Family Law Rules of Procedure Forms and Florida Supreme Court Approved Family Law Forms**

This release adds the following new standard forms pertaining to the appointment of parenting coordinators: (1) Florida Family Law Rule of Procedure Form 12.984, *Response by Parenting Coordinator*; and (2) Florida Family Law Rule of Procedure Form 12.998, *Order of Referral to Parenting Coordinator* [*see* In re Amendments to the Fla. Family Law Rules of Procedure, 27 So. 3d 650 (Fla. 2010) (adopting Forms 12.984 and 12.998)].

The release adds three new income deduction forms adopted by the Supreme Court in 2010 [*see* In re Amendments to Fla. Family Law Rules of Procedure—Forms 12.996(a), 12.996(b), and 12.996(c), 2010 Fla. LEXIS 301, 35 Fla. L. Weekly S145, \_\_\_ So. 3d \_\_\_ (Fla. Mar. 4, 2010)]. Those forms are (1) an income deduction order [*see* Fla. Fam. L. R. P. Form 12.996(a)], (2) a notice to payor [*see* Fla. Fam. L. R. P. Form 12.996(b)], and (3) a notice of filing return receipt [*see* Fla. Fam. L. R. P. Form 12.996(c)].

A new form for use in proceedings involving temporary modification of the parental responsibility and timesharing rights of a military parent is included in this release. The form is Florida Supreme Court Approved Family Law Form 12.993(d), *Supplemental Temporary Judgment for Modification of Parenting Issues for Children of Military Parents*. The form was adopted by the Supreme Court to implement a statutory provision under which a

trial court may order a change of custody during a custodial parent's active military duty only on a temporary basis, and only if there is clear and convincing evidence that the change will be in the child's best interests [*see* Fla. Stat. § 61.13002; *see also* Ch. 8, *Parental Responsibility and Timesharing*].

A new "Cover Sheet for Family Court Cases" adopted by the Supreme Court in 2009 has been added to Volume 4 in this release [*see* Fla. Fam. L. R. P. Form 12.928; *see also* In re Amendments to the Fla. Rules of Civ. Procedure—Mgmt. of Cases Involving Complex Litig., 34 Fla. L. Weekly S 576, 30 So. 3d 477, 2009 Fla. LEXIS 1795 (Fla. Oct. 15, 2009) (amendment and final adoption of form)]. The cover sheet must be filed in all family and juvenile cases, and requires a petitioner to choose from a detailed list of case types to identify the type of case he or she is initiating. In addition, the petitioner must indicate whether a Notice of Related Cases, Florida Supreme Court Approved Family Law Form 12.900(h), is being filed with the cover sheet [*see* Fla. Fam. L. R. P. Form 12.928]. This provision of the form was adopted by the Supreme Court in the interest of promoting implementation of the goals of a unified family court [*see* In re Amendments to the Fla. Rules of Civ. Procedure—Mgmt. of Cases Involving Complex Litig., 15 So. 3d 558, 563–564 (Fla. 2009) (adopting cover sheet on preliminary basis)].

In late 2009, the Florida Supreme Court adopted final amendments to various forms to reflect 2008 legislation that requires written parenting plans and establishes the

term "timesharing" in place of terms such as "visitation" and "custody" [*see* In re Amendments to the Fla. Family Law Rules, 19 So. 3d 950 (Fla. 2009); *see also* 2008 Fla. Laws, ch. 2008-61]. Previously, in late 2008, the Supreme Court had approved preliminary amendments to a number of forms in response to the legislation enacted that year. Those amendments were subject to a public-comment period [*see* In re Amendments to the Fla. Family Law Rules, 995 So. 2d 445 (Fla. 2008)]. After expiration of the time for public comment, the Court adopted additional amendments to some of the forms, and pronounced all of the amendments to be final [*see* In re Amendments to the Fla. Family Law Rules, 19 So. 3d 950 (Fla. 2009)].

This release replaces the following forms with their 2009 versions [*see* In re Amendments to the Fla. Family Law Rules, 19 So. 3d 950 (Fla. 2009)]: (1) Florida Rule of Family Law Procedure 12.900(b) (Notice of Limited Appearance); (2) Florida Rule of Family Law Procedure 12.900(c) (Consent to Limited Appearance by Attorney); (3) Florida Rule of Family Law Procedure 12.930(b) (Standard Family Law Interrogatories for Original or Enforcement Proceedings); and (4) Florida Rule of Family Law Procedure 12.930(c) (Standard Family Law Interrogatories for Modification Proceedings). Another form, Florida Rule of Family Law Procedure 12.902(e) (Child Support Guidelines Worksheet), was amended in 2008 to reflect the 2008 legislative amendments, but was not further amended in 2009. Therefore, the 2008 version of that form, which exists in Volume 4, is accurate and was not replaced in this release.

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