

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

Case No: _____

Division: _____

IN THE INTEREST OF

Children

_____,
Petitioner,

and

_____,
Respondent/_____.

_____,
Respondent/_____.

ORDER GRANTING PETITION FOR TEMPORARY CUSTODY BY EXTENDED FAMILY

This case came before this Court for a hearing on a Petition for Temporary Custody by Extended Family. The Court, having reviewed the file and heard the testimony, makes these findings of fact and reaches these conclusions of law:

SECTION I. FINDINGS

1. The Court has jurisdiction over the subject matter and the parties.

2. The minor children at issue in this matter are:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

3. The Petitioner, *{full legal name}* _____
{choose one only}
_____ is the *{extended family relationship}* _____ of the child(ren)

OR

_____ qualifies as "fictive kin" as defined in section 39.01, Florida Statutes.

4. Parent *{full legal name}*, _____ referred
to as *{name or designation}* _____ of the child(ren):

{Choose one only}

a. _____ Filed a Waiver and Consent

- b. _____ Was served with the petition and failed to file an Answer
- c. _____ Is deceased as evidenced by: _____
- d. _____ Objected to the petition. Based upon clear and convincing evidence, the Court finds that the Parent *{name or designation}* _____ is unfit to provide for the care and control of the children. Specifically, the Parent has abused, abandoned, or neglected the children as defined in Chapter 39, Florida Statutes. It is in the best interest of the children that the Petitioner have temporary custody because: *{facts in support of finding}* _____

5. Parent *{full legal name}*, _____ referred to as, *{name or designation}* _____ of the children:

{Choose one only}

- a. _____ Filed a Waiver and Consent
- b. _____ Was served with the petition and failed to file an Answer
- c. _____ Is deceased as evidenced by: _____
- d. _____ Objected to the petition. Based upon clear and convincing evidence, the Court finds that Parent *{name or designation}* _____ is unfit to provide for the care and control of the children. Specifically, the Parent has abused, abandoned, or neglected the children as defined in Chapter 39, Florida Statutes. It is in the best interest of the children that the Petitioner have temporary custody because: *{facts in support of finding}* _____

6. It is in the best interest of the children for Petitioner to have temporary custody.

7. _____ A Transition Plan is not required for the best interests of the children prior to restoring full custody;

OR

_____ The following Transition Plan is in the best interests of the children and is ordered prior to restoring full custody: _____

SECTION II: TEMPORARY CUSTODY

1. The Petitioner, _____, is granted temporary custody of the minor children.

2. The Petitioner shall have all the rights and responsibilities of a legal parent.

3. The Petitioner is authorized to make all reasonable and necessary decisions for the minor children, including but not limited to:
 - a. Consent to all necessary and reasonable medical and dental care for the children, including nonemergency surgery and psychiatric care;

 - b. Secure copies of the children’s records, held by third parties, that are necessary for the care of the children, including, but not limited to: medical, dental, and psychiatric records; birth certificates and other records; and educational records;

 - c. Enroll the children in school and grant or withhold consent for the children to be tested or placed in special school programs, including exceptional education; and

 - d. Do all other things necessary for the care of the children.

SECTION III. VISITATION WITH MINOR CHILDREN

{Insert the name or designation of the appropriate parent in the spaces provided.}

The parent(s) shall have: *{Choose one only}*

1. _____ **Reasonable** visitation with the minor children as agreed to by the parties, subject to the following limitations: _____

_____.

2. _____ The following **specified visitation schedule**: *{specify days and times}*

Parent {name or designation} _____’s Visitation Schedule.

_____.

- Parent {name or designation} _____’s Visitation Schedule.**

_____.

3. _____ Parent(s) {*name or designation*} _____, _____ shall have **No Contact** with the minor children until further order of the Court, due to existing conditions that are detrimental to the welfare of the minor children: {*explain*} _____

 _____.

SECTION IV. CHILD SUPPORT

{*Insert the name or designation of the appropriate parent in the spaces provided.*}

1. The Petitioner _____ did _____ did not request the establishment of child support.
2. **If child support is requested**, the parents have received personal or substituted service of process, the petition requests an order for support of the children, and there is evidence of the parents' ability to pay the support ordered. Parent(s) {*name or designation*} _____ has the present ability to pay child support.

{*Choose one only*}

- a. _____ The amounts in the Child Support Guidelines Worksheet, Florida Family Law Rules of Procedure Form 12.902(e) filed by Parent(s) {*name or designation*} _____, _____ are correct;

OR

- b. _____ The Court makes the following findings:

Parent {*name or designation*} _____'s net monthly income is \$ _____, (Child Support Guidelines _____%).

Parent {*name or designation*} _____'s net monthly income is \$ _____, (Child Support Guidelines _____%).

Monthly childcare costs are \$ _____.

Monthly health/dental insurance costs are \$ _____.

OR

- c. _____ Parent {*name or designation*} _____ is currently ordered to pay child support to the other parent in the amount of \$ _____ per _____ as established in the case of {*style of case and number*} _____.

_____ All of the child support or _____ a portion of the child support in the amount of \$ _____ shall be **redirected** to the Petitioner.

3. **Amount**

- a. **Parent {*name or designation*} _____'s Obligation**
 Parent {*name or designation*} _____ shall be obligated to pay child support at the rate of \$ _____ per month for the _____ children {total number of parties' minor or dependent children} commencing _____ {month, day, year} and terminating _____ {month, day, year}.

This child support shall be paid in the amount of \$_____ per _____ {week, month, other} which is consistent with Parent {name or designation} _____'s current payroll cycle.

Upon the termination of the obligation of child support for one of the parties' children, child support in the amount of \$_____ for the remaining _____ children {total number of remaining children} shall be paid commencing _____ {month, day, year} and terminating _____ {month, day, year}. This child support shall be paid in the amount of \$_____ per _____ {week, month, other} consistent with Parent {name or designation} _____'s current payroll cycle.

{Insert paragraph for the child support obligation, including the amount, and commencement and termination dates, for the remaining minor or dependent children, which shall be payable as the obligation for each child ceases.}

Parent {name or designation} _____ shall pay child support until all minor or dependent children: reach the age of 18; become emancipated, marry, join the armed services, die, or become self-supporting; or until further order of the court or agreement of the parties. The child support obligation shall continue beyond the age of 18 and until high school graduation for any child who is dependent in fact, between the ages of 18 and 19, and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19.

If the child support ordered deviates from the guidelines more than 5%, the factual findings which support that deviation are: _____

_____.

b. Parent {name or designation} _____'s Obligation

Parent {name or designation} _____ shall be obligated to pay child support at the rate of \$_____ per month for the _____ children {total number of parties' minor or dependent children} commencing _____ {month, day, year} and terminating _____ {month, day, year}. Child support shall be paid in the amount of \$_____ per _____ {week, month, other} consistent with Parent {name or designation} _____'s current payroll cycle.

Upon the termination of the obligation of child support for one of the parties' children, child support in the amount of \$_____ for the remaining _____ children {total number of remaining children} shall be paid commencing _____ {month, day, year} and terminating _____ {month, day, year}. This child support shall be paid in the amount of \$_____ per _____ {week, month, other} consistent with Parent {name or designation} _____'s current payroll cycle.

{Insert paragraph for the child support obligation, including the amount, and commencement and termination dates, for the remaining minor or dependent children which shall be payable as the obligation for each child ceases.}

Parent {name or designation} _____ shall pay child support until all of the minor or dependent children: reach the age of 18; become emancipated, marry, join the armed services, die, or become self- supporting; or until further order of the court or agreement of the parties. The child support obligation shall continue beyond the age of 18 and until high school graduation for any child who is dependent in fact, between the ages of 18 and 19, and is still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19.

If the child support ordered deviates from the guidelines more than 5%, the factual findings which support that deviation are: _____

_____.

4. Retroactive Child Support and/or Arrearages

{If both parents are ordered to pay retroactive child support and/or arrearages, please include a separate paragraph for each parent.}

a. _____ Parent {name or designation} _____ shall pay retroactive child support in the amount of \$ _____ as of {date} _____ to the Petitioner. The retroactive child support shall be paid in the amount of \$ _____ per month, payable _____ in accordance with the employer's payroll cycle, and in any event at least once per month, or _____ other {explain} _____ commencing {date} _____, until paid in full including statutory interest.

b. _____ Parent {name or designation} _____ owes child support arrearages in the amount of \$ _____ as of {date} _____ to the other parent. The child support arrearages shall be paid in the amount of \$ _____ per month, payable _____ in accordance with the parent's employer's payroll cycle, and in any event at least once per month, or _____ other {explain} _____ commencing {date} _____, until paid in full including statutory interest.

5. Insurance

{Indicate all that apply}

a. Parent {name or designation} _____ shall be required to maintain _____ health and/or _____ dental insurance for the parties' minor child(ren), so long as reasonable in cost and accessible to the children. The party providing insurance shall be required to convey insurance cards demonstrating said coverage to the Petitioner and other parent.

OR

_____ health and/or _____ dental insurance is either not reasonable in cost or accessible to the children at this time.

b. _____ Reasonable and necessary uninsured medical/dental/prescription drug costs for the minor children shall be assessed as follows:

_____ Shared equally by both parents.

_____ Prorated according to the child support guidelines percentages.

_____ Other {explain} _____

As to these uninsured medical/dental/prescription drug expenses, the party who incurs the expense shall submit a request for reimbursement to the parent or parents within 30 days, and the parent or parents, within 30 days of receipt, shall submit the applicable reimbursement for that expense.

SECTION V. METHOD OF PAYMENT

The parent(s) shall pay court-ordered child support and arrearages, if any, as follows:

1. Place of Payment

a. _____ Parent(s) shall pay court-ordered support directly to either the State Disbursement Unit or the central depository, as required by statute, along with any fee required by statute.

OR

b. _____ The Petitioner and the Parent(s) have requested and the Court finds that it is in the best interest of the children that support payments need not be directed through either the State Disbursement Unit or the central depository at this time; however, any party may subsequently apply, pursuant to section 61.13(1)(d)(3), Florida Statutes, to require payment through either the State Disbursement Unit or the central depository.

2. Income Deduction

(If applicable)

a. _____ **Immediate.**

_____ Parent {name or designation} _____ and {if applicable} _____ Parent {name or designation} _____, hereinafter, Obligor(s), shall pay through income deduction, pursuant to a separate Income Deduction Order which shall be effective immediately. Obligor(s) is (are) individually responsible for paying this support obligation until all of said support is deducted from his/her income. Until support payments are deducted, the Obligor(s) is (are) responsible for making timely payments directly to the State Disbursement Unit or the Petitioner as previously set forth in this Order.

b. _____ **Deferred.** Income deduction is ordered this day, but it shall not be effective until a delinquency of \$ _____, or, if not specified, an amount equal to one month's obligation occurs. Income deduction is not being implemented immediately based on the following findings: Income deduction is **not** in the best interests of the children because: *{explain}* _____

_____.

AND

There is proof of timely payment of a previously ordered obligation without an Income Deduction Order;

AND

_____ there is an agreement by the Obligor(s) to advise the Title IV-D agency, the clerk of court, and the Petitioner of any change in Payor(s) and/or health insurance;

OR

_____ there is a signed, written agreement providing an alternative arrangement between the Petitioner and the Obligor(s) and, at the option of the IV-D agency, by the IV-D agency in IV- D cases in which there is an assignment of support rights to the state, reviewed and entered into the record by the court.

c. Bonus/one-time payments.

{Choose **one** only}

_____ All

_____ %

_____ No income paid in the form of a bonus or other similar one-time payment, up to the amount of any arrearage or the remaining balance thereof owed pursuant to this order, shall be forwarded to the Petitioner pursuant to the payment method prescribed above.

d. Other provisions relating to method of payment: _____
_____.

SECTION VI. ATTORNEY'S FEES, COSTS, AND SUIT MONEY

{Choose **one** only}

1. The _____ Petitioner's _____ Respondents' request(s) for attorney's fees, costs, and suit money is (are) denied because _____
_____.

2. _____ The Court finds there is a need for and ability to pay attorney's fees, costs, and suit money. _____ Petitioner _____ Respondent(s) is (are) ordered to pay the other party \$____ in attorney's fees, and \$_____ in costs. The Court further finds that the attorney's fees are awarded based on the reasonable rate of \$_____ per hour and _____ reasonable hours. Other provisions relating to attorney's fees, costs, and suit money are as follows: _____

_____.

SECTION VII. OTHER PROVISIONS

1. **Other Provisions** _____

_____.

2. The Court reserves jurisdiction to modify and enforce this Order for Temporary Custody.

3. Either or both parents may petition the Court to modify or terminate this Order at any time.

4. The Court may modify this Order if the parties consent or it is in the children's best interest.

5. This Order shall be terminated upon a finding that the parent or parents are fit parents or by consent of the parties; however, the Court may require the parties to comply with provisions approved in the Order which are related to a reasonable plan for transitioning custody to the parent or parents before terminating the Order.

6. If this Order is entered after a finding that the children's parent or parents are unfit and the children are in temporary custody with an extended family member for a significant period of

time, the Court, after considering statutory factors, may establish conditions, which are in the children's best interests, for transitioning custody to the children's parent or parents.

ORDERED in _____, Florida on _____.

CIRCUIT JUDGE

I certify that a copy of this Order for Temporary Custody was _____ mailed _____ faxed and mailed _____ e-mailed _____ hand-delivered to the parties and any entities listed below on *{date}*

_____.

by _____
{Clerk of court or designee}.

Petitioner (or his or her attorney)

Respondents (or his or her attorney(s))

_____ State Disbursement Unit

_____ Central Depository

_____ Other _____