

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

Case No: _____

Division: _____

_____,
Petitioner,

and

_____,
Respondent/Mother

_____,
Respondent/Father.

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 child(ren) at issue in this matter are:

Name

Date of Birth

Name	Date of Birth
_____	_____
_____	_____
_____	_____

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

4. The Mother *{full legal name}* _____ of the child(ren):
*{Choose **one** only}*

_____ Filed a Waiver and Consent

_____ Was served with the petition and failed to file an Answer

_____ Is deceased as evidenced by: _____

____ Objected to the petition. Based upon clear and convincing evidence, the Court finds that the Mother is unfit to provide for the care and control of the child(ren). Specifically, the Mother has abused, abandoned, or neglected the child(ren) as defined in Chapter 39, Florida Statutes. It is in the best interest of the child(ren) that the Petitioner have temporary custody because: *{facts in support of finding}* _____

_____.

5. The Father *{full legal name}* _____ of the child(ren):
{Choose one only}

____ Filed a Waiver and Consent

____ Was served with the petition and failed to file an Answer

____ Is deceased as evidenced by: _____

____ Objected to the petition. Based upon clear and convincing evidence, the Court finds that the Father is unfit to provide for the care and control of the child(ren). Specifically, the Father has abused, abandoned, or neglected the child(ren) as defined in Chapter 39, Florida Statutes. It is in the best interest of the child(ren) that the Petitioner have temporary custody because: *{facts in support of finding}*

_____.

6. It is in the best interest of the child(ren) for the Petitioner to have temporary custody.

SECTION II: TEMPORARY CUSTODY

1. The Petitioner, _____, is granted temporary custody of the minor child(ren).
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 child(ren), including but not limited to:
 - a) Consent to all necessary and reasonable medical and dental care for the child(ren), including nonemergency surgery and psychiatric care;

- b) Secure copies of the child(ren)'s records, held by third parties, that are necessary for the care of the child(ren), including, but not limited to: medical, dental, and psychiatric records; birth certificates and other records; and educational records;
- c) Enroll the child(ren) in school and grant or withhold consent for the child(ren) to be tested or placed in special school programs, including exceptional education; and
- d) Do all other things necessary for the care of the child(ren).

SECTION III. TEMPORARY TIME-SHARING WITH MINOR CHILD(REN)

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

1. ____ **reasonable** time-sharing with the minor child(ren) as agreed to by the parties, subject to the following limitations: _____
_____.

2. ____ the following **specified time-sharing schedule**: *{specify days and times}* _____
_____.

Mother's Temporary Time-Sharing Schedule.

_____.

Father's Temporary Time-Sharing Schedule.

_____.

3. ____ Time-Sharing in accordance with the temporary **Parenting Plan** attached as Exhibit ____.

4. The ____ Mother ____ Father shall have **No Contact** with the minor child(ren) until further order of the Court, due to existing conditions that are detrimental to the welfare of the minor child(ren): *{explain}* _____

_____.

SECTION IV. CHILD SUPPORT

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 child(ren), and there is evidence of the parents' ability to pay the support ordered. The ____ Mother ____ Father 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 the ____ Mother ____ Father are correct;

OR

b. ____ The Court makes the following findings:

The Mother's net monthly income is \$_____, (Child Support Guidelines ____%).

The Father's net monthly income is \$_____, (Child Support Guidelines ____%).

Monthly child care costs are \$_____.

Monthly health/dental insurance costs are \$_____.

OR

c. The ____ Mother ____ Father 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) **Father's Obligation**

The Father 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} which is consistent with the Father'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 the Father'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.}

The Father 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) Mother's Obligation

The Mother 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 the Mother'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 the Mother'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.}

The Mother 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. Arrearages/Retroactive Child Support

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

b) The ____ Mother ____ Father owes retroactive child support in the amount of \$_____ as of {date} _____ to the Petitioner. The retroactive child support shall be repaid in the amount of \$_____ per month, payable _____ in accordance with the employer's payroll cycle, and in any event at least once per month ____ other {explain} _____ commencing {date} _____, until paid in full including statutory interest.

5. Insurance

{Choose **all** that apply}

a) The ____ Mother ____ Father 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 child(ren). 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 child(ren) at this time.

b) ____ Reasonable and necessary uninsured medical/dental/prescription drug costs for the minor child(ren) 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 child(ren) 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.** ___ Mother ___ Father, hereinafter, Obligor(s), shall pay through income deduction, pursuant to a separate Income Deduction Order which shall be effective immediately. Obligor is 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 is 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 child(ren) 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 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.

3. 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.

4. 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.

DONE AND ORDERED in _____, Florida on *{date}* _____

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)
____ State Disbursement Unit
____ Central Depository
____ Other _____