

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 CONCURRENT CUSTODY BY EXTENDED FAMILY

This case came before this Court for a hearing on a Petition for Concurrent 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 children

OR

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

4. The Petitioner currently has physical custody of the children or has had physical custody of the children for at least 10 days in any 30-day period within the last 12 months.
5. The Petitioner does not have signed, written documentation from the parent(s) which is sufficient to enable the custodian to do all the things necessary to care for the children which are available to custodians who have an order for temporary custody by extended family.
6. Parent {full legal name} _____ of the children:
{Choose **one** only}
_____ Filed a Waiver and Consent
_____ Was served with the petition and failed to file an Answer
_____ Is deceased as evidenced by: _____
7. Parent {full legal name} _____ of the children:
{Choose **one** only}
_____ Filed a Waiver and Consent
_____ Was served with the petition and failed to file an Answer
_____ Is deceased as evidenced by: _____
8. It is in the best interest of the children for the Petitioner to have concurrent custody.
9. _____ 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: CONCURRENT CUSTODY

1. The Petitioner, _____, is granted concurrent custody of the minor children.
2. The Petitioner shall have all the concurrent rights and responsibilities of a legal parent.
3. The Petitioner is authorized, concurrently with the children's parents, 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. CHILD SUPPORT

{Insert the name or designation of the appropriate parent in the space 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 {name or designation} _____ and {if applicable}
☐ Parent {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 {name or designation} _____
☐ Parent {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}. 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 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: _____

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 _____ 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 children, 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 IV. METHOD OF PAYMENT

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

1. **Place of Payment**

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

OR

b. _____ The Petitioner and the Parents 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}* _____,

_____ 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

{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 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 V. ATTORNEY'S FEES, COSTS, AND SUIT MONEY {Choose **one only}**

1. The _____ Petitioner's _____ Respondent's 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 VI. CUSTODIAL RIGHTS OF CHILDREN’S PARENTS NOT ELIMINATED OR DIMINISHED

The granting of concurrent custody does not affect the ability of the children’s parent or parents to obtain physical custody of the children at any time; however, the Court may approve provisions which are related to the children’s best interest, including a reasonable Transition Plan, before custody is returned to the children’s parent or parents.

SECTION VII. OTHER PROVISIONS

1. Other Provisions _____

_____.
2. The Court reserves jurisdiction to modify and enforce this Order for Concurrent Custody.
3. This Order shall be terminated upon a finding that either or both of the children’s parents object to it; however, the Court may require the parties to comply with provisions approved in the Order relating to transitioning custody before terminating the Order.

ORDERED in _____, Florida on _____

CIRCUIT JUDGE

I certify that a copy of this Order for Concurrent 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 attorneys)
_____ State Disbursement Unit
_____ Central Depository
_____ Other _____