

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

ADMINISTRATIVE ORDER S-2011-014

CHILD CUSTODY PROCEEDINGS

It is necessary for the prompt and efficient administration of justice in this circuit to clarify the assignment procedures for petitions for custody of a minor child and petitions for guardianships of the person for a minor child. By the power vested in the chief judge under Article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215(b)(2), it is therefore ORDERED:

1. Chapter 751 Proceedings – Temporary Custody of Minor Children by Extended Family

A. Uncontested Proceedings

If a petition for temporary or concurrent custody of a minor child by extended family, filed in accordance with section 751.03, Florida Statutes, alleges it is an uncontested proceeding supported by the written consent of each living parent or documented abandonment by any living parent who has not consented, the petition will be filed with the Clerk of the Circuit Court (“clerk”) to be heard in the Domestic Relations / Family Law Division. A parent’s consent must be in writing and notarized unless given in court under oath. The case will be assigned to a specific division based on the assignment procedures for the Domestic Relations / Family Law Division. A petition to establish, modify, or terminate temporary or concurrent custody filed under chapter 751, Florida Statutes, must be accompanied by a Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (“UCCJEA Affidavit”), Family Law Form 12.902(d) and served on the parents.

B. Contested Proceedings

If a petition for temporary custody of a minor child by extended family, filed in accordance with section 751.03, Florida Statutes, alleges unfitness of a living parent, the petition will be initially filed with the clerk to be heard in the Domestic Relations / Family Law Division. The case will be assigned to a specific division based on the assignment procedures for the Domestic Relations / Family Law Division. A petition to establish, modify, or terminate temporary custody which has been filed under chapter 751, Florida Statutes, must be accompanied by a UCCJEA Affidavit, Family Law Form 12.902(d), and served on the parents.

C. Pending Dependency Proceedings

If a shelter or dependency petition regarding the minor child has been filed with the clerk prior to the chapter 751 petition being filed in accordance with sections 1A or 1B of this administrative order or if a shelter or dependency petition is filed during the pendency of a chapter 751 proceeding, the presiding domestic relations / family law division judge may consider transferring the chapter 751 petition to the appropriate division of the Juvenile Dependency Division.

2. Section 744.3021, Florida Statutes – Guardians of Minors

A petition for a custody arrangement in a guardianship of the person for a minor child under section 744.3021, Florida Statutes, based on the voluntary consent of all living parents, will be filed with the clerk and assigned to the Probate, Guardianship, & Trust Division. The petition must be accompanied by a UCCJEA Affidavit, Family Law Form 12.902(d). Upon review of the petition, the court will determine if a guardianship of the person for a minor child should be established.

If a guardianship of the person for a minor child is established and a parent later withdraws the consent, the parent must file a notarized notice of withdrawal of consent with the clerk and serve the notice on all interested parties and the court. The parent, guardian, or any interested person may afterwards file a petition for discharge of the guardian and termination of the guardianship. A hearing must be scheduled with the court prior to the termination of guardianship.

3. Chapter 61 and Chapter 742 Proceedings – Dissolution of Marriage and Paternity

When a parent files an action against another parent seeking timesharing or custody of a minor child, the action will be filed with the clerk pursuant to either Chapter 61 Dissolution of Marriage or Chapter 742 Paternity Action, as applicable, to be heard in the Domestic Relations / Family Law Division in accordance with Administrative Order S-2011-009 (*Family Law Procedures*) or its successor. The procedures for Chapter 61 and Chapter 742 proceedings may be found in the Family Law Procedures Administrative Order and any other applicable administrative orders.

4. Notice of Related Cases

Attorneys and parties must notify the court, by filing Family Law Form 12.900(h), upon awareness of the existence of any other court proceeding in any jurisdiction that may be relevant to the subject matter before the court. A copy of any relevant orders must be provided to the court. This obligation is a continuing one throughout the proceeding.

5. Change of Minor Child's Residence

A custodian or guardian must not, without prior court approval, change the permanent residence of the minor child. If a minor child whose custody arrangement has been granted by court order is moved to a new residence with court approval, the custodian or guardian must inform the court of the minor child's new address in writing within 30 days after the move. A custodian or guardian does not need prior court approval for a temporary change of residence for the purpose of schooling or holiday.

6. Notice of Change of Custodian's or Guardian's Contact Information

A custodian or guardian of minor children must promptly advise the court, via written notice filed with the clerk in the case in which the custodian or guardian was granted custody, of any change of his or her name, telephone number, or e-mail address. Notice must be filed with the clerk within 30 days of such change and must list the case number.

7. Death of the Minor Child

Within 15 days of a minor child's death, the custodian or guardian must apply for a certified copy of the minor child's death certificate. A certified copy of the minor child's death

certificate must be filed with the clerk immediately upon receipt. If a certified copy of the minor child's death certificate is not filed within 30 days of the minor child's death, the custodian or guardian must file a notice of death with the clerk.

8. Adoption of the Minor Child

Whenever a child whose custody arrangement has been granted by court order under Chapter 751 or Chapter 744 is subject to a petition for adoption, counsel for the adoption petitioner must present to the adoption court an order terminating the custody arrangement established under Chapter 744 or Chapter 751 at the same time the final judgment of adoption is presented. The original of this order must be promptly filed with the clerk. If the adoption is finalized in another circuit, a notice of adoption must be filed with the court which granted the Chapter 744 or Chapter 751 custody arrangement order within 30 days following the adoption of a minor child along with a petition to terminate the custody arrangement order.


9. Other Administrative Orders

This administrative order is meant to supplement and not replace administrative orders establishing court procedures for guardianship, family law, and dependency proceedings.

10. Effective Date

This administrative order will be effective April 1, 2011.

It is ORDERED in Tampa, Hillsborough County, Florida on this 30th day of March, 2011.


Manuel Menendez, Jr., Chief Judge

Original to: Pat Frank, Clerk of the Circuit Court
Copies to: All Probate, Guardianship & Trust Division Judges
All Domestic Relations/Family Law Judges
All Juvenile Dependency Judges
All General Magistrates and Hearing Officers
All Family Court Programs
Mike Carroll, Department of Children & Families
Charles Nelson, Guardian ad Litem Program
Jeff Rainey, Hillsborough Kids, Inc.
Bill Navas, Office of the Attorney General, Children's Legal Services
Hillsborough County Bar Association