

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA**

IN RE: The Interests of

CASE NO: _____
DIVISION: _____

a minor child,

FLA. BAR NO. _____

D.O.B.

**PETITION FOR TEMPORARY CUSTODY OF A MINOR CHILD
BY EXTENDED FAMILY MEMBER**

Petitioner, _____, by and through her undersigned attorney, submits this Petition for Temporary Custody of Minor Child by Extended Family Member, and as grounds alleges as follows:

1. **NOTICE OF ACTION:** This is an action brought under Chapter 751, Florida Statutes, 1995, seeking temporary custody of the minor child, _____, by the Petitioner, _____, who is the child's natural, maternal grandmother.

2. **JURISDICTION:** The child's natural mother has given signed, notarized consent to give the child's temporary custody to the maternal grandmother, with whom the child is not living, who now seeks to extend the duration of such custody, anticipating the mother's objection, through Order of this Court. Jurisdiction vests with this Court, pursuant to F.S. §751.02, on the basis that the child is now presently living with the Petitioner. An Order granting the child's temporary custody is appropriate, over the parents' objections, pursuant to F.S. §751.03, on the basis that the parents are unfit to provide the care and control of the child as the child has been abandoned, by the putative father, and abused by the mother, as those terms are defined in Chapter 39, Florida Statutes, 1995, and under F.S. §751.05(2), in that it is in the child's best interest to do so.

3. **VENUE:** The venue is appropriate in the Circuit Court of _____ County as this is the county where the minor child resides with the extended family member - the grandmother.

4. **CHILD SUBJECT TO THIS PROCEEDING** [F.S. §751.03(1)]: the minor child subject to this proceeding is _____, whose date of birth is _____, and whose current address is with that of the Petitioner, _____, _____ County, Florida.

5. **PARENTS OF THE CHILD** [F.S. §751.03(2)]: The names and current addresses of the child's natural parents are:

(a) The mother, _____, whose address is _____
_____.

(b) The father, _____, whose address is _____
_____. The father is listed on the child's birth certificate, a copy of which is attached to this Petition as Exhibit A and made part hereof by reference.

The mother and father were never married to each other nor there has never been an adjudication of paternity. It is unknown whether the putative father signed the consenting affidavit allowing his name to appear on the birth certificate, as required under Ch. 382.013(6)(b), Florida Statutes, 1995.

6. **AFFIDAVIT OF CHILD CUSTODY** [F.S. §751.03(3)-(5)]:

(a) The name and present address of the child in this case is:
_____.

(b) The places (addresses) where the child has lived for the past five years and with whom are as follows:

(c) The Petitioner does not know of, and has not participated (as a party, witness, or in any other capacity) in any other court decision, order, or proceeding (including divorce, separate maintenance, child neglect, dependency, or guardianship) concerning the custody or visitation of the child in this state or any other state.

(d) The Petitioner does not have information of any pending proceeding (including divorce, separate maintenance, child neglect, dependency, or guardianship) concerning the custody or visitation of the child in this state or any other state.

(e) The Petitioner does not know of any person who is not already a party to this proceeding, or a person subject to notice under this proceeding, who has physical custody of, or who claims to have custody or visitation rights with, the child.

7. **RESIDENCE OF PETITIONER** [F.S. §751.03(6)]: The
Petitioner's address is: _____

8. **PETITIONER'S RELATIONSHIP TO CHILD** [F.S. §751.03(7)]:
The Petitioner is the child's natural _____
(i.e., grandmother, paternal aunt, sister, etc.).

9. **BASIS OF ACTION** [F.S. §751.03(8)]:

(a) **Consent of Parents** [The following are example
paragraphs]:

(1) The mother has given consent for the minor child to temporarily by in the custody of the Petitioner (see Temporary Custody Agreement executed between the mother and the Petitioner, dated _____, attached hereto as Exhibit B and made a part hereof by reference) but not in the sense of consenting to this Petition. In the Agreement, the mother grants the child's temporary custody to be with that of Petitioner until such time as the mother unilaterally decides it to be "appropriate" for her to be returned to her (mother). This action seeks to extend the temporary custody beyond the time duration presently anticipated by the mother when she executed the Agreement. Therefore, the mother's objection to this action is anticipated, and pursuant to F.S. §751.05(2), the Petitioner believes that it is in the best interest of the minor child that the child's temporary custody remain with the Petitioner until further Order of this Court.

(2) The putative father has not given consent to this Petition. The father's last physical contact with the minor child was when the child was approximately one year old. At that time the father abandoned the mother and the minor child.

(b) Circumstances giving rise to child's living situation with Petitioner:

(1)

(2) etc.

10. **STATEMENT OF DURATION OF TEMPORARY CUSTODY** [F.S. §751.03(9)]:

11. **VISITATION:**

12. **CHILD SUPPORT:**

13. **TEMPORARY EMERGENCY RELIEF:**

WHEREFORE, Petitioner respectfully requests this Honorable Court enter an Order granting the following relief, to wit:

A. Take jurisdiction of the subject matter, the parties to this cause, and the parties entitled to notice of this action.

B. Enter an immediate emergency injunction, or restraining order, prohibiting the child's removal from the Court's jurisdiction until further Order of this Court.

C. Find that it is in the child's best interest to grant Petitioner temporary custody of the minor child until further Order of this Court.

D. Direct that any visitation granted to _____ be under the supervision of a third party approved by either Petitioner or the Court.

E. Direct that the mother and putative father (if applicable) contribute reasonable child support for the care of the minor child.

F. Direct under what circumstances, if any, would be conditions precedent to terminating the Petitioner's physical custody of the child.

G. Direct the appointment of a mental/health care professional to counsel with the child, evaluate the child's family environment, and make either a professional recommendation to the Court or, if appropriate, a parenting recommendation. In the alternative, direct the appointment of a Guardian Ad Litem to represent the child's interests.

H. Direct such other relief as the Court deems proper under the circumstances.

Dated this _____ day of _____ 20__.

Petitioner

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____, who, after being duly sworn, states that he/she has read the foregoing Petition for Temporary Custody of Minor Child by Extended Family and that the facts contained therein are true and correct to the best of her knowledge and belief.

Affiant produced _____ as identification, or _____ is personally known to the undersigned.

Notary Public, State of Florida at Large
Printed Name: _____

Attorney Signature
Printed Name

Address

Phone Number