

Florida Custody Law, and The Child's Best Interest

In a Florida custody case, the presiding judge will consider what's best for the child when deciding how to allocate time-sharing between the parents.

COCOA, FL, UNITED STATES, April 25, 2022 /EINPresswire.com/ -- [Florida custody law](#) always considers the children's best interests. In a Florida custody case, the presiding judge will consider what's best for the child when deciding how to allocate time-sharing between the parents. [Child custody](#) law in Florida does not give any preference to fathers or mothers during child custody rulings.



Florida Custody Law

Instead, the custody matter is decided based on the specific circumstances of every case. The right attorney can help navigate a child custody case and ensure that a solid case is presented in front of the judge that offers the best of everything for the client and child, putting the client in a favorable position for the desired outcome.

Florida Parenting Plan

In Florida custody cases with minor children, the judge will need to approve a comprehensive parenting plan, outlining the responsibilities and decision-making authority given to each parent and how they are expected to execute them. At the bare minimum, the parenting plan should stipulate how each parent will share the child and be responsible for their wellbeing. Moreover, a parenting plan will specify the time each child will spend with each parent and which parent will be responsible for the child's healthcare, education-related matters, and extra-curricular activities.

The Time-Sharing Terms in a Parenting Plan

Florida parenting plans vary from case to case as the court always decides what is in the child's best interest. That said, here are some typical time-sharing schedules in the state's parenting

plans:

Weekly Arrangement: Each parent gets to keep the child every other week. It happens when the parents have a similar work schedule that does not require them to juggle days and time, enabling the children to follow a simple schedule.

Two Weeks: Each parent keeps the child for two consecutive weeks before exchanging. It enables the children to spend more time in each home, which works better for older children. It also frees parents to pursue various opportunities or schedule their work during the child's absence.

A 4-3-3-4 Schedule: A two-week arrangement in which one parent has the child for the first four days and the other parent has them for the next three days. The following week, the first parent gets to keep the child for three days, and the other parent keeps them for four days.

A 2-3-2 schedule: A weekly schedule in which one parent (mom) has the child for two days, and then the other parent (dad) gets them for three days, followed by two days with the mom. Then, the next week, the schedule changes so that the child spends two days with their dad, followed by three days with their mom, and then the remaining two days with their dad.

A 2-2-5-5 schedule: In this arrangement, each parent gets two-day blocks with the child, followed by 5-day blocks for each, and then the cycle repeats.

Talk to The Child

Child custody in divorce cases is never easy to handle. The divorce isn't just stressful and complicated for the parents but also for the children, who will need comforting throughout the process. So, make sure to have a conversation with the children and tell them about the divorce and the custody arrangement.

Ideally, both parents should break the news of their divorce to their children together by scheduling a time for the discussion. Make sure to assess the child's reaction and give them time to process this life-changing news. Be empathetic and understanding toward them. Lastly, make sure to keep their life familiar. Enable them to go to school, partake in after-school activities, socialize with friends, etc., as they usually do before getting the news, helping them hold onto normalcy.

Uncontested Child Custody Cases in Florida

An uncontested case is when the parents reach an agreement before filing the claim. If they agree on the custody and parenting plan terms, it will speed up the court process as the judge will typically ratify their agreement unless the terms conflict with Florida custody law.

The state allows both parents to have continuing contact with their children in shared custody cases. The court should also not reward one parent for the ultimate responsibility of the child in such cases. However, it can assign control for specific responsibilities to one parent when required.

How Does Florida Determine Custody?

When the parents cannot reach an agreement outside of court, the judge decides their parenting plan terms based on the child's best interest. The judge considers all relevant facts and circumstances when assigning custody, including the child's relationship with both parents and their preferences.

Florida custody law 61.13 also lists the following factors the judge will consider when assigning custody:

- Child preference
- Parent willingness to meet the needs of their child
- Parent moral fitness and how/if it will impact the child directly or indirectly.
- Parent capacity and willingness to be involved in their child's school and extra-curricular activity.
- The child's school, home, and community record
- Parent ability and willingness to grow and maintain a close relationship with their child, honor time-sharing schedule, and be reasonable for unexpected changes.
- Parent ability to act on the child's needs instead of their own wants.

The Child's Preference

The judge might consider the child's preference when detailing the parenting plan terms in Florida child custody law. However, it's certainly not the sole factor the court considers in such cases. Minor children cannot attend their custody hearings without prior court approval.

So, if a child's testimony is desired, a court hearing needs to be scheduled for that request. The judge will consider reasons and other relevant factors when ruling whether to allow the minor to testify or not. If the court allows child testimony, the judge will usually allow the testimony to be in-camera.

For everything about child custody in Florida, obtain legal assistance from an experienced law firm with a [seasoned child custody attorney](#).

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