Parental Responsibility

Parental Responsibility is the legal term for a parent’s right to make major decisions about their child. Usually, the court awards parents Shared Parental Responsibility.

Shared Parental Responsibility

Parents must communicate with each other and coparent to reach an agreement about the decisions they make for their child. Shared Parental responsibility doesn’t mean time-sharing will be split equally 50/50.

If the court orders shared parental responsibility over health care decisions, the parenting plan must provide that either parent may consent to mental health treatment for the child unless otherwise provided in the parenting plan.

Shared Parental Responsibility with Ultimate Decision-Making Authority

Parents communicate with each other and attempt to reach an agreement. If the parents are unable to agree on a decision, the parent with Ultimate Decision-Making Authority will make the final decision regarding the specific area. Courts will not award ultimate decision-making authority for all aspects of the child’s life.

The specific areas include, but are not limited to:

- education,
- healthcare, or
- extracurricular activities.

Sole Parental Responsibility

One parent makes all decisions about the child. Parents may agree that one parent will have Sole Parental Responsibility or the court may order Sole Parental Responsibility if requiring the parents to make decisions together will be harmful to

the child. Courts often order Sole Parental Responsibility in a case with domestic violence or when the parent reasonably fears violence toward them or the child is imminent.

Parenting Plan

A Parenting Plan is a legal document that explains how the parents will share their child. Florida law no longer uses the term custody in divorce cases; instead, parents receive time-sharing.

- Each party must complete a 4–hour parenting course for the court to enter a final Parenting Plan.
- The parties can take the course in person or online.
- You must file the certificate of parenting course completion with the court.

What is Covered by the Parenting Plan?

A Parenting Plan is a detailed legal document that orders the following:

- When a child spends time with each parent.
- How the parents will exchange the child.
- How to make major decisions concerning the child.
- How the parents will communicate with the child when the child is with the other parent.
- How the parents will communicate with each other.
- How the parents will share holidays and breaks.
- How the parents will handle extracurricular activities.
- What will happen if a parent wants to take a vacation with the child out of the state or country.

What does the court consider in a Parenting Plan?

When entering a child–related order, the court considers the Best Interest Factors." These factors are covered under **Florida Statute Section 61.13(3)**. The Court begins with the idea that the parents should equally share time with the child. However, this can change if a parent proves with evidence that equal timesharing is not in the child's best interest, the court may award each parent a different amount of time with the child.

The court evaluates the best interests of the child by following the considerations below:

- Has each parent proven they are willing and able to encourage and allow a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when the other parent requests changes or adjustments?
  -For example, has the other parent followed the schedule, withheld the children, or bad-mouthed you in the children's presence?
- How will parental responsibilities be divided after the case and how many parental responsibilities will be delegated to third parties such as babysitters, friends, or family members?
  -For example, does the other parent spend time with the children during their timesharing, or do they just drop off the children to another family member or friend?
- Has each parent proven they are willing and able to determine, consider, and act upon the needs of the child rather than their own needs or desires?
- How long has the child lived in a safe and comfortable environment and how important will it be for them to continue living in that environment?
- Where does each parent live? How much travel time is required for the parenting plan to work? The court will consider where the child attends school. This factor does not create a presumption for or against relocation of either parent with a child.
- What is the moral fitness of each parent?
- What is the mental and physical health of each parent?
- What is the home, school, and community record of the child?
- What does the child want? What the child wants might be considered if the court thinks the child is intelligent and aware enough to tell the court their wishes.
- How willing and able has each parent been to stay aware of important factors in the minor child's life, such as the child's friends, teachers, medical care providers, daily activities, and favorite things?
- How willing and able has each parent been to provide a consistent routine for the child, such as discipline and daily schedules for homework, meals, and bedtime?
- How likely is each parent to communicate with the other parent and keep them up to date on issues and activities regarding the minor child, and how willing

are they to cooperate on all major issues when dealing with the child?

- Is there evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect? Does the parent have reasonable cause to believe they or their child will suffer domestic violence by the other party? This will be considered regardless of whether there is a prior or pending action relating to those issues. If the court accepts evidence of abuse or neglect, it must state in writing that the evidence was considered when evaluating the child's best interests.
- Is there evidence that either parent has knowingly provided false information to the court regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect?
- How were parenting tasks and responsibilities divided before and during the divorce? Were any parenting responsibilities handled by third parties, such as babysitters, friends, or family members?
- How willing and able has each parent been to participate and be involved in the child's school and extracurricular activities?
- How likely is each parent to maintain an environment for the child which is free from substance abuse? Substance abuse includes alcohol abuse.
- How willing and able is each parent to protect the child from the court case process by not talking about it with them, not sharing documents or electronic media related to it with them, and not making negative comments about the other parent to the child?
- What are the child's needs based on their age and development? How willing and able is each parent to meet those needs?
- Are there any other factors that have not been mentioned but could impact your specific parenting plan, including the time-sharing schedule?