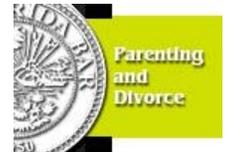


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Parenting and Divorce Pamphlet

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CHILDREN AND DIVORCE

Children are our most precious resource. We must protect them from undue hurt and turmoil. Care of the children should be the primary concern for both parents in a divorce (called a "dissolution of marriage"). You should remember that, in a dissolution action, you are ending your marriage to your spouse. Neither of you is ending a relationship with your children. You no longer will be spouses, but you will always remain your children's parents.

Divorce is a major personal crisis for adults and children. The stress can produce physical symptoms as well as behavioral and emotional problems. Children of different ages may react differently to divorce — from irritability in infants to drug use in adolescents. Recognizing the signs of trouble early and helping children deal with them may prevent serious future problems. By coming to an agreement on parenting issues, you and your spouse avoid or minimize harm to the children and avoid a court fight.

However, if you are unable to resolve these issues, the court must decide them for you.

PARENTS' DUTIES

In a divorce situation, the parents should at all times conduct themselves and their activities in a way that will promote the welfare and best interests of the children. It is the public policy of Florida that each child has frequent and continuing contact with both parents after the parents separate or the marriage is dissolved. It is also the public policy of Florida to encourage parents to share the rights and responsibilities, and joys, of child-rearing. There is no presumption for or against a parent regardless of the parent's gender.

Each parent has an affirmative duty under Florida law to promote a positive relationship between the children and the other parent. Both parents must attempt to ensure that the children have unhampered contact and free access with both parents.

Neither parent may do anything to hamper the natural development of the children's love and respect for the other parent. A parent should not disparage the other parent or discuss the divorce in the children's presence. Each parent must make all reasonable efforts to encourage and facilitate communication between the other parent and the children. Neither parent should do anything that would estrange the children from the other parent or that would injure the children's opinion of either parent.

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PARENTING PLANS

Florida law requires the creation of a Parenting Plan for all children subject to a dissolution of marriage action. Parenting Plans are designed to reflect the modern-day challenges and circumstances facing parents and minor children before, during and after a dissolution of marriage.

Parenting Plans address the details of how the parents will share in the decision-making responsibilities for both major decisions and the day-to-day tasks involved in raising children. Parenting Plans also articulate the regular, holiday and break schedules for the time the children will spend with each parent.

Parenting Plans encompass issues including but not limited to the address to be used for school registration and boundary determination, and

methods and technologies for communicating with the children.

In approving a Parenting Plan, a court must make a determination of what is in the best interest of the child. Among the 20 factors to be considered by the court are:

- The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required.
- The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
- The geographic viability of the Parenting Plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the Parenting Plan.
- The moral fitness of the parents.
- The mental and physical health of the parents.
- The child's home, school and community record.
- The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding and experience to express a preference.
- Evidence of domestic violence, sexual violence, child abuse, child abandonment or child neglect, regardless of whether a prior or pending action relating to those issues has been brought. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child.

There are additional factors and considerations to be made by the court in approving a Parenting Plan. The above are just a few examples of those considerations. The more closely and cooperatively the two parents can work through the issues and consider the primary goal of doing what is in the best interest of the children, the easier the dissolution of marriage process will be for the entire family.

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ADDITIONAL RESOURCES

Parents in Florida are required to attend a parenting course on the consequences of divorce on families and children before a final judgment is entered.

In addition to attending the required class, you and your spouse may find it helpful to consult professionals, including Florida family law attorneys, family law mediators, parenting coordinators (also known as parenting facilitators) and family counselors, to help develop a Parenting Plan. All of these professionals can help parents develop their own Parenting Plan and resolve conflict so that the entire family can avoid the emotional and financial toll that litigating the issues in court can have.

The material in this pamphlet has been based on, and some of it has been taken directly from, Florida statutes in effect at the time it was written and represents general legal advice. Since the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

[Revised: 7/15]