

## **Significant Changes in the Law – A Step in the Right Direction for Fathers**

Florida child custody laws underwent significant changes on October 1, 2008. Prior to the change, the Florida child custody system designated one parent as the “primary custodial parent” and the other “secondary custodial parent.” Clearly, this system presumed that one parent was more influential in a child’s life with the other being less so. The primary residential parent often understood the word primary to mean “more important” and “more authorized.” Frequently, this left the secondary custodial parent disenfranchised from the lives of their children. Historically, the mother was deemed best suited for custodial parent and the father contributed little in decision-making. Instead, the father was merely awarded “standard visitation,” usually every other weekend and dinner once a week.

Florida custody laws took a positive change for Fathers this past October when a new statute was enacted that removed the words custody, visitation, and primary and secondary parent from Florida law. The new designation for both the Mother and Father is “parent,” a change that our firm views as a long overdue attempt at equalizing the parents in a divorce. Additionally, the new law requires that divorced, separated, or never-married parents develop a detailed parenting plan for raising and sharing time with their children. The plan is to specify when each parent will spend time with the children as well as outline how decisions that affect the children’s lives are to be made. The parenting plan requirement eliminates interpretation and should minimize disputes among parents allowing both a more meaningful role in their children’s lives.

At the Men’s Divorce Law Firm, we view this change as a gateway in the Courtroom to give father’s equal rights to their children. Because there is no longer a legal requirement to name one parent primary, the logical starting point is equal time and rights for both parents – a dramatic step in the right direction for fathers who have historically been awarded “standard visitation.” To our firm, this change is an opportunity to deviate from the norm of the “every other weekend” father and afford children sufficient and meaningful time with both parents. Obviously, if a specific case is not suited for shared and equal parental responsibility, the law still affords the option for sole parental responsibility or less than equal timesharing and authority for one parent.

These changes in the law began over a decade ago when the Family Law Section of The Florida Bar began considering new vernacular that would recognize that a child’s

relationship with both parents must be protected. The new parenting plan requirement allows decisions to be made collaboratively as it eliminates the notion that one parent is inherently better suited to do so. This move towards equal footing is long over due. However, as with any change in the law, it will be years before the judicial system fully adjusts to this revision. For the next several years, the judiciary will contemplate the application of this rewrite to their cases while attorneys will argue on what the correct interpretation will be. At the Men's Divorce Law Firm, we will utilize these changes towards affording our clients the rights to which they are inherently entitled.