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Insights

Florida Supreme Court Rules “Concrete Steps” Not Required to Restore Parent Timesharing Rights

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Crystal E. Buit

Last week, the Florida Supreme Court in *C.N. v. I.G.C.* (Case No. SC20-505), ruled on the issue of whether a court is required to give a parent “concrete steps” to restore lost timesharing and return to the pre-modification status quo. In an important decision, the Florida Supreme Court ruled that there is no such requirement.

Generally, in Florida, a previously ordered parenting plan may not be modified without a showing of a substantial, material and unanticipated change in circumstances, and a determination that the modification is in the best interests of the child.

In this case, the mother had accused the father of physically harming the child. The father filed a petition to modify their original parenting plan, under which the father had 43% of the overnights and the mother had 57%. After a two-day trial, the trial court concluded that the child-abuse allegations by the mother were false and modified the parties’ parenting plan so that the father was given two-thirds of the overnights and the mother one-third.

The mother appealed to the Fifth District Court of Appeal – which covers cases in Orlando and the Central Florida area – and argued that the court was *required* to provide concrete steps to allow her to restore her lost timesharing rights. The Fifth District Court of Appeal and ultimately the Florida Supreme Court disagreed with her.

As the Florida Supreme Court held:

Depending on the circumstances, it might not be reasonable for a court to attempt to devise conditions that would lead to a restoration of the premodification status quo. Yet the rule advocated by the mother would require the court to specify a pathway to restoration in every case. In light of these aspects of chapter 61, a court does not err simply for finally modifying a preexisting parenting plan without giving a parent concrete steps to restore any lost time-sharing.

This ruling by the Florida Supreme Court resolves a conflict between district courts of appeal.