

DETERMINATION OF BEST INTERESTS - REQUIRED PRO SE SUBMISSION

Florida law requires the Court, when determining parental responsibility and time-sharing, to consider the best interests of the minor child and to make findings based upon competent, substantial evidence presented at hearing or trial. In order to efficiently manage the case and to identify the issues in dispute, the Court requires the parties to organize their positions by reference to the statutory best-interest factors listed below.

Accordingly, **in all cases in which a party is proceeding without counsel, and prior to the Pretrial Conference**, each parent shall complete, if applicable, each factor set forth in paragraphs (a) through (t) below and shall provide a brief summary of the facts the parent contends will be supported by evidence at hearing or trial. If a factor is not applicable, the parent shall so state. If additional space is required, additional pages may be attached, provided each response clearly identifies the corresponding factor.

This submission is intended solely to assist in case management and issue identification. It does not constitute evidence, does not replace sworn testimony or admissible exhibits, and may not be relied upon by the Court as proof of any fact absent proper evidentiary support presented at hearing or trial.

This completed document **must be attached to the parent's proposed Parenting Plan and proposed Final Judgment and presented to the Court at the Pretrial Conference**. Failure to comply may result in the Court proceeding based upon the evidence available or imposing appropriate sanctions.

(a) 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.

(b) The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.

(c) The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent.

(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

(e) 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. This factor does not create a presumption for or against relocation of either parent with a child.

(f) The moral fitness of the parents.

(g) The mental and physical health of the parents.

(h) The home, school, and community record of the child.

(i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference. (Note: You should not ask the child directly, see section (r) below.) In your answer, please also explain why you believe you know the preference of the child.

(j) The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.

(k) The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.

(l) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.

(m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect or evidence that a parent has or has had reasonable cause to believe that he or she or his or her minor child or children are in imminent danger of becoming victims of an act of domestic violence, 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.

(n) Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect.

(o) The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties.

(p) The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.

(q) The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.

(r) The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.

(s) The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.

(t) Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.