Bills Presuming 50-50 Custody in All Cases Aren’t in the Best Interest of Children and Families

By Rebecca L. Palmer, Esq.

As a Family and Marital Law attorney with more than 25 years of experience, I work with families during the most difficult time of their lives. During a divorce proceeding, the custody of minor children is a complex, and emotional process that takes a toll on everyone involved. The introduction of the Florida House Bill 1559 and Senate Bill 1922, providing a presumption 50-50 timesharing provision, proposes a far too basic formula for this complex issue.

Creating or modifying a parental plan as part of the divorce should always center around what is in the best interest of the child. Every divorce case that I have worked on has had its own unique set of circumstances, and in partnership with my clients, we work to navigate the legal and personal requirements throughout the process. There isn’t a one-size-fits-all solution, nor would I apply such an uncaring and unprofessional strategy in support of my client. I take the same approach to family law matters. The parties involved are not case numbers but human beings with feelings, worries, and obligations that require customized solutions that will be mutually agreeable to both parties resulting in a long-term positive outcome.

An argument supporting the new bills suggests that the structure of the current law helps fuel an acrimonious fire to the dissolution of marriage proceedings and extends the litigation process. As legal professionals, we look at facts,

and there is no evidence to support that a presumptive 50-50 timeshare benefits minors, their guardians, or has any impact on the litigation process.

If the intention of these bills is to reduce the strain on the interested parties, their families, and the legal system, it is a bit naïve to think that a generic plan, when it comes to the welfare of children, is the solution. House Bill 1559 and Senate Bill 1992 will not solve any of the complex problems that arise in custody proceedings and should not be seen as a viable solution by lawmakers to do so.

While the 50-50 custody agreement may work in some cases, we should continue the conversation about how we, as legal professionals, can make the custody process less taxing and emotionally draining for all parties involved. It is imperative that we preserve the well-being of all children during these challenging life events, and a one-size-fits-all approach to custody is not the answer. We are #hereforyou.

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