

IN THE
SUPREME COURT OF FLORIDA
CASE NO. SC21-608

IN RE: AMENDMENTS TO THE
FLORIDA SUPREME COURT
APPROVED FAMILY LAW
FORMS – 12.980(a)-(d).

**COMMENT OF THE FLORIDA BAR
FAMILY LAW SECTION**

The Florida Bar Family Law Section (the “FLS”) submits the following comment to this Court’s amendments to Florida Supreme Court Approved Family Law Forms 12.980(a) (Petition for Injunction for Protection Against Domestic Violence); 12.980(b)(2) (Order Denying Petition for Injunction for Protection Against Domestic Violence, Repeat Violence, Dating Violence, Sexual Violence, or Stalking); 12.980(c)(1) (Temporary Injunction for Protection Against Domestic Violence with Minor Child(ren)); 12.980(c)(2) (Temporary Injunction for Protection Against Domestic Violence without Minor Child(ren)); 12.980(d)(1) (Final Judgment of Injunction for Protection Against Domestic Violence with Minor Child(ren) (After Notice)); and 12.980(d)(2) (Final Judgment of Injunction for Protection Against Domestic Violence without Minor Child(ren) (After Notice)).

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In 2020, the Legislature amended chapter 741, Florida Statutes, the law governing petitions and temporary and final injunctions for protection against domestic violence. See Chapter 2020-37, Laws of Florida. Revision of five forms relating to the petition and the injunctions was deemed necessary so the forms will accord with the provisions of chapter 741, as amended. Revision of a sixth form, 12.980(b)(2), was not prompted by legislation, but was deemed necessary to clarify the form.

The FLS acknowledges the changes being made and appreciates the work of the Advisory Workgroup on the Florida Supreme Court Family Law Forms. The forms, as amended, comport with the changes made by Chapter 2020-37, Laws of Florida.

The FLS, however, would like to note its concerns regarding the conflicts which may occur with the provisions of chapter 61 and relevant case law regarding how family pets are addressed in family court proceedings, such as dissolutions of marriage and parentage actions. Under Florida Law, pets within these actions are determined to be personal property and not subject to special status, visitation or custody disputes. See *Springer v. Springer*, 2SD20-812 (Fla. 2d DCA 2021). Florida courts should be mindful

that no encroachment into this established body of case law be allowed by virtue of these amendments.

Respectfully submitted this 31st day of August 2021.

/s/ Kristin R.H. Kirkner
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed with Clerk of the Supreme Court on August 31,

2021, via the Florida Courts E-Filing Portal, which will serve a notice of electronic filing to all counsel of record.

/s/ Jack A. Moring
JACK A. MORING
Fla. Bar No. 499160

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that, pursuant to Fla. R. App. P. 9.045(e), this Comment complies with the applicable font and word count limit requirements. This Comment was prepared as a Microsoft Word document (.docx), composed in Bookman Old-Style, 14-point (including footnotes), and contains 323 words.

/s/ Jack A. Moring
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