

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA
JUVENILE DIVISION

IN THE INTEREST OF:

CASE NUMBER: 05-2015-DP-002075-XXXX-XX

██████████ D.O.B. ██████████

A Minor Child

2015 SEP 11 A 7:51
FILED IN VIERA-10
CLERK OF CIR. CT.
BREVARD CO. FL.

MOTION FOR ACCESS

The State of Florida Department of Children and Families (hereinafter referred to as “the State”), by and through the undersigned counsel, requests that this Court enter an order allowing Child Protective Investigators with the State to gain immediate access to the above-captioned Minor Child pursuant to section 39.301, Florida Statutes, and as grounds asserts:

1. On July 13, 2015, a Florida Abuse Hotline Information Systems report was received in relation to a twelve-year-old female child, ██████████ (hereinafter referred to as the “Minor Child”). The confidential reporter alleged the following:

“██████████ is in the home with her father who is a sexual offender. The father at an unknown time posted provocative pictures on Facebook of ██████████. The picture is of ██████████ in a raincoat with no clothes underneath, and the title was “straight pimping.” The father has since taken the picture down. ██████████ has been examined by medical and psychological doctors in North Carolina and Massachusetts and they both support child abuse. The father coaches soccer for preadolescent girls.”

No disclosure of sexual abuse on the part of the child was reported; the Hotline allegation stemmed from both the cited Facebook posting, and from an article posted on the Brevard’s Best News website. Of note, the Brevard County Sheriff’s Office has undertaken a



false report charge against an individual in relation to this Hotline call, and that criminal case is pending in the Eighteenth Judicial Circuit.

2. State Child Protective Investigators ("C.P.I.s") attempted to comply with their statutory duty to assess the safety and perceived needs of the child and family pursuant to subsections 39.301(7) and (9), Florida Statutes. This effort included an attempt to conduct a face-to-face interview with the child and other adults in the household, and to conduct an onsite assessment of the child's residence, in accordance with relevant statutes. However, the child's custodial parent, her father, [REDACTED] (hereinafter referred to as "the Father"), refused the C.P.I.'s access to the child or home, citing his belief he is being harassed and targeted by reports, and citing a court order issued by Judge George Maxwell prohibiting the child from being further interviewed about abuse allegations.

3. The State obtained a copy of the cited court order, an Amended Supplemental Final Judgment Granting Former Husband's Verified Amended Supplemental Petition for Modification of Final Judgment ("Supplemental Divorce Judgment"), issued on July 1, 2013 in Brevard County family law Case Number 05-2004-DR-019706 (attached hereto and incorporated herein as Exhibit A). The parties in that matter were the Father and [REDACTED] formerly known as [REDACTED], the Minor Child's mother ("Mother"). The Mother lives in South Carolina. She has court-ordered supervised visitation and supervised telephone contact with the Minor Child.

4. Paragraph 9 on page 20 of the Supplemental Divorce Judgment provides in relevant part, "The Minor Child shall continue in therapeutic therapy with Jeffrey Williamson, L.D., Ph.D., with therapy to be determined in frequency and duration by Dr. Williamson. Dr.

Williamson shall be appointed by the Court as the proper person for the [Father] or [Mother] to direct any concerns regarding the Minor Child, at which time Dr. Williamson shall determine the merit of the concern and act accordingly."

5. Paragraph 11 beginning on page 20 of the Supplemental Divorce Judgment provides, "The [Mother] shall not contact any state reporting agencies, sheriff or police department, advocacy centers or clinics, crisis centers, the media or abuse media specialists, or otherwise for any purpose whatsoever regarding the Minor Child, without leave of Court. The [Mother] shall not cause any third party, including, but not limited to, her current husband and family members, to contact any state reporting agencies, sheriff or police department, advocacy centers or clinics, crisis centers, the media or abuse media specialists, or otherwise for any purpose whatsoever regarding the Minor Child. The Former Wife shall report any concerns regarding the Minor Child to her attorney and Dr. Williamson."

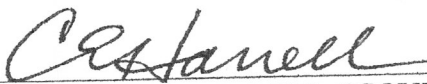
6. The identity of Florida Abuse Hotline reporters is confidential under Florida law. The State is not permitted to disclose who made the July 13, 2015 Hotline report.

7. The assigned C.P.I., O'Neil Brooks, made contact with Dr. Jeffrey Williamson upon review of the findings and rulings set forth in the Supplemental Divorce Judgment. Dr. Williamson reported he has not seen the Minor Child in three years. He has not been contacted by the Mother or Father in 2015 regarding any concerns related to the Minor Child.

8. The State of Florida is compelled by statute to properly investigate reports received from the central abuse hotline. However, the Father is not cooperative with providing C.P.I.s with the opportunity to interview the Minor Child, assess the home environment, and discuss the allegations with him, the custodial parent. The Father has invoked the protection of

the Supplemental Divorce Judgment prohibiting said access. The State does not wish or intend to violate the mandate of any court order, regardless of the identity of the abuse hotline reporter. The State requests the guidance of this Honorable Court and a directive authorizing access to the Minor Child for the purpose of fulfilling its mission of assuring the safety and well-being of this child. Currently, the Minor Child remains an unseen victim.

WHEREFORE, the State respectfully requests that this Honorable Court issue an order authorizing the State's Child Protective Investigators to access the Minor Child and her present home for the purpose of conducting a statutorily-mandated investigation, including a child interview at the Child Protection Team and a home assessment, pursuant to section 39.310, Florida Statutes; and granting all such other and further relief deemed just and appropriate, and in the Minor Child's best interests, under the circumstances of this case.



CLARISSA E. HARRELL, ESQUIRE

*Senior Attorney, Children's Legal Services
Florida Department of Children and Families
4050 Riomar Drive, Suite 120
Rockledge, Florida 32955
(321) 637-7381; Fax: (321) 690-3782
Florida Bar Number: 992526
CNR.CLS.Brevard.North@myflfamilies.com
Clarissa.Harrell@myflfamilies.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of this document have been furnished via e-mail/e-service to Mary Setterbo, Program Administrator, Child Protection Investigations, 6905 North Wickham Road, Suite 403, Melbourne, Florida 32940/mary.setterbo@myflfamilies.com; via United States mail to [REDACTED], [REDACTED], Melbourne, Florida 32940; and via United States mail to [REDACTED], [REDACTED], South Carolina [REDACTED] this 10th day of September, 2015.

Clarissa E. Harrell

* CLARISSA E. HARRELL, ESQUIRE
Senior Attorney, Children's Legal Services
Florida Department of Children and Families
4050 Riomar Drive, Suite 120
Rockledge, Florida 32955
(321) 637-7381; Fax: (321) 690-3782
Florida Bar Number: 992526
CNR.CLS.Brevard.North@myflfamilies.com
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**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA**

JUVENILE DIVISION

CASE NO.: 05-2015-DP-002075-XXXX-XX

IN THE INTEREST OF:

██████████ DOB: ██████████
MINOR CHILD(REN). /

SCOTT ELLIS
 2015 DEC - 2 P 4: 15
 BREVARD COUNTY
 CLERK OF DISTRICT COURT

ORDER AFTER HEARING

This cause was heard on the 1st day of December 2015 for a [X] Hearing on *State's Motion for Access*

Present	Absent	Name	Role
	X	██████████	Mother
			Mother's Atty
X		██████████	Father
X		Gregory W. Eisenmenger/Mark S. Peters	Father's Atty
			Father
			Father
			GAL
	n/a	Hubbard/Gianfortune/Thompson/Taylor	GAL Atty
X		Elken/Harrell/Park/Ramos/Simpson	CLS
			DCF Rep.
			Impower
	X	██████████	Child(ren)
			Other
			Other: Caregivers

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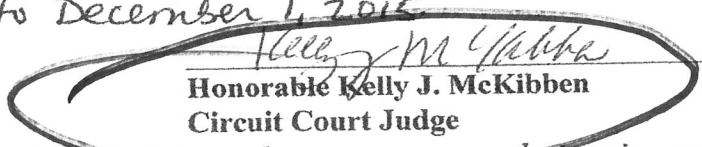
**It is ORDERED AND ADJUDGED that:
Hearing Continued/Next Hearing:**

- This Status Hearing/Motion Hearing is continued to _____, 201__ at _____.
- The case is set for a _____ hearing on the ____ day of _____, 201__ at _____ A.M./P.M.

** (Cont: from below:) To be clear, the Court is NOT creating or suggesting any exemption to § 39.301(7), Fla. Stat.*

Other: The Court accepts as evidence the letter prepared by Dr. Jeffrey Williamson dated Nov. 30, 2015 re: his interview of the Minor Child, without objection from any party. Under the unique circumstances and family court history of this case, including the Judgment entered by Judge Maxwell on July 1, 2013 in Case No. 05-2004-DR-019706, the Court denies the State's request to interview the child in relation to the Hotline allegations cited in its Motion, without prejudice to seek

DONE AND ORDERED in Viera, Brevard County, Florida this 2nd day of December 2015, *nunc pro tunc to December 4, 2015*


 Honorable Kelly J. McKibben
 Circuit Court Judge

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Disability Coordinator at 2825 Judge Fran Jamieson Way, Viera, Florida 32940, 321-633-2171, within two working days of your

at a la date subseq alleged are receive * Labo

receipt of this order/notice; if you are hearing impaired, call 1-800-955-8771; if you are voice impaired, call 1-800-955-8770. For more information, please call 321-637-5413.

CERTIFICATE OF SERVICE

I Hereby Certify that on 12/01/2015 a true copy of this Order was delivered in court/sent by U.S. mail to:

- DCF Legal
- DCF Representative
- Impower
- GAL

- Mother *via US mail*
- Attorney for Mother
- Attorney for Father Gregory Eisenmenger, Esq.