
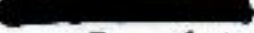


IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR BREVARD COUNTY, FLORIDA

Case No.: 2004-DR-019706-XXXX-XX


Petitioner,

and

 f/k/a

Respondent

ORDER ON RESPONDENT'S AMENDED SECOND EMERGENCY MOTION FOR RELIEF & MOTION FOR CONTEMPT UNDER FLORIDA STATUTE 61.13 AND FORMER WIFE'S VERIFIED EMERGENCY MOTION FOR TEMPORARY CHANGE IN TIME-SHARING

THIS MATTER having come before the Court on December 21, 2015 on Respondent's Amended Second Emergency Motion for Relief & Motion for Contempt Under Florida Statute 61.13 and Former Wife's Verified Emergency Motion for Temporary Change in Time-Sharing, the Court having reviewed the file, having heard testimony and argument, and being otherwise fully advised in the premises, finds as follows:

1. As a result of the Respondent's continued campaign of allegations of abuse, the Court by its Final Judgment of June 19, 2013 limited the Respondent's time-sharing to supervised.

* 2. This Court has made prior detailed findings that the former husband did not engage in sexual contact with the minor child.

* 3. These unfounded allegations have resurfaced through Dana Delancy and Isabel Foster, and the Respondent admits to contact with both.

4. As a result of these allegations resurfacing through third parties, on August 22, 2015, Petitioner suspended all future time-sharing and communication between Respondent and the minor child.

5. The Petitioner's denial of time-sharing and contact with the minor child was justified.

6. There is no proof that Respondent has caused these allegations to resurface although an inference can be made.

* 7. Respondent has not deterred the third parties' actions of continuing to disseminate the unfounded allegations.

8. It is not in the minor child's best interest for these unfounded allegations to continue to resurface or to be interviewed regarding them.

* 9. Respondent has an affirmative duty to stop third parties from disseminating the unfounded allegations.

* 10. By failing to attempt to stop third parties from disseminating information, Respondent is in violation of the Amended Supplemental Final Judgment.

11. Respondent failed to meet the burden of proof required for a finding of contempt.

12. Section VI of the Parenting Plan and Timesharing Schedule, which was attached and incorporated into the Amended Supplemental Final Judgment specifically sets forth the condition precedent to modification of Mother's timesharing. This Court is not inclined to modify that prior ruling.

13. The Court does not believe it is appropriate to modify the prior order.

14. The extraordinary burden to change timesharing on a temporary basis has not been met.

On the evidence presented, the court does hereby

ORDER, ADJUDGE, and DECREE:

1. Respondent's Motion for Contempt is DENIED.
2. Respondent's Motion for Enforcement is GRANTED. Former Wife shall continue her contact with the minor child as previously ordered in the Amended Supplemental Final Judgment.
3. No makeup timesharing will be awarded as it is not in the child's best interest.
4. Respondent's Emergency Motion for Temporary Change of Timesharing is DENIED.

DONE AND ORDERED in Chambers at Viera, Brevard County, Florida on the 8th day of January, 2016.

* Morgan Laur Reinman *

Circuit Judge

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Loyd's Newly
Assigned Judge