

**REDACTED COURT RECORDS**

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**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 Delaney 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 8<sup>th</sup> day of January, 2016.

  
Morgan Laur Reinman  
Circuit Judge

22 MS. JACOBS: Yes, Your Honor.

23 THE COURT: It's detailed.

24 MS. JACOBS: Okay.

25 THE COURT: I'll do the best I can in

1           announcing it.

2           The respondent/former wife's motion for  
3           contempt is denied. The respondent/former wife has  
4           failed to meet the burden of proof required for a  
5           finding of contempt.

6           I'll address the other issues now.

7           This Court has made prior detailed findings  
8           that the former husband did not engage in sexual  
9           contact with his minor child. And as a result of  
10          the former wife's continued campaign of allegations  
11          of abuse, the Court, by its final judgment of  
12          June 19, 2013, limited the former wife's timesharing  
13          to supervised.

14          It is not in the minor child's best interest  
15          for these unfounded allegations to continue to  
16          resurface, and/or to be interviewed regarding same.

17          The unfounded allegations have resurfaced  
18          through Dana Delaney and Isabella Foster, and the  
19          former wife admits contact with both.

20          An assumption can be made that former wife is  
21          continuing her prior campaign. This is an  
22          inference. However, no proof can connect the two  
23          except for the fact that communication did occur --  
24          between the parties did occur.

25                 However, by the former wife's testimony she has

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not deferred said third parties' actions of  
continuing to disseminate the unfounded allegations.  
She has an affirmative duty to do so, and by not  
doing that she is in violation of this Court's prior  
order. And the former husband's denial of  
timesharing and contact with the minor child was  
justified.

This Court orders -- if I hear anything else I  
will clear the courtroom and continue my --

MS. CASEY: I need a break. Can I have a  
break?

THE COURT: No, you cannot.