

Stephens' Squibs

Family Law Case Law Updates

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**Many thanks to our Stephens Squibs' Monthly CLE Season
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Eddie Stephens, author of *Stephens' Squibs – Florida Family Law Updates*, is a partner at [Ward Damon](#) and leads the Family and Marital Law department. He is a Board Certified Family Law attorney who specializes in high-conflict divorces. Most important to Stephens is litigating in a manner that minimizes the impact of divorce on children.

Caryn A. Stevens, editor of *Stephens' Squibs – Florida Family Law Updates*, is a Partner at the law firm of [Ward Damon](#) in West Palm Beach, where she focuses her practice exclusively in the areas of marital and family law. Prior to practicing law, Caryn spent over 12 years working in the mental health and counseling fields, as a mental health counselor in private practice, as a counselor for the Department of Children & Families, and later as an Elementary School Guidance Counselor. Caryn is a graduate of Florida State University, where she earned her Bachelors degree in Psychology, and her Masters and Specialist Degrees in Counseling & Human Services. Caryn received her Juris Doctorate from Nova Southeastern University, and received pro bono honors for her volunteer legal work. In her prior work as a mental health counselor, Caryn has had the unique opportunity to assist thousands of children, families and couples through difficult life circumstances, which allow her to bring a unique and compassionate perspective to the clients she represents currently. Caryn is a current member of the Florida Bar Family Law Section, where she serves on the Children's Issues Committee and the Domestic Violence Committee. Caryn also serves as the Treasurer of the Susan Greenberg Family Law Inn of Court of the Palm Beaches, and is a graduate of the Leadership Palm Beach County Class of 2019. Caryn is a native South Floridian, and currently lives in Palm Beach County with her Husband, and their adorable Mini Aussie.

Gina Szapucki is an associate at [Ward Damon](#) and concentrates her practice exclusively in the areas of marital & family law. Gina quickly realized she had a passion for helping families while clerking for a family law firm. Prior to joining Ward Damon, she practiced marital & family law at a boutique law firm. Her drive to assist and guide families during challenging times continues to grow. Gina represents clients from all walks of life while zealously advocating for individual's rights under Florida law. Gina is originally from New Jersey but has called Florida home for the last 15 years. She is a proud Chi Omega Alumni and in her spare time enjoys traveling, cycling, exploring new restaurants and cuisines.

Alimony:

Tordini v. Tordini, 302 So.3d 478 (Fla. 5th DCA 2020). Award of alimony that failed to meet wife's need and left husband with surplus without an explanation reversed. *Judge Karen A. Foxman, reversed.*

Ortiz v. Ortiz, 45 Fla.L.Weekly D1929 (Fla. 3rd DCA 2020). A judgment that does not include the reasoning behind an award of alimony, and failure to make these findings is reversible error. *Judge David Young affirmed in part, reversed in part.*

Harkness v. Harkness, 300 So.3d 668 (Fla. 4th DCA 2020). Trial court abused discretion in denying award of permanent alimony in long-term marriage based on court's finding that no "legal basis" to award alimony, because there was no permanent impediment to the wife financially supporting herself. *Judge Kathleen Kroll affirmed in part, reversed in part.*

Pricher v. Pricher, 300 So.3d 1258 (Fla. 5th DCA 2020). Error to award Wife permanent alimony in 10-year marriage. In this case, an award of permanent alimony was improper where evidence does not reflect permanent inability for spouse to become self-sufficient. *Judge George B. Turner affirmed in part, reversed in part.*

Baron v. Baron, 300 So.3d 369 (Fla. 1st DCA 2020). Error, even without transcript, to award Wife 12-month durational alimony in long-term marriage, as judgment contained no findings to rebut presumption of permanent alimony. *Judge Darren K. Jackson reversed.*

Giles v. Giles, 298 So.3d 1277 (Fla. 2nd DCA 2020). Trial court affirmed for finding 16-year, 11-month marriage to be moderate term, but reversed for awarding rehabilitative and durational alimony without competent and substantial evidence. Attorney's remarks do not constitute evidence. *Judge Chet A. Tharpe affirmed in part, reversed in part.*

Williams v. Jones, 290 So.3d 609 (Fla. 1st DCA 2020). Trial court affirmed for awarding permanent alimony in marriage that lasted 16 years and 11 months.

Agreements:

Thomas v. Thomas, 304 So.3d 819 (Fla. 1st DCA 2020). Trial court erred enforcing settlement agreement. Acceptance to offer must be a mirror image of the offer in all material respects, or else it constitutes a counteroffer that rejects the original offer. *Judge Timothy Register, reversed.*

Frenkel v. Costa, 45 Fla.L.Weekly D2285 (Fla. 4th DCA 2020). When accepting an oral pronouncement of settlement on the record, the court must obtain confirmation each party had the opportunity to speak to their attorneys about the agreement, in addition to obtaining clear and unequivocal consent on the record as to the terms of the agreement. *Judge Michael J. McNicholas, reversed.*

Stephanos v. Stephanos, 299 So.3d 37 (Fla. 4th DCA 2020). Trial court erred when it concluded the executory provisions of a postnuptial agreement were rendered void due to reconciliation of the parties and the agreement did not contain a “reconciliation clause.” That would only apply to agreements contemplating divorce, not postnuptial agreements where divorce is not contemplated. *Judge Samantha Schosberg Feuer reversed.*

Romaine v. Romaine, 291 So.3d 1271 (Fla. 5th DCA 2020). Hand written notes on a settlement agreement that change essential terms, constituted a counter offer that must be accepted by original party.

Law v. Law, 299 So.3d 505 (Fla. 3rd DCA 2020). Trial court erred interpreting a “hold harmless” provision as a “prevailing party fee” provision. The term “hold harmless” means to fully compensate the indemnitee for all losses and expenses. A duty to indemnify is enforceable regardless of whether the indemnitee prevails or not.

Appeals:

Goodman v. Goodman, 45 Fla.L.Weekly D2725 (Fla. 2nd DCA 2020). Remand remanded back to trial court who apparently “inadvertently” failed to follow remand instructions from prior appeal. *Judge John S. Carlin, affirmed in part, reversed in part.*

Walker v. Bullock, 304 So.3d 30 (Fla. 4th DCA 2020). Without a transcript, appellate court could not determine if text messages were

properly admitted into evidence at an injunction hearing. *Judge Michael G. Kaplan, affirmed.*

Albra v. Szendy, 298 So.3d 1167 (Fla. 4th DCA 2020). Appellate Court cannot determine if Court erred granting domestic violence injunction when no transcript provided. *Judge Michael G. Kaplan affirmed.*

Stivelman v. Stivelman, 45 Fla.L.Weekly D1624 (Fla. 3rd DCA 2020). Writ of certiorari filed on orders granting third party's motion for protection dismissed when Petitioner could not prove irreparable harm. *Judge Ivonne Cuesta.*

Pawley v. Marie, 45 Fla.L.Weekly D1521 (Fla. 3rd DCA 2020). Appellate court cannot conduct meaningful review of hearing on motion to dissolve injunction without transcript. *Judge Bonnie J. Helms affirmed.* **OPINION WITHDRAWN AND SUPERSEDED.**

Burns v. Houk, 300 So.3d 781 (Fla. 5th DCA 2020). Appeal seeking review of order granting entitlement, but not amount of fees, dismissed as premature. *Judge George Paulk affirmed in part.*

Russell v. Russell, 295 So.3d 314 (Fla. 1st DCA 2020). Where an error by the Court appears for the first time on the final order, a party must alert the court of the error to preserve for appeal.

Ruozzi v. Wulff, 45 Fla.L.Weekly D825 (Fla. 3rd DCA 2020). Order adopting magistrate's report that provides that a money judgment will enter is a non-final order not subject to appeal.

Eaton v. Eaton, 293 So.3d 567 (Fla. 1st DCA 2020). Rehearing required when judge's ruling is different than oral pronouncement to preserve appeal. Distinguished from Fox, which eliminates necessity to file rehearing when Court fails to make a required statutory finding.

Sitaram v. Alley, 45 Fla.L.Weekly D660 (Fla. 5th DCA 2020). Order on enforcement does not revive 30-day appeal period on underlying order.

A.J.S. v. E.D.E., 291 So.3d 1025 (Fla. 2nd DCA 2020). Award of entitlement to attorney's fees, but not amount of fees, is not final order subject to appeal.

Smith v. Cooper, 45 Fla.L.Weekly D411 (Fla. 5th DCA 2020). Any meritorious arguments not raised in initial brief are waived/abandoned.

Muszynski v. Muszynski, 45 Fla.L.Weekly D365 (Fla. 5th DCA 2020). Order on contempt cautioning husband that the court will impose sanctions was not an appealable order because the court did not actually impose sanctions.

Thompson v. Melange, 45 Fla.L.Weekly D150 (Fla. 1st DCA 2020). Order of contempt that does not change custody or restrict timesharing is not an interim order subject to appeal except by certiorari. In this case, the Court granted relief not requested, so certiorari review was appropriate.

Serna v. Botero, 287 So.3d 705 (Fla. 5th DCA 2020). Appeal that challenged finding husband had ability to pay was premature when Court reserved on amount.

Attorney's Fees:

Rotunda v. Rotunda, 45 Fla.L.Weekly D2498 (Fla. 5th DCA 2020). Trial court erred not awarding attorney's fees for the fourth day of trial. *Judge George G. Angeliadis, affirmed in part, reversed in part.*

Coriat v. Coriat, 45 Fla.L.Weekly D2427 (Fla. 3rd DCA 2020). Award of attorney's fees that includes amounts attributable to clerical and secretarial work reversed. *Judge Samantha Ruiz Cohen, affirmed in part, reversed in part.*

Melchione v. Temple, 45 Fla.L.Weekly D2302 (Fla. 5th DCA 2020). (Concurring opinion). A party should not be required to secure counsel to seek temporary attorney's fees. *Judge Julie H. O'Kane, affirmed.*

Gonzalez v. Reyes, 302 So.3d 1045 (Fla. 2nd DCA 2020). Trial court erred in determining "ability" by deducting alimony twice, as well as child support, from husband's income. *Judge Scott H. Cupp, affirmed in part, reversed in part.*

Root v. Feinstein, 300 So.3d 1288 (Fla. 4th DCA 2020). Trial court erred denying former wife's attorney's fees for misconduct (accessing former husband's private emails) without quantifying the amount of

fees due to purported misconduct. *Judge Fabienne Fahnestock, reversed.*

Bolliger v. Fries, 45 Fla.L.Weekly D1830 (Fla. 2nd DCA 2020). Order denying fees reversed and remanded, when trial court made no written findings or oral pronouncements on need, ability, or any other relevant factor. *Judge Nicholas Thompson affirmed in part, reversed in part.*

Levy v. Levy, 45 Fla.L.Weekly D1681 (Fla. 3rd DCA 2020). Trial court erred not awarding former wife fees when she successfully defended former husband's motion, and their marital settlement agreement contained a prevailing party clause. *Judge George A Sarduy affirmed in part, reversed in part.*

J.A.L. v. R.M.A., 298 So.3d 148 (Fla. 2nd DCA 2020). Order on fees allowing husband 12 years to pay is unreasonable. *Judge Susan St. John affirmed in part, reversed in part.*

Tutt v. Hudson, 299 So.3d 568 (Fla. 2nd DCA 2020). Trial court erred not awarding all of Husband's fees when he had need and wife had ability, based on finding Husband was "contentious" in the litigation. If a court is going to sanction a party for bad faith litigation, appropriate findings are needed. *Judge Ralph C. Stoddard affirmed in part, reversed in part.*

Office v. Office, 287 So.3d 630 (Fla. 4th DCA 2020). Order awarding attorneys' fees based on Rosen, but no findings of need, remanded to determine if there is need or inequitable conduct.

Law Offices of Jennifer S. Carroll, P.A. v. Brennan Brennan, 287 So.3d 627 (Fla. 4th DCA 2020). Trial Court's denying charging lien affirmed when attorney/appellant failed to challenge any of the substantive reasons for denial in her appellate brief.

Schurr v. Silverio & Hall, PA, 290 So.3d 634 (Fla. 2nd DCA 2020). When requirements of 57.105 are met and no exception, applies the court **shall** award attorney's fees.

Stewart v. Stewart, 290 So.3d 607 (Fla. 1st DCA 2020). Award of appellate attorney's fees remanded when no findings made of recipient's need, or relative financial position.

Christensen v. Christensen, 291 So.3d 1016 (Fla. 2nd DCA 2020). Trial court erred denying Wife's claim for attorney's fees without explanation, when prenuptial agreement provided that prevailing party gets fees, and Wife was prevailing party in this matter.

Zhou v. Yuwen Chen, 299 So.3d 503 (Fla. 3rd DCA 2020). Order sanctioning attorney \$1,856 for missing a trial due to a conflict reversed, when no express finding of bad faith was made.

Bentrim v. Bentrim, 291 So.3d 142 (Fla. 4th DCA 2020). Order denying fees remanded for findings of fact sufficient to permit appellate review.

McVety v. McVety, 293 So.3d 1101 (Fla. 2nd DCA 2020). Trial court erred awarding \$45,000 in accountant fees, when parties stipulated \$28,000 was reasonable.

Johansson v. Johansson, 293 So.3d 505 (Fla. 4th DCA 2020). Order of attorney's fees reversed when Court found party assessed with fees lacked ability to pay. As a general rule, attorney's fees may be awarded as a sanction on contempt proceedings without a finding of need or ability, but this is not the case in this matter.

Collaborative Law:

In Re: Amendments to the Florida Law Rules of Procedure Forms 12.985(a)-(g), 45 Fla.L.Weekly S267 (Fla. 2020). Establishes forms for collaborative law.

Enforcement:

Ringenberg v. Ringenberg, 45 Fla.L.Weekly D2791 (Fla. 1st DCA 2020). Trial court erred imposing 179 days of incarceration without a purge and without complying with Fla.R.Crim.Pro. 3.840(a), (b), (d), (f), and (g). A contempt order that does not contain a purge provisions must be characterized as criminal contempt. Where there is no motion to modify timesharing, the court lacks jurisdiction to do so. Trial court abused discretion prohibiting a party from seeking to modify timesharing until they had complied with all orders in effect. *Judge Paul S. Bryan, reversed.*

Newman v. Newman, 45 Fla.L.Weekly D2406 (Fla. 2nd DCA 2020). Order finding party in contempt reversed and remanded when underlying order vacated. *Judge Reinaldo Ojeda, affirmed in part, reversed in part.*

Martin v. Eldemire-Martin, 45 Fla.L.Weekly D2520 (Fla. 4th DCA 2020). Purge of \$621,075.00 reversed, as it was not reasonably based on the individual circumstances of that party. *Judge Dale C. Cohen, reversed.*

Lynne v. Landsman, 45 Fla.L.Weekly D2493 (Fla. 1st DCA 2020). Trial court erred holding former wife in contempt for not allowing daily telephonic phone calls. Provision that children have “reasonable” contact with the other parent “any time” does not define what those terms mean, and therefore was not clear and definite so as to make the party aware of its command and direction. *Judge Gloria R. Walker, reversed.*

Webb v. Webb, 45 Fla.L.Weekly D2051 (Fla. 2nd DCA 2020). Equitable distribution payment is generally subject to 95.11(1)’s twenty (20) year statute of limitation. An agreement that is not merged into the final judgment, but incorporated by reference, may still be enforced as a judgment. When an agreement is merged into a final judgment, the agreement loses the legal effect and is superseded by order. *Scott H. Cupp, affirmed*

Jacobs v. Jacques, 45 Fla.L.Weekly D1905 (Fla. 2nd DCA 2020). Even without a transcript, a contempt order that does not find willful contempt or ability to pay, or any findings on financial positions for attorney’s fees must be reversed. *Judge John S. Carlin affirmed in part, reversed in part.*

Sosa v. Portilla, 45 Fla.L.Weekly D1765 (Fla. 3rd DCA 2020). Trial court erred denying party’s motion to return passports when they were being held by contempt order without a purge provision. Civil contempt is coercive and must give party opportunity to cure contempt. *Judge Migna Sanchez-Llorens reversed.*

Foreman v. James, 45 Fla.L.Weekly D1681 (Fla. 3rd DCA 2020). Writ of certiorari granted and order of contempt and fees quashed when underlying order on which contempt was based was reversed. *Judge Scott M. Bernstein’s orders quashed.*

Ziegler v. Ziegler, 45 Fla.L.Weekly D1644 (Fla. 5th DCA 2020). Trial court affirmed for denying claim of head of household on garnishment, but erred awarding fees per 57.115 which does not apply to garnishment actions. *Judge Diana Michelle Tennis affirmed in part, reversed in part.*

Neighbors v. Neighbors, 45 Fla.L.Weekly D199 (Fla. 1st DCA 2020). Trial Court erred compelling party to pay out-of-network medical expenses for child when agreement required former husband's approval.

Carter v. Carter, 45 Fla.L.Weekly D366 (Fla. 5th DCA 2020). Order requiring \$6,000 purge based on court's erroneous belief party had motorcycle with \$6,000 equity reversed, when record demonstrated motorcycle was encumbered and had no equity.

Wolf v. Wolf, 45 Fla.L.Weekly D622 (Fla. 2nd DCA 2020). Modification of timesharing is prohibited as a sanction for a parent found in contempt of custody order. To be held in contempt, order must be "clear and precise" and person's conduct must be in clear violation of the order.

Biss v. Biss, 45 Fla.L.Weekly D567 (Fla. 5th DCA 2020). Trial court reversed for sanctioning party for claiming child as dependent on taxes, by allowing wife to claim all children as dependents for next four years. If compensation is intended, the sanction imposed must be based on evidence of the injured party's actual loss.

Acosta v. Acosta, 299 So.3d 521 (Fla. 3rd DCA 2020). Party cannot be sanctioned for violating a court directive or order which is not clear and definite how the party is to comply with the Court's command. It is also an "essential element of contempt" that there be an "intent to violate the relevant Court order."

Equitable Distribution:

Rennert v. Rennert, 45 Fla.L.Weekly D2799 (Fla. 2nd DCA 2020). Borrowing against non-marital property and paying off debt with marital money does not commingle premarital property and convert it to a marital asset. *Judge Keith Meyer affirmed in part, reversed in part.*

Karkhoff v. Robilotta, 45 Fla.L.Weekly D2737 (Fla. 4th DCA 2020). Error to order party to refinance property but not provide consequences if not done. *Judge Samantha Schosberg Feuer, affirmed in part, reversed in part.*

O'Neill v. O'Neill, 45 Fla.L.Weekly D2432 (Fla. 4th DCA 2020). Trial court erred by failing to include negative equity on a vehicle in the equitable distribution scheme. *Judge Catherine Brunson, affirmed in part, reversed in part.*

Legere v. Legere, 304 So.3d 811 (Fla. 1st DCA 2020). Trial court failed to provide specific findings for unequal distribution. *Judge Susan Miller-Jones, reversed.*

Street v. Street, 303 So.3d 1253 (Fla. 2nd DCA 2020). *Replaces opinion at 45 Fla.L.Weekly D1057b.* Trial court erred classifying bank accounts, investment accounts and vehicles as marital assets that were acquired with husband's premarital assets and not comingled. Trial court affirmed on categorizing one bank account as marital when husband did not produce any statements to rebut the presumption. *Judge Joseph G. Foster, affirmed in part, reversed in part.*

Niederkohr v. Kuselias, 301 So.3d 1112 (Fla. 5th DCA 2020). Trial court properly found Wife dissipated assets, except for those funds expended on mortgage, HOA fees, car insurance and health insurance, because they are marital expenses. *Judge Alicia L. Latimore affirmed in part, reversed in part.*

Ortiz v. Ortiz, 45 Fla.L.Weekly D1929 (Fla. 3rd DCA 2020). Final Judgment that fails to identify and distribute all the marital assets as part of equitable distribution scheme should be reversed. *Judge David Young affirmed in part, reversed in part.*

Giles v. Giles, 298 So.2d 1277 (Fla. 2nd DCA 2020). Trial court erred valuing marital residence by averaging parties' values. *Judge Chet A. Tharpe affirmed in part, reversed in part.*

Bailor v. Bailor, 298 So.3d 681 (Fla. 4th DCA 2020). Trial court reversed for distributing proceeds of sale of house before final hearing. *Judge Cynthia L. Cox affirmed in part, reversed in part.*

Jackson v. Blazer, 296 So.3d 984 (Fla. 2nd DCA 2020). Court erred classifying vehicles owned before marriage, and those acquired after date of filing. *Judge Marion L. Fleming* affirmed in part, reversed in part.

Sumlin v. Sumlin, 288 So.3d 763 (Fla. 5th DCA 2020). Equitable distribution reversed when Court failed to consider taxable consequences of Husband's retirement.

Marconi v. Erturk, 293 So.3d 19 (Fla. 4th DCA 2020). Trial court erred in refusing to fashion an equitable distribution scheme, even though it had sufficient evidence to do so.

Diaz v. Diaz, 300 So.3d 767 (Fla. 3rd DCA 2020). Trial court erred in allowing unequal distribution. Concept of special equity has been abolished.

Sager v. Sager, 291 So.3d 965 (Fla. 4th DCA 2020). Trial court affirmed for allowing unequal distribution, but remanded for failing to value marital residence and percentage to be apportioned.

Nathey v. Nathey, 292 So.3d 483 (Fla. 2nd DCA 2020). Trial court erred classifying a residence which husband bought and financed before the marriage, as a marital asset.

Evidence:

Jackson v. Household Finance Corporation, III, 298 So.3d 531 (Fla. 2020). Foreclosure case where Supreme Court provides detailed analysis of predicate for business records exception to hearsay rule.

Perrault v. Engle, 294 So.3d 373 (Fla. 4th DCA 2020). Injunction based on child hearsay reversed. Detailed discussion of child hearsay exception (F.S. 90.803(23)).

Income:

Gerville-Reache v. Gerville-Reache, 45 Fla.L.Weekly D2411 (Fla. 1st DCA 2020). On a motion for rehearing. Original opinion at 45 Fla.L.Weekly D1425a. Trial court did not err finding husband was voluntarily underemployed but erred in imputing income when there was insufficient evidence to demonstrate husband could earn the amount imputed. *Judge W. Gregg McCaulie, reversed.*

Paul v. Paul, 300 So.3d 811 (Fla. 5th DCA 2020). Trial court erred by failing to include Husband's net income from business and failed to include alimony Wife received in her income for purposes of determining support. *Judge Brian J. Welke affirmed in part, reversed in part.*

Crespo v. Watts, 301 So.3d 1110 (Fla. 1st DCA 2020). Without evidence concerning Wife's unemployment, the court could not conclude unemployment was voluntary and impute income to the Wife. *Administrative Judge Elizabeth W. McArthur affirmed in part, reversed in part.*

Waldera v. Waldera, 45 Fla.L.Weekly D1838 (Fla. 3rd DCA 2020). Trial court erred basing Husband's income solely on one year, which was unusually low. Former Husband's historical annual income gave rise to presumption he could continue to earn a higher amount than that determined by the court. Trial court erred imputing 20 hours a week of work to Wife, when she had historically homeschooled the child. Great deference should be accorded to joint decisions of the parties that the Wife should stay home to care for the children, especially where a course of conduct has taken place regardless of court's conclusion on the wisdom of that decision. *Judge Mark H. Jones reversed.*

Gore v. Smith, 45 Fla.L.Weekly D1800 (Fla. 5th DCA 2020). Trial court affirmed for denying Father's motion in limine requesting to strike Mother's forensic accountant who determined Father's 2007 income by taking the original child support number and reverse-engineering it through the child support calculations to determine income, as opposed to the method prescribed in Fla. Stat. §61.30. Appellate court reasoned that this approach was acceptable, because calculation was not to determine current income, but rather to determine if there was a substantial change of circumstances. *Judge Marcia del Rey affirmed in part, reversed in part.*

Marenca v. Marenco, 45 Fla.L.Weekly D1798 (Fla. 2nd DCA 2020) (Replaces 45 Fla.L.Weekly D301a). Trial court erred in failing to include Wife's negative income from rental property in determining child support, when mortgage and fees were more than rent collected. *Judge Alicia Polk affirmed in part, reversed in part.*

Jorgensen v. Tagarelli, 45 Fla.L.Weekly D1599 (Fla. 5th DCA 2020). Trial court erred imputing income relying on former wife's past earnings. Court also erred allowing Husband's equalizing payment to be treated as a business expense which reduced his income. *Judge Don Barbee, Jr. affirmed in part, reversed in part.*

Tutt v. Hudson, 299 So.3d 568 (Fla. 2nd DCA 2020). Trial court erred imputing \$125,000 to Husband based on Husband's testimony he thought he could make \$500 a day driving a limo. Former Husband never earned more than \$60,000/year and Wife failed to establish any circumstances that would allow Court to impute more. *Judge Ralph C. Stoddard affirmed in part, reversed in part.*

Gerville Reache v. Gerville Reache, 45 Fla.L.Weekly D1425 (Fla. 1st DCA 2020). Trial Court affirmed for imputing income to Husband who abandoned former career in logistics to build a real estate career. The decision to pursue his own interests constituted voluntary underemployment. *Judge W. Gregg McCaulie affirmed.*

Marenco v. Marenco, 45 Fla.L.Weekly D301 (Fla. 2nd DCA 2020). Trial court erred failing to include in party's gross income, the losses incurred based on ownership of townhouse she purchased before the marriage, and had been renting.

Haupt v. Haupt, 288 So.3d 1275 (Fla. 1st DCA 2020). Trial court erred failing to include husband's bonus in determination of his income for support.

Brown v. Norwood, 291 So.3d 1005 (Fla. 5th DCA 2020). Trial court erred by imputing husband's gross receipts as his income. While husband was not credible on one issue, court cannot disregard other legitimate business expenses that would otherwise be a proper deduction.

Injunctions:

Black v. Black, 45 Fla.L.Weekly D2801 (Fla. 2nd DCA 2020). Trial court erred extending injunction and denying respondent's motion to dissolve when motion to extend did not allege and new acts of concern and petitioner moving into respondent's community demonstrates the injunction no longer served a legitimate purpose. *Judge Donna Padar Berlin, reversed.*

Magloire v. Obrenovic, 45 Fla.L.Weekly D2779 (Fla. 2nd DCA 2020). Trial court abused discretion entering domestic violence injunction where there was no evidence of imminent danger. Where fear alone is the reasonable cause alleged to support the injunction, then not only must the danger feared be imminent, but the rationale for the fear must be objectively reasonable as well. *Judge Cynthia J. Newton, reversed.*

Wolfe v. Newton, 45 Fla.L.Weekly D2774 (Fla. 2nd DCA 2020). Trial court erred allowing an evidentiary hearing to take testimony after entering a final injunction of stalking to see if respondent can get his firearms back. The trial court had already lost jurisdiction. Final orders had been entered, no one sought a rehearing and/or appeal, and final judgment did not reserve jurisdiction. *Petition for certiorari re: Judge Frances M. Perrone, granted.*

Helweg v. Bugby, 45 Fla.L.Weekly D2495 (Fla. 1st DCA 2020). Court granting an indefinite injunction between a Father and children did not violate Father's right of due process by indefinitely eliminating his timesharing or terminating his parental rights. Father can always seek to modify injunction. Injunction protecting the Mother reversed, as Mother did not allege she was in danger. *Judge Ross M. Goodman, affirmed in part, reversed in part.*

Mack v. Mack, 45 Fla.L.Weekly D2492 (Fla. 1st DCA 2020). Injunction that protected children reversed when there was no evidence in the record concerning danger for children. *Judge David P. Kreider, affirmed in part, reversed in part.*

Cash v. Gagnon, 45 Fla.L.Weekly D2467 (Fla. 4th DCA 2020). Stalking injunction involving 'condo commando' reversed because alleged conflicts are merely uncomfortable neighborly disputes that do not rise to the level of stalking. *Judge Stefanie Moon, reversed.*

Lee v. Matsuda, 45 Fla.L.Weekly D2271 (Fla. 3rd DCA 2020). Court must afford evidentiary hearings on motions to dissolve injunctions, and allow movant a meaningful opportunity to be heard. *Judge Raul Cuervo, reversed.*

Walker v. Harley-Anderson, 301 So.3d 299 (Fla. 4th DCA 2020). Injunction based solely on text messages that were not authenticated

was reversed. Long discussion of authentication of text messages. *Judge Michael G. Kaplan, reversed.*

Pawley v. Marie, 45 Fla.L.Weekly D2040 (Fla. 3rd DCA 2020). Respondent could not seek to set aside an injunction based on fraud (Petitioner already alleged they lived together when they did not). Respondent waived right to contest facts when he agreed to the injunction and the motion is not filed within one (1) year of injunction. Replaces opinion of 45 Fla.L.Weekly D1521a. *Judge Bonnie J. Helms, affirmed.*

Berkeley v. Roy, 301 So.3d 1118 (Fla. 1st DCA 2020). Injunction reversed when respondent was not afforded an opportunity to present evidence or cross-examine petitioner. *Judge Kelvin C. Wells reversed.*

Sweet v. Tucker, 45 Fla.L.Weekly D1961 (Fla. 1st DCA 2020). Respondent of injunction entered in 1998 appeals motion to vacate for lack of personal jurisdiction, because he was served when he was 17 years old. That fact makes a judgment voidable, not void. The fact that respondent appeared at the 1998 hearing cured any defects on service of process. *Judge David Michael Frank affirmed.*

Mamonov v. Marrero, 45 Fla.L.Weekly D1933 (Fla. 3rd DCA 2020). Trial court affirmed for entering an injunction against sexual violence, and found no abuse of discretion in conducting an in-camera interview of a 12-year old victim under Fla. Stat. §90.805(23). *Judge Joseph L. Davis, Jr. affirmed.*

Krapacs v. Bacchus, 301 So.3d 976 (Fla. 4th DCA 2020). Stalking injunction was entered in favor of attorney Nisha Bacchus, who was an attorney for the Appellant/Respondent, Ashley Krapacs's former boyfriend, against Ashley Krapacs (also an Attorney). Attorney Krapacs' actions of posting memes to social media and a blog post including a picture of Attorney Bacchus and vulgar insults did not qualify as cyberstalking, because they do not constitute a pattern of conduct comprised of a series of acts over time, constituting a continuity of purpose. Restricting someone broadly from posting about someone on social media violates that person's first amendment right. *Judge Stefanie Moon reversed.*

Barrett v. Busser, 45 Fla.L.Weekly D1886 (Fla. 2nd DCA 2020). Trial court entered 10-year injunction when respondent failed to appear at

hearing. Trial court erred by denying Fla.R.Civ.P. 1.540 motion filed by respondent, without an evidentiary hearing, to allow attorney to provide the respondent's absence was due to his excusable neglect. *Judge Frances M. Perrone reversed.*

Gonzalez v. Funes, 300 So.3d 679 (Fla. 4th DCA 2020). Described by the Appellate Court as "A sourced business set against the backdrop of a love triangle put in motion...". Injunction reversed when respondent had legitimate purpose for contact, and actions would not cause substantial emotional distress to petitioner. *Judge Stefanie Moon reversed.*

D.S. v. A.L.H., 299 So.3d 614 (Fla. 5th DCA 2020). Trial court erred not affording respondent full evidentiary hearing on domestic violence petition. *Judge Charles J. Roberts reversed.*

Washington v. Brown, 300 So.3d 338 (Fla. 2nd DCA 2020). Respondent communicating with ex-wife's boyfriend about his children when ex-wife blocked him, was not sufficient for stalking injunction as the communication served a legitimate purpose. *Judge Richard A. Weis reversed.*

Cook v. McMillan, 300 So.3d 189 (Fla. 4th DCA 2020). Injunction against dating violence reversed when no evidence of possibility of future harm presented. *Judge Stefanie C. Moon reversed.*

J.G.G. v. M.S., 45 Fla.L.Weekly D1601 (Fla. 5th DCA 2020). Trial court erred allowing petitioner to testify about acts of violence not included in original petition which denied Respondent due process. *Judge Alice Blackwell reversed.*

Barber v. Ghenassia, 298 So.3d 702 (Fla. 5th DCA 2020). Trial court erred denying a motion to extend injunction for lack of jurisdiction when motion was filed before injunction expired. *Judge Alicia L. Latimore reversed.*

Holton v. Holton, 297 So.3d 707 (Fla. 1st DCA 2020). Domestic violence injunction entered based on cyberstalking because Wife made derogatory social media posts, such injunction prohibited Wife from making further derogatory posts or videos of the Husband for one year was reversed, as it was overbroad. An injunction should never be broader than is necessary to secure injured party relief warranted by circumstances. *Judge Eric C. Robertson reversed.*

Logue v. Book, 297 So.3d 605 (Fla. 4th DCA 2020). Substitutes original opinion at 44 Fla.L.Weekly D2083b. Stalking injunction protecting state senator against the co-founder of an organization for the anti-registry for sexual offenders. The Respondent 1) appeared at a protest with Petitioner present, 2) appeared at a movie screening and got into a heated exchange with Petitioner in a Q&A, and 3) made social medial posts about Respondent, were insufficient to support entry of injunction. *Judge Michael G. Kaplan* reversed.

Price v. Taylor, 298 So.3d 654 (Fla. 4th DCA 2020). Generally, a movant cannot obtain modification or dissolution of a domestic violence injunction based on a challenge to its initial procurement. This is based on the reasoning that such challenges should have been made at the contested hearing before the injunction was entered, or in a direct appeal of the order granting the injunction. This reasoning does not apply when the initial injunction was entered ex-parte. *Judge Fabienne Fahnestock* reversed.

Brungart v. Pullen, 296 So.3d 973 (Fla. 2nd DCA 2020). Injunction against domestic violence reversed when it was based on one violent incident when parties were dating, and now that parties are not dating, there is no imminent risk. *Judge Diana Moreland* reversed.

Alobaid v. Khan, 45 Fla.L.Weekly D1278 (Fla. 3rd DCA 2020). Domestic violence injunction affirmed. Respondent's argument that Court lacked personal jurisdiction when respondent was personally served in Florida and F.S. 48.193(1)(a)(2) provides non-residents subject themselves to personal jurisdiction by committing a tortious act in Florida. *Judge Oscar Rodriguez-Fonts* affirmed.

Craft v. Fuller, 298 So.3d 99 (Fla. 2nd DCA 2020). Cyberstalking injunction reversed because: 1) threat was not directed at a specific person; 2) no evidence of substantial emotional distress; and 3) respondent had legitimate purpose for tweet. *Judge Christopher LaBruzzi* reversed.

Mills v. Riley, 294 So.3d 470 (Fla. 1st DCA 2020). Stalking injunction reversed when record contained no evidence of substantial emotional distress. *Judge Eric C. Roberson* reversed.

Quinones-Dones v. Mascola, 290 So.3d 1029 (Fla. 5th DCA 2020). Fact that Father sent Mother 38 text messages did not constitute stalking, when Mother blocked Father from minor child's cell phone.

Hart v. Griffis, 288 So.3d 770 (Fla. 1st DCA 2020). Fact that former wife contacted state attorney to investigate former husband was not sufficient basis to support stalking injunction.

Stover v. Stover, 287 So.3d 1277 (Fla. 2nd DCA 2020). Trial court violated Respondent's due process by awarding exclusive timesharing to Petitioner when relief was not requested in petition.

Santiago v. Leon, 299 So.3d 1114 (Fla. 3rd DCA 2020). Petitioner was a minor, and Respondent (a) got a tattoo of the petitioner's name tattooed on his body, (b) posted pictures of petitioner on his social media representing petitioner was his son, (c) mailed packages to petitioner, (d) emailed petitioner's father expressing his love for petitioner, (e) contacted surrogate of petitioner's parent to obtain information about the petitioner, (f) appeared at petitioner's house, and (g) appeared at a restaurant Petitioner frequents—all were legally insufficient to support entering an injunction. Social media posts do not constitute cyberstalking, as they are not directed at a specific person.

Patin v. Davis, 289 So.3d 998 (Fla. 1st DCA 2020). Injunction for stalking reversed where evidence that was admitted was legally insufficient, as court's order was based on cell phone videos the court viewed during the hearing, but such videos were not admitted into evidence, nor part of the record.

JAF v. AJR, Jr., 292 So.3d 467 (Fla. 2nd DCA 2020). Mother's new boyfriend spanking child with Mother's permission, and no injury was incurred by child, was insufficient to obtain injunction against repeat violence.

Sinopoli v. Clark, 290 So.3d 159 (Fla. 2nd DCA 2020). Fact that respondent "annihilated" plants on his property, would stare at petitioner from his balcony, and installed a light that illuminated petitioner's yard, was not sufficient to establish severe emotional distress needed for a stalking injunction.

Stanlick v. Stanlick, 291 So.3d 674 (Fla. 2nd DCA 2020). Trial court erred allowing petitioner to testify about allegations not contained within the petition for injunction.

Boucher v. Warren, 291 So.3d 597 (Fla. 4th DCA 2020). Denial of injunction reversed and remanded when only evidence presented was uncontested, there was no findings on petitioner's lack of credibility, and evidence supported the entry of injunction.

Hobbs v. Hobbs, 290 So.3d 1092 (Fla. 1st DCA 2020). Order denying motion to dissolve injunction reversed, because injunction entered 20 years ago continues to serve no valid purpose. Strong dissent.

Afanasiev v. Alvarez, 299 So.3d 474 (Fla. 3rd DCA 2020). Trial court reversed for granting exclusive use & possession and a "stay away" order in family case, when only matter noticed for hearing was on domestic violence injunction.

Toler v. Pray, 293 So.3d 1076 (Fla. 2nd DCA 2020). Stalking injunction reversed and remanded when Respondent denied opportunity to cross-examine petitioner. To satisfy due process requirements, parties must have reasonable opportunity to prove or disprove allegations in complaint.

Yehezkel v. Yehezkel, 45 Fla.L.Weekly D875 (Fla. 3rd DCA 2020). Generally, multiple acts of violence stemming from a single violent incident do not qualify as "repeat violence" unless separated by time or distance.

Jurisdiction:

De Carvalho v. De Carvalho Pereira, 45 Fla.L.Weekly D2556 (Fla. 1st DCA 2020). Trial court affirmed returning children to Brazil under Hague Convention, where court found Brazil was the habitual residence of children even though one child was born in the United States and has never been to Brazil, and even though the children were in Florida more than a year. Court affirmed the finding that the children were not settled to such a degree that return to Brazil would be detrimental. *Judge John I. Goy, affirmed.*

Life Insurance:

Pricher v. Pricher, 300 So.3d 1258 (Fla. 5th DCA 2020). Error to award security for alimony without evidence of special circumstances or availability and cost. *Judge George B. Turner affirmed in part, reversed in part.*

Sager v. Sager, 291 So.3d 965 (Fla. 4th DCA 2020). Order requiring life insurance reversed when no findings as to cost or availability.

Modification:

Lyles v. Guffey, 45 Fla.L.Weekly D2618 (Fla. 1st DCA 2020). Trial court granting modification of timesharing based on father's return to Florida. This was reversed based on no record evidence to support court's finding that father's return to Florida was not reasonably contemplated. *Judge John L. Miller, reversed.*

Romeo v. Romeo, 45 Fla.L.Weekly D2612 (Fla. 2nd DCA 2020). Judgment granting modification of parenting plan, which fails to include a finding of substantial change of circumstances, will typically require reversal. *Judge John McGowan, reversed.*

Sjogren v. Sjogren, 45 Fla.L.Weekly D2439 (Fla. 4th DCA 2020). Trial court affirmed for denying modification because the change was not permanent. However, a court will grant a temporary reduction or suspension in alimony when an obligor suffered a reduction in income without deliberately seeking to avoid paying alimony, and is acting in good faith to return income to previous level. *Judge N. Hunter Davis affirmed.*

Mallick v. Mallick, 45 Fla.L.Weekly D2355 (Fla. 2nd DCA 2020). Second DCA recedes from opinion in Grigsby v. Grigsby, 39 So.3d 453 (Fla. 2nd DCA 2010), which requires the court to give a parent whose timesharing is restricted milestones and benchmarks to regain visitation. *Judge Alicia Polk, affirmed.*

Miller v. Miller, 302 So.3d 457 (Fla. 5th DCA 2020). Trial court erred by modifying portions of parenting plan which were not requested in pleadings. Trial court erred awarding child support when parties originally agreed to no support paid, and Former Wife did not demonstrate substantial change of circumstances. *Judge Diana Michelle Tennis affirmed in part, reversed in part.*

Malha v. Losciales, 45 Fla.L.Weekly D1978 (Fla. 3rd DCA 2020). Trial court resolving an impasse on major decisions was not an impermissible modification. *Judge Victoria Del Pino affirmed.*

Chevalier v. Emmerson, 300 So.3d 217 (Fla. 4th DCA 2020). Trial court erred granting one parent 100% timesharing with child as a result of a contempt hearing, absent an emergency, while modification was pending. *Judge Jessica Ticktin reversed.*

Coriat v. Coriat, 45 Fla.L.Weekly D1620 (Fla. 3rd DCA 2020). Trial court erred modifying child support retroactively to date before petition was filed, when party exercised all visitation. *Judge Samantha Ruiz Cohen affirmed in part, reversed in part.*

Befanis v. Befanis, 203 So.3d 1121 (Fla. 5th DCA 2020). Order denying modification of alimony upon retirement reversed. Contemplated does not mean “know about”. Rather, contemplation means the parties considered the consequences of the agreement in their agreement.

Judy v. Judy, 291 So.3d 651 (Fla. 2nd DCA 2020). Wife who was unemployed at time settlement agreement was signed, and was awarded agreed-upon durational alimony, such could not be modified later by imputing income to the wife as that would not be a change in circumstance.

Kyle v. Carter, 290 So.3d 640 (Fla. 1st DCA 2020). Petition for modification that does not allege substantial change of circumstances is legally insufficient on its face.

Light v. Kirkland, 45 Fla.L.Weekly D150 (Fla. 1st DCA 2020). An acrimonious relationship between the parents, or lack of communication alone is not a proper basis to find a substantial change of circumstances to justify a modification of a parenting plan.

Hutchinson v. Hutchinson, 287 So.3d 695 (Fla. 1st DCA 2019). Trial court reversed for granting modification to parenting plan. Former Wife allowing additional time, and then asking to go back to original visitation does not constitute the denial of visitation nor a substantial change in circumstances.

Parenting:

Robbins v. Kerns, 45 Fla.L.Weekly D2763 (Fla. 1st DCA 2020). Trial court erred giving Father 60% of timesharing for two years, then ordering a prospective change to 50/50 timesharing when the child enters kindergarten. Courts may not engage in a prospective-based analysis when modifying a time-sharing schedule that attempts to anticipate what the future best interests of a child will be. *Judge Kevin J. Carroll, affirmed in part, reversed in part.*

Frye v. Cuomo, 296 So.3d 939 (Fla. 4th DCA 2020). Due to Former Husband's demonstrated history of alcohol abuse and relapse, it was within Court's discretion to require Former Husband to abstain from alcohol and submit to BAC testing. But because former husband's timesharing was contingent on test results, it was error to make Former Husband fully financially responsible for cost of testing. *Judge Arthur M. Birken affirmed in part, reversed in part.*

Booth v. Hicks, 301 So.3d 369 (Fla. 2nd DCA 2020). Trial court erred granting relief not requested in pleading, awarding all timesharing to Father because Mother missed final hearing, and denying mother's motion for rehearing, which prevented her from presenting evidence on best interest of child.

Socol v. Socol, 291 So.3d 594 (Fla. 4th DCA 2020). Utilizing the best interest of the child standard does not obviate the necessity of a specific finding that shared parental responsibility would be detrimental to the child before awarding sole parental responsibility to a parent.

Ezra v. Ezra, 299 So.3d 466 (Fla. 3rd DCA 2020). Father's actions that both passively and overtly hindered the mother's arduous attempts to foster the happiness, mental health, academic prowess and overall stability of children, was legally sufficient to support modification giving Wife sole parental responsibility.

Partition:

Martinez-Noda v. Pascual, 45 Fla.L.Weekly D751 (Fla. 3rd DCA 2020). Court reversed for refusing to conduct hearing to determine

if party was entitled to credits for paying mortgage and taxes prior to partition.

Paternity:

Nishman v. Stein, 292 So.3d 1277 (Fla. 2nd DCA 2020). Parties cannot contractually waive temporary attorney's fees in a paternity action.

Shmidt v. Nipper, 287 So.3d 1289 (Fla. 1st DCA 2020). Motion for relief filed by alleged biological father of a child born into intact marriage was properly denied, even though a guardian ad litem was not appointed in original dissolution. This would have made judgment voidable not void, and would have to be challenged by rehearing or appeal, not on a motion to set aside. Alleged biological father's due process rights were not violated because he participated in original proceedings as a party.

Procedure:

Fortini v. De Palma, 45 Fla.L.Weekly D2847 (Fla. 5th DCA 2020). Lengthy opinion about marital business in receivership. *Judge Bryan Rendzio affirmed in part, reversed in part*,

Aponte v. Wood, 45 Fla.L.Weekly D2824 (Fla. 4th DCA 2020). Trial court cannot enter default as a discovery sanction without finding party demonstrated willful or deliberate disregard. *Judge Samantha Schosberg Feuer reversed*.

Vincent v. Vincent, 45 Fla.L.Weekly D2792 (Fla. 1st DCA 2020). Lengthy concurring opinion re: psychotherapist-patient privilege. *Petition for writ of certiorari denied*.

McCloud v. Tackett & Childree, 45 Fla.L.Weekly D2762 (Fla. 1st DCA 2020). Petition for writ of certiorari on court's granting of a protective order for a third party dismissed, because no irreparable harm was demonstrated. An order that denies discovery normally does not rise to the level of irreparable harm because it can be readily remedied on appeal. For denial of discovery to constitute material, irreparable harm, the denial must effectively eviscerate a party's claim, defense or counterclaim.

Singer v. Singer & Singer, 45 Fla.L.Weekly D2749 (Fla. 4th DCA 2020). Trial court erred determining it lacked jurisdiction over a third party who signed a marital settlement agreement and jurisdiction to enforce agreement. If a party takes some step in the proceedings which amounts to submission to the court's jurisdiction, then that party waives the right to challenge personal jurisdiction. *Judge Andrea R. Gundersen, reversed.*

Karkhoff v. Robilotta, 45 Fla.L.Weekly D2737 (Fla. 4th DCA 2020). When there is a conflict between an oral pronouncement and written judgment, the oral pronouncement must control. *Judge Samantha Schosberg Feuer, affirmed in part, reversed in part.*

Velez v. Lafontaine, 45 Fla.L.Weekly D2713 (Fla. 5th DCA 2020). Adverse or unfavorable legal ruling, without more, is not legally sufficient to disqualify a judge. *Writ of prohibition regarding Judge Diana M. Tennis, denied.*

Delgado v. Miller, 45 Fla.L.Weekly D2679 (Fla. 3rd DCA 2020). Order prohibiting either party from engaging on social media regarding the other party's conduct is an unconstitutional prior restraint of speech. *Writ of prohibition regarding Judge Ivonne Cuesta, granted.*

Ludwigsen v. Ludwigsen, 45 Fla.L.Weekly D2670 (Fla. 2nd DCA 2020). Order on compulsory psychological exam that failed to specify the certain parameters of exam, pursuant to Florida Family Law Rule of Procedure 12.360, was inadequate. *Petition for writ of certiorari regarding the order of Judge Scott H. Cupp, denied in part, and granted in part.*

Fine v. Fine, 45 Fla.L.Weekly D2643 (Fla. 4th DCA 2020). Where an error by the court appears for the first time on the face of a final order, a party must alert the court of the error via a motion for rehearing to preserve it for the court. *Judge Charles E. Burton, affirmed in part, remanded in part.*

Huber v. Huber, 45 Fla.L.Weekly D2392 (Fla. 3rd DCA 2020). Trial court erred transferring divorce to the county wife resided in. Venue is proper in the single county where the marriage last existed as a union. *Judge Ivonne Cuesta, reversed.*

Duhamel v. Duhamel, 45 Fla.L.Weekly D2227 (Fla. 2nd DCA 2020). Trial court abused discretion by denying wife's motion to reopen the case, when wife's request was made before the end of evidence and before judgment rendered. *Judge Alicia Polk, reversed.*

L.E.B. v. D.D.C., 304 So.3d 54 (Fla. 2nd DCA 2020). A motion to disqualify attorney should be made with a reasonable promptness after the party discovers the facts that lead to the motion. A litigant, even pro se, can waive the right to seek disqualification of opponent's attorney by delay in seeking to enforce the right. *Judge Amy R. Hawthorne, reversed.*

Murphy v. Collins, 45 Fla.L.Weekly D2111 (Fla. 3rd DCA 2020). Trial court erred rendering order that changed substantial findings after being disqualified. After hearing testimony and evidence and rendered an oral pronouncement, court retains authority to perform ministerial acts of reducing that ruling to written orders, but if order deviates from oral pronouncement, court commits error. *Judge Bonnie J. Helms, reversed.*

Murphy v. Hutchens, 302 So.3d 496 (Fla. 5th DCA 2020). If a party does not seek exceptions to a report, the appellate review is limited to errors on face of judgment. *Judge Elizabeth A. Blackburn, affirmed.*

Frank v. Frank, 45 Fla.L.Weekly D2041 (Fla. 3rd DCA 2020). Trial court erred not giving foreign judgment full force and effect and for modifying the amount of equitable reasons not even plead. *Judge Bernard S. Shapiro, reversed.*

Varchetti v. Varchetti, 302 So.3d 408 (Fla. 4th DCA 2020). Florida family law rules do not contain any deadline or time limit for raising the issue of inconvenient forum under the UCCJEA. Rule 1.061(g) does not apply to family law proceedings. *Judge Cynthia L. Cox, reversed.*

Sanchez Vicario v. Santacana Blanch, 45 Fla.L.Weekly D1985 (Fla. 3rd DCA 2020). Lengthy discussion on priority and comity when two divorces are filed in two foreign countries. (NOTE: Read case if studying for board certification exam). *Judge Maria Espinosa Dennis affirmed.*

Constantino v. Genung, 45 Fla.L.Weekly D1883 (Fla. 2nd DCA 2020). Trial court abused direction for setting aside a final judgment based

on newly-discovered evidence, when the record demonstrates newly-discovered evidence would likely not have changed the result of the proceeding. *Judge Scott H. Cupp reversed.*

A.V. v. T.L.L., 45 Fla.L.Weekly D1881 (Fla. 2nd DCA 2020). Trial court erred allowing medical professional to testify by phone without good cause, and a compounded error by not administering the oath. *Judge Alicia Polk reversed.*

Tavares v. Enoch, 301 So.3d 1106 (Fla. 4th DCA 2020). 7 ½ month delay after trial before entry of final judgment, alone, did not warrant reversal in this case. While the court made an error of fact, the 17-page final judgment indicates the court's careful consideration of the testimony, admissible evidence and the child's best interests. Appellate review did not reveal "numerous" discrepancies between the evidence and final judgment. However, in family law cases in particular, trial courts have a responsibility to render their decisions under circumstances which give no doubt the matter was seriously and promptly considered. *Judge Kathleen J. Kroll, affirmed in part, reversed in part.*

Ponomarenko v. Esenova, 300 So.3d 1209 (Fla. 4th DCA 2020). Trial court putting a time limit on attorney filing a motion to disqualify alone is not a legally sufficient reason for disqualification. *Judge Andrea Ruth Gunderson affirmed.*

Murphy v. Collins, 45 Fla.L.Weekly D1775 (Fla. 3rd DCA 2020). Fact that Judge said she is tired of an attorney and instructed staff not to accommodate attorney's scheduling requests, was legally sufficient to disqualify judge. *Judge Bonnie Helms disqualified by writ of prohibition.*

Rudnick v. Harman, 301 So.3d 266 (Fla. 4th DCA 2020). Trial court erred finding former husband waived mediation requirement by his conduct simply based on attorney's representations at a UMC hearing. Order quashed and remanded for an evidentiary hearing. *Judge Renatha S. Francis' order quashed.*

Romero v. Brabham, 300 So.3d 665 (Fla. 4th DCA 2020). Error to summarily deny colorable motion to vacate without a hearing. *Judge Sarah Willis reversed.*

Albra v. Szendy, 298 So.3d 1167 (Fla. 4th DCA 2020). Adverse ruling alone is not legally sufficient reason to disqualify a Judge. *Judge Michael G. Kaplan affirmed.*

Valsaint v. Alphonse, 45 Fla.L.Weekly D1683 (Fla. 3rd DCA 2020). Trial court affirmed for denying motion to continue hearing, and granting motion to dismiss disestablishment of paternity action, for failing to effectuate service. *Judge Arthur L. Rothenberg affirmed.*

Mezel v. Tzynder, 45 Fla.L.Weekly D1683 (Fla. 3rd DCA 2020). Trial court erred ruling on Father's modification which was not noticed for hearing. Mother's due process violated. *Judge Maria Elena Verde reversed.*

Bouchard v. Bouchard, 300 So.3d 334 (Fla. 2nd DCA 2020). Writ of certiorari appropriate when Court disqualified Guardian ad Litem due to fee dispute with one of the parties. *Judge Lauralee G. Westine's order quashed.*

Wiendl v. Wiendl, 299 So.3d 1169 (Fla. 2nd DCA 2020). Trial court erred summarily denying motion to vacate Magistrate's support order without a hearing. *Judge Lawrence Lefler reversed.*

In Re: Amendments to the Florida Supreme Court Approved Family Law Forms, Forms 12.948(a)-(e), 302 So.3d 764 (Fla. 2020). Florida Supreme Court refuses to add "Space Force" to the list of uniformed services, and to expand definition of deployment.

Seiwert v. Seiwert, 299 So.3d 558 (Fla. 5th DCA 2020). Challenging the ruling made by a magistrate, and suggestion those rulings show a bias is legally insufficient to disqualify. *Judge Charles J. Roberts affirmed.*

Ricketts v. Ricketts, 45 Fla.L.Weekly D1479 (Fla. 2nd DCA 2020). Requesting custody, timesharing or parental responsibility does not place a party's mental health at issue. The mere allegations of mental or emotional instability are insufficient to place the custodial parent's mental health at issue so as to overcome privilege. *Judge Sharon M. Franklin's discovery order quashed.*

Marwan v. Sahmoud, 45 Fla.L.Weekly D1461 (Fla 3rd DCA 2020). Petition for writ of prohibition for denying motion to disqualify trial judge granted. Record supports argument the Former Husband

has a reasonable fear he would not receive a fair trial based on the nature and extensive questioning of the Former Husband by the court, after both sides rested. The fact that a judge asks a disproportionately higher amount of questions of a witness on an issue than the parties do could suggest biased and active participation by the court.

Johnson v. Johnson, 297 So.3d 700 (Fla. 1st DCA 2020). In First DCA, party waives issue on appeal if they fail to bring fact Court did not make a required finding of fact by rehearing. In First DCA, sufficiency of findings can be raised for the first time on appeal. *Judge Lance M. Day* reversed.

Pares v. Soriano, 45 Fla.L.Weekly D1396 (Fla. 3rd DCA 2020). Trial court abused discretion by denying request for continuance and disregarding allegations made in good faith, coupled with unrebutted testimony. Florida courts have held that it is reversible error to refuse to grant continuance where party or attorney are unavailable for physical or mental reasons which prevent fair and adequate presentation of the party's case. *Judge George A. Sarduy* reversed.

Singer v. Singer, 302 So.3d 955 (Fla. 2nd DCA 2020). Trial court erred not allowing Wife to reopen evidence when she was imputed \$20,000 in gift income from her Father and boyfriend, who both died right after the final hearing. *Judge Amy M. Williams* affirmed in part, reversed in part.

Fagen v. Merrill, 293 So.3d 1116 (Fla. 2nd DCA 2020). Order requiring former husband to produce discovery in connection with former wife's request for fees in her 12.540 motion, which had been pending for five years, was quashed. Under these circumstances, discovery would be premature and Court should wait until underlying motion is resolved on its merits.

Singer v. Singer, 45 Fla.L.Weekly D901 (Fla. 2nd DCA 2020). Trial court erred not allowing Wife to reopen evidence when she was imputed \$20,000 in gift income from her Father and boyfriend, who both died right after the final hearing.

Lauterbach v. Lauterbach, 304 So.3d 33 (Fla. 2nd DCA 2020). Client's complete absence from State of Florida for 6 months

prior to filing, even for health reasons, was dispositive on finding she did not meet residency requirements.

Robinson v. Christiansen, 45 Fla.L.Weekly D702 (Fla. 3rd DCA 2020). Court affirmed for finding Wife did not meet Florida's residency requirement and dismissing divorce.

Edkin v. Edkin., 292 So.3d 1198 (Fla. 5th DCA 2020). Trial court erred awarding rotating timesharing of minor child, when relief was not sought in pleadings.

Ramirez v. Ramirez., 293 So.3d 21 (Fla. 4th DCA 2020). Trial court erred awarding sole parental responsibility when it was not requested in the pleadings.

Pernetti v. Pernetti, 299 So.3d 479 (Fla. 3rd DCA 2020). Trial court's order incarcerating wife for weekend for indirect contempt, reversed when incarceration based on husband's unverified motion and wife was not afforded a hearing to respond.

Wanda I. Rufin, P.A. v. Borga, 294 So.3d 916 (Fla. 4th DCA 2020). Award of \$3,900 as a sanction against attorney for bad faith conduct, reversed when matter was not noticed and therefore sanctioned attorney was deprived opportunity to be heard.

Lane-Hepburn v. Hepburn, 290 So.3d 589 (Fla. 2nd DCA 2020). Where a divorcing couple has a minor child(ren), a court cannot enter a default final judgment without allowing the defaulting parent an opportunity to present evidence on the issue.

Bigelow v. Ritsema, 289 So.3d 550 (Fla. 5th DCA 2020). Trial Court loses jurisdiction to amend judgment after rehearing period.

Lunsford v. Engle, 45 Fla.L.Weekly D163 (Fla 4th DCA 2020). Florida trial Court erred relinquishing jurisdiction of minor child to Oregon, when Florida was home state and grandmother who had temporary custody was not allowed to participate in conference call between Florida and Oregon courts. **Mandate RECALLED by 4th DCA on May 13, 2020.**

Clafin v. Clafin, 288 So.3d 774 (Fla. 1st DCA 2020). Trial Court affirmed on finding parties were in a valid marriage, even though the Phillipines court found the marriage to be a nullity. As to comity,

under the circumstances, enforcing judgment from the Philippines would offend public policy.

Bradner v. Bradner, 296 So.3d 947 (Fla. 1st DCA 2019). Trial Court erred granting summary judgment, concluding party was in a supportive relationship based upon disputed facts. If the summary judgment evidence raises any issue of material fact, is conflicting or it permits different reasonable inferences, summary judgment should be denied and issue should proceed as a question for resolution at trial.

Johnson v. Johnson, 288 So.3d 745 (Fla. 2nd DCA 2019). Trial Court affirmed for transferring domestic violence injunction to county where divorce and other matters were currently being litigated.

Relocation:

Clark v. Meizlik, 289 So.3d 983 (Fla. 4th DCA 2020). Provision in parenting plan providing “any additional relocation of child outside of Vero Beach or St. Augustine must be sought in compliance with 61.13001” was reversed. Under 61.13001(1)(e), parent only needs to seek relocation if they plan on moving child 50 miles away from current residence.

Same Sex Marriages:

McGovern v. Clark, 298 So.3d 1244 (Fla. 5th DCA 2020). Trial court has subject matter jurisdiction over children of same sex marriage born before the parties’ marriage. F.S. 742.091 provides “If the mother of any child born out of wedlock and the reputed Father shall at any time after its birth intermarry, the child shall in all respects be held to be the child of the Husband and Wife, as though born in wedlock.” Remanded for Trial court to decide whether biology aside, Ms. McGovern met the requirements of F.S. 742.091. *Judge Alan S. Apte* reversed and remanded.

Support:

Lockwood v. Lockwood, 45 Fla.L.Weekly D2802 (Fla. 2nd DCA 2020). Trial court could not modify the retroactive child support figures or the arrearage amount owed by a party prior to filing a petition. *Judge Alicia Polk, affirmed in part, reversed in part.*

Robbins v. Kerns, 45 Fla.L.Weekly D2763 (Fla. 1st DCA 2020). Father was not entitled to a *Speed* credit/deduction (see 749 So.2d 510) because he was not actually paying support for the two older sons from another relationship that he had custody of, but he was entitled to same credit for paying their expenses. *Judge Kevin J. Carroll, affirmed in part, reversed in part.*

Buck v. Buck, 45 Fla.L.Weekly D2612 (Fla. 2nd DCA 2020). Child support order that is unclear as to how deductions were determined remanded for recalculation. *Judge Darren A. Farfante, affirmed in part, reversed in part.*

O'Neill v. O'Neill, 45 Fla.L.Weekly D2432 (Fla. 4th DCA 2020). Trial court erred basing child support on parties' 50/50 timesharing arrangements, when Husband admitted he could not exercise 50/50 timesharing. *Judge Catherine Brunson, affirmed in part, reversed in part.*

Florida DOR v. Taylor, 45 Fla.L.Weekly D2236 (Fla. 3rd DCA 2020). By accepting public assistance from DOR for support of dependent children, DOR acquires authority to proceed with all remedies entitled to the child's custodian, even in their absence. *Judge Arthur L. Rothenberg, reversed.*

Reed v. DOR, 45 Fla.L.Weekly D1872 (Fla. 1st DCA 2020). Trial court erred in granting a "speed" credit to child support (a deduction for court-ordered support paid for other children) where father lives with a new spouse, and there is no formal timesharing agreement. *Judge Kevin J. Carroll reversed.*

Fernandez v. Fernandez, 45 Fla.L.Weekly D1841 (Fla. 3rd DCA 2020). Trial court erred dismissing petition for continued support filed by 27-year-old dependent adult with Down Syndrome against the father, when it was not addressed in the parent's original judgment. Fla. Stat. §743.07(2) preserves the common law right to seek adult dependent support from a parent in a court of competent jurisdiction. *Judge David H. Young reversed.*

Skelly v. Skelly, 300 So.3d 342 (Fla. 5th DCA 2020). Trial court affirmed for finding wife had standing to seek to extend child support for child who is "dependent," filed before child's 18th birthday. Court erred by failing to base support on net incomes

and crediting husband with payments made. *Judge Michael J. Rudisill affirmed in part, reversed in part.*

Williams v. Bossicot, 300 So.3d 184 (Fla. 4th DCA 2020). Court erred by not applying substantial parenting adjustment to child support calculation, when party has more than 20% overnights. *Judge Scott I. Suskauer affirmed in part, reversed in part.*

Temporary Relief:

Martinez v. Reyes, 45 Fla.L.Weekly D2277 (Fla. 3rd DCA 2020). In temporary relief hearings where trial judges are required to determine interim timesharing schedules, the limited nature of a temporary hearing and necessity for quick action by a trial judge require appellate courts to defer to trial court's exercise of discretion. *Judge Spencer Multack, affirmed.*

Cura v. Cura, 299 So.3d 1127 (Fla. 3rd DCA 2020). Temporary relief order awarding retroactive support reversed when no finding of need or actual ability during retroactive period.