

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

IN RE: THE FORMER MARRIAGE OF
(33) (91)

CASE NO.: FMCE14013564

JOSEPH S. D'ALEO, JR.,

Petitioner/Former Husband,

vs.

MARINA D'ALEO,

Respondent/Former Wife.

**SUPPLEMENTAL FINAL JUDGMENT GRANTING
FORMER HUSBAND'S AMENDED VERIFIED SUPPLEMENTAL PETITION
FOR MODIFICATION OF TIMESHARING, PARENTING PLAN, AND FOR OTHER
RELIEF**

THIS CAUSE came before the Court for final hearing on June 29, 2023 and June 30, 2023, upon Former Husband's Amended Verified Supplemental Petition for Modification of Timesharing, Parenting Plan, and for Other Relief pursuant to Fla. Stat. §61.13(3) (2017). The Court having heard testimony of witnesses, having had the opportunity to evaluate and weigh the testimony presented, and having observed the demeanor, frankness, credibility, and competence of each witness, and the opportunity to consider the reasonableness of testimony of the witnesses considered in light of all of the evidence presented, and having heard argument of counsel, having reviewed the file, and being otherwise fully and duly advised in the premises, it hereby

FINDS as follows:

1. This Court has jurisdiction over the parties and the subject matter hereto, as the parties have continued to reside in the State of Florida for over six (6) months prior to the filing of the Supplemental Petition and Florida is the home state of the Child.

2. Petitioner, JOSEPH S. D'ALEO, JR. (hereinafter referred to as "Former Husband" or "Father") and Respondent, MARINA D'ALEO (hereinafter referred to as "Former Wife" or "Mother") had one child born of their former marriage [REDACTED]

[REDACTED] hereinafter "Child" [REDACTED]

3. On March 10, 2015, the Court entered a Final Judgment of Dissolution of Marriage ratifying, adopting, and incorporating the parties' Marital Settlement Agreement, Parenting Plan, and Mediated Settlement Agreement (hereinafter collectively referred to as "Final Judgment").

4. On May 31, 2016, the Court entered an Agreed Final Order ratifying, adopting, and incorporating the parties' Stipulation and Settlement Agreement.

5. On March 21, 2017, Former Husband filed a Supplemental Petition for Modification, which he amended on May 28, 2019, by filing an Amended Verified Supplemental Petition for Modification of Timesharing, Parenting Plan, and for Other Relief. (hereinafter "Amended Supplemental Petition").

6. In paragraph 7 of his Amended Supplemental Petition, the Former Husband incorporated the allegations in his Original Supplemental Petition.

7. Pursuant to page 2 paragraph C of the parties Final Judgment, "The parties shall have shared parental responsibility and 50/50 time-sharing with the child as set forth in the *Agreed Parenting Plan*, dated December 17, 2014."

8. The Court finds that a substantial and material change of circumstances has occurred since the entry of the Final Judgment as more specifically described below. The modification set forth herein is in the best interest of the Child.

9. The Court finds that that shared parental responsibility is detrimental to the Child for the reasons stated herein. The Court awards sole parental responsibility to the Former Husband.

10. Former Husband is awarded 100% overnight timesharing with the Child. Former Wife shall only have the supervised timesharing schedule specifically set forth in the Supervised/Safety-Focused Parenting Plan, which is attached hereto, made a part hereof, and marked **Exhibit “A”**, as unsupervised contact between Former Wife and Child is detrimental to the Child.

11. The Court acknowledges that “It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the right and responsibilities, and joys, of childrearing.” Fla. Stat. §61.13(2)(c)1 (2021).

12. However, the Court additionally recognizes that “The court shall order that the parental responsibility for a minor child be shared by both parents unless the court finds that shared parental responsibility would be detrimental to the child.” Fla. Stat. §61.13(2)(c)2 (2021)(emphasis added). “The court shall order sole parental responsibility for a minor child to one parent, with or without time-sharing with the other parent if it is in the best interests of the minor child.” Fla. Stat. §61.13(2)(c)4 (2021)(emphasis added).

13. The Court finds that the culmination of the numerous findings below, which mandate 100% overnight timesharing to the Former Husband with supervised timesharing to the Former Wife, also support the finding that shared parental responsibility is detrimental to the Child. Meyers v. Meyers, 295 So.3d 1207 (Fla. 2nd DCA 2020); Evans v. Woodard, 898 So.2d

230 (898 So.2d 230 (Fla. 2nd DCA 2005).

14. The competent, substantial evidence presented in this two-day trial proves overwhelmingly that Former Wife should not be responsible for making decisions for the child in question here and maybe not any child.

15. It would be detrimental to the Child for Former Wife to continue to have shared parental responsibility.

16. In addition to the above and in support of its findings below, the Court finds Former Husband's testimony was credible.

17. The Court further finds th [REDACTED] who was appointed by agreement of the parties to conduct a social investigation with psychological evaluations as a neutral expert, to be extremely reliable, unbiased, very fair in her assessments, and very persuasive.

18. In addition, the Court heard the testimony of the parties' older daughter, ARINA [REDACTED]

19. ARINA is the biological daughter of Former Wife. As an adult, she chose to allow Former Husband to adopt her as his legal daughter. Hence, she is now the legal child of both parties.

20. The Court finds ARINA to be credible and unbiased, very persuasive, and unfortunately, overwhelmingly proved to the Court that Former Wife is an abusive parent.

21. The Former Wife puts herself above everyone, especially her children.

22. Even worse, what Former Wife did to ARINA, sending her, when she was a teenager, to a reform school for troubled kids when she was not a troubled kid, is, in this Court's opinion, so abusive that it is criminal. The evidence revealed that the only reason the Former Wife

enrolled her daughter in the reform boarding school, was to silence her and coerce her into recanting her prior testimony to law enforcement that her Mother's new paramour was sexually abusing her.

23. ARINA was extremely credible and very brave in voluntarily coming to this Court to protect her little brother because of what ARINA endured in the care of Mother.

24. No child should have to endure such abuse and the Court is certain that the reason ARINA voluntarily testified was to ensure that [REDACTED] who is now placed in the same position that she unfortunately was placed in, would not suffer the same abuse.

25. The Court has considered the factors, in accordance with Fla. Sta. §61.13(3) in rendering the Court's decision to grant the Father's Amended Petition and ordering the attached Supervised / Safety-Focused Parenting Plan. The Court finds that it would be detrimental to [REDACTED] for his mother to have 50/50 time-sharing; in fact, any unsupervised time-sharing with him. For those reasons, the Court is awarding the Former Husband 100% overnights with [REDACTED]. In arriving to this conclusion, the Court has considered the following factors and makes the following findings:

- a) **The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required.**

The credible evidence showed that Former Wife does not have the capacity or disposition to facilitate or encourage a relationship between her son and his father. The video evidence submitted showed that she referred to Father in front of the child as "Hitler." She hung up numerous Facetime calls when Father was attempting to say "goodbye" to him. She was combative, aggressive, and abusive during exchanges. The Court does not believe Mother

has the capacity to facilitate a relationship between the father and the child. In addition, the evidence from ██████ convinced the Court that Mother has no desire, no willingness to change and, therefore, factor (a) weighs in favor of the Father.

(b) The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.

The evidence showed that Mother had very little interest in ██████. When she did exercise time sharing with ██████ she did not take him to school on time or attend events. This is consistent with ARINA'S testimony that Mother only attended one Ariana's Russian dance recitals, out of at least five, when she was a child and that Mother did not attend her school events. The supervised visits with ██████ further support this finding. During the supervised visits, Mother did not interact with ██████ rather, she was preoccupied on her cell phone. Instead, the employees from F.A.C.E.S. spent time with ██████ on the playground when they were there to just supervise the visits, not to necessarily interact with him. Consequently, the Court does not believe that Former Wife would fulfill the responsibility of properly caring for and parenting ██████. The Court believes Mother will delegate those tasks to whomever is around. Factor (b) weighs in favor of the father.

(c) The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent.

The Court finds that Factor (c) weighs heavily against Mother. The psychological evaluation showed that Mother has a narcissistic personality disorder, has an anti-social personality disorder, and cares about herself more than others, including her children.

Consequently, the Court does not believe Mother has the ability, without serious intervention or therapy, to place her children's needs above her own and may never have the ability to do so.

(d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.

The Court finds that factor (d) weighs heavily for Father. The Court finds that [REDACTED] is in a stable home with his father, his stepmother, his sister, and his little brother. [REDACTED] has grown accustomed to his environment and is doing well. This stable environment should be encouraged and remaining in Father's home will provide continuity for [REDACTED]

(e) The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child.

The Court finds that factor (e) weighs against Mother in that just recently, she moved to Stuart, Florida, which is approximately one and-a-half to two hours away from Broward County, Florida. The Mother did not seek permission to relocate from the Court. In fact, Mother did not even make the Court aware or Father aware of her new address. It was not until she was forced in Court, on the record, to disclose her address that she finally disclosed her address.

(f) The moral fitness of the parents.

Mother claimed that Father lacked moral fitness. The Court finds that Mother did not present any credible evidence that Father lacks the moral fitness to be a loving and wonderful parent to [REDACTED]. The credible evidence showed that, in fact, the mother lacks moral fitness in that she constantly had parties at her home with the children present; she required her daughter to clean up after these parties; Mother traveled extensively with new

paramours, while not visiting with [REDACTED] put her daughter in harm's way with one of her paramours making inappropriate sexual advances towards ARINA, and then sent her daughter away because the daughter was brave enough to come forward and file a police report against Mother's paramour. ARINA testified about the inappropriate sexual advances the paramour had made towards her. It is the Mother who lacks moral fitness in this family.

(g) The mental and physical health of the parents.

Mother seems to be physically healthy but unfortunately, has very serious mental health issues, as evidenced by the testimony [REDACTED] After finally getting her to submit to the psychological evaluations, the test results showed that Mother has an anti-social personality disorder. Her serious mental health issues are detrimental to [REDACTED] as they have impeded her from being a good parent to her children, including [REDACTED] The Father has no mental health issues. He also submitted to a psychological evaluation which did not reveal any mental health concerns. Father seems to be able-bodied and able to care for the Child perfectly fine albeit some herniated disks that made him uncomfortable during trial, there are no physical or mental health problems that impede his ability to be a parent to [REDACTED]

(h) The home, school, and community record of the child.

The home-school community records are favorable to Father. He has a stable home, has been involved in the child's schooling, has been proactive in obtaining therapy, evaluations for [REDACTED] learning difficulties, and has been the one to ensure that [REDACTED] gets to school and gets all the therapy and all the extra

support that [REDACTED] needs. In contrast, Mother has been completely unstable and has not valued [REDACTED] education. In addition, when the Mother previously enjoyed overnights with [REDACTED] she repeatedly took the Child late to school and tried to convince the Child's doctor that he did not need the extra services for his speech delay or his learning difficulties. Factor (h) weighs heavily against Mother.

- (i) **The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.**

The Court deems the Child to be of sufficient intelligence, understanding and experience to express a preference. Normally, the Court would not weigh heavily on what a 10-year-old wants; however, in this case, the changes in [REDACTED] throughout the years in his desire to spend time with his Mother are very telling to the Court. To a certain degree, the delay in bringing this supplemental petition to trial may have been beneficial because the Court had the advantage of numerous reports from [REDACTED]. The Court finds that [REDACTED] recent desire and actual verbal expressions of not wanting to have Facetime calls with his Mother and not really caring to see her, is a fact that weighed heavily on the Court. [REDACTED] desire, coupled with his older sister's experience of being severely emotionally abused, physically abused, as well as psychologically abused by her mother, tell the Court that this child's desires should be heard and given great weight.

- (j) **The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.**

Factor (j) weighs heavily against Mother and in favor of Father.

Mother does not really seem to want to be informed about [REDACTED] not his education, nor his health. She is more concerned about superficial matters, such as: the child's haircut, what he's wearing, whether he has freckles. Those superficial matters are not important matters regarding the rearing of a healthy child. Therefore, factor (f) weighs heavily against Mother and in favor of Father.

(k) The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.

Factor (k) weighs heavily against Mother and in favor of Father. [REDACTED]s currently doing very well at his school. Father, his current wife, and their nuclear family have provided [REDACTED] with stability. In contrast, Mother is completely unstable. Her behavior in court demonstrated serious issues with following rules, following any type of procedures, and exercising self-discipline. Mother's appearance on the second day of trial was also concerning to the Court. She walked into the courtroom late and with her one-year-old baby (from her current husband). The Court finds that this behavior was intended to delay the proceedings further, shows complete instability and no regard for order, rules, or other people's needs.

(l) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.

Mother, as [REDACTED] described it, almost feels like she owns her children. The Court does not believe that Mother values Father at all. She does not view Father as an equal parent. During one of the videos submitted into evidence, Mother explained how she

is the one that carried [REDACTED] and she is the one that gave birth to him. The Court does not believe that Mother values communicating with Father nor has the ability to do so. For these reasons, factor (l) weighs heavily against her as well.

- (m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child.**

As to factor (m), the only credible evidence before the Court of domestic violence was Mother being violent towards Father. This factor, therefore, does not weigh in favor of or against either party. There was one video submitted where it appears Mother was aggressively approaching Father and using her hands to be violent. Nonetheless, the Court does not find that this factor weighs heavily for or against either party.

- (n) Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect.**

Factor (n) weighs heavily against Mother in that she has tried to create an image of a loving, caring parent; however, the credible evidence from her adult daughter showed that she is anything but that. Mother is extremely abusive to her children. She additionally violated the Court's direct orders not to record anything in these proceedings with her iPhone. Yet, the Court discovered Mother videotaping her adult daughter's testimony with her phone. The Court believes that Mother recorded her daughter to turn their extended family against the daughter. Consequently, the Court believes that Mother provided false information to the Court.

- (o) **The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties.**

Factor (o) weighs heavily in favor of Father and against Mother. Although there was no evidence of the use of nannies, Mother seems to rely on third parties, including her daughter and others, to take on her responsibilities of parenting her children. In contrast, Father is very active with his children and [REDACTED]

- (p) **The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.**

Factor (p) weighs heavily against Mother and in favor of Father. Mother has demonstrated little-to-no interest in visiting [REDACTED]. She cited many reasons or excuses for not visiting with him. Her first reason was that she could not afford it; however, the credible evidence presented to the Court shows that Mother travels extensively. In one calendar year, she went to New York City on two occasions, attended Broadway shows, enjoyed fine dining in Fort Lauderdale and in various vacation destinations. Clearly, those matters are more important to Mother than spending the money to visit with her son. Additionally, there was a period of 201 days when the father paid child support in the amount of \$866.00 a month while he had 100% of the overnights with their son. Yet, Mother did not use that money to improve the situation with her son by exercising supervised time sharing with him. She preferred to “live her best life,” with her paramours and her friends, as she posted on Facebook.

- (q) **The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.**

The only evidence in reference to substance abuse was Mother having

parties at her house and exposing her children to random individuals that could cause harm to them. Therefore, factor (q) weighs against Mother and in favor of Father.

- (r) **The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.**

Factor (r) also weighs heavily against Mother. Although being instructed numerous times by the staff at F.A.C.E.S. that she could not record her visits with ██████████ Mother recorded visits and posted them on "Facebook Live." She also whispered to the Child, despite being instructed that this was not allowed during the supervised visits. She was constantly telling the child, when she had the opportunity, things that should not be told to a young child about the litigation. She also calls Father names in front of the Child such as "Hitler."

Additionally, she uses the litigation to try to coerce the Child to want to be with her. She manipulates the Child by withholding gifts from him. There was video evidence of Mother telling ██████████ that he will get the gifts at her home once he returns to her house.

- (s) **The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.**

Factor (s) weighs heavily against Mother because she tends to infantilize her boys. Mother infantilizes ██████████ by treating him like a much younger child instead of allowing him to develop and gain some independence. Evidence supporting this finding includes testimony by ██████████ describing Mother

asking [REDACTED] when he 9 years old, to sit on her lap and attempted to spoon feed him. This was further evidenced during trial when Mother walked into the Courtroom with her over one-year-old child and insisted that her son had to remain in the courtroom because he had never been separated from her and was still breastfeeding. Mother continued to breastfeed in open court instead of allowing her friends, who live in Boca Raton, which is approximately 30 minutes from the courthouse, to care for the one-year-old while Mother tended to this important litigation. For the above stated reasons, the Court does not believe that Mother is able to meet the needs of a developing young boy, as she tends to infantilize her sons.

(t) Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.

Mother's behavior in Court shows how extremely manipulative she is, how unwilling she is to follow any order or rules, how she has gained zero insight from any assistance that she has been offered, and takes no responsibility for any of her wrongdoing. The reason why the Court finds this factor to be so important is because the Court does not believe that Mother will follow any parenting plan that is set in place. Additionally, the Court finds that Facetime calls are detrimental to [REDACTED]. These calls cause [REDACTED] repeated stress. The Court is declining to require this child to continue to be subjected to his mother's abuse. The video evidence submitted of Mother ridiculing her son's haircut, ridiculing his clothing, and explaining to this little boy how to remove freckles from his face, just shows that she does not have the ability to be a caring, loving parent. Therefore, the Court is not going to require the Child to engage in any Facetime calls if he does not want to speak to his mother. Any value of those calls

is far outweighed by the detriment to [REDACTED]. If [REDACTED] chooses to call his mother, he can call her.

The only reason why the Court finds that Mother should have some supervised visits is because the Court does not want [REDACTED] growing up later placing any blame on himself for his mother's absence. The Court further finds that supervised visits do not need to be once a month to meet that goal and Mother has made it very clear that she really does not have much of an interest in seeing [REDACTED] if she must pay a supervisor to be there. The Court finds that supervised visits are absolutely necessary for Mother. Mother shall only speak in English during the visits because she tends to speak in Russian when she wants to say things that are abusive, and that was evidenced here in Court while her daughter was testifying. Mother tried to speak to her daughter in Russian to intimidate her, and the Court finds that Mother will likely do the same with [REDACTED].

Based upon the above findings, it is hereby

ORDERED AND ADJUDGED as follows:

A. The Former Husband's Amended Verified Supplemental Petition for Modification of Timesharing, Parenting plan, and for Other Relief is GRANTED.

B. Applying Florida case law to the above findings of fact, the Court concludes that it is in the best interest of the Child to award exclusive timesharing to the Former Husband with supervised timesharing to the Former Wife, as more specifically set forth in the attached Supervised/Safety-Focused Parenting Plan.

C. The supervised visits will be either Saturday or Sunday, and Father will choose whether it's Saturday or Sunday, depending on [REDACTED] schedule and his extracurricular activities,

including track, which he enjoys and excels at. Mother's supervised visits will be every other month supervised by F.A.C.E.S. commencing the first weekend in August 2023 and shall continue every other month, the first weekend of the month. The first 12 months of visits are illustrated below and each year the same schedule shall repeat in the same pattern.

August 2023	Saturday, 8/5, <u>or</u> Sunday, 8/6
October 2023	Saturday, 10/7, <u>or</u> Sunday, 10/8
December 2023	Saturday, 12/2, <u>or</u> Sunday, 12/3
February 2024	Saturday, 2/3, <u>or</u> Sunday, 2/4
April 2024	Saturday, 4/6, <u>or</u> Sunday, 4/7
June 2024	Saturday, 6/1, <u>or</u> Sunday, 6/2
August 2024	Saturday, 8/3, <u>or</u> Sunday, 8/4

D. Mother's supervised visits shall be near Father's home at a location picked by Father and [REDACTED] Mother's supervised visits will be in the afternoon commencing at 3:00 p.m. and will last no longer than three hours. Mother shall only speak in English during the supervised visits. If Mother fails to appear at two consecutive supervised visits or fails to appear for three supervised visits in one calendar year, the supervised visits shall be terminated.

E. Mother shall pay 100% of all costs associated with the supervised visits and her travel to and from the supervised visits. Mother is responsible for scheduling the visits with F.A.C.E.S. and paying F.A.C.E.S. Due to Mother paying 100% of the costs of the supervised visits and her travel to and from the supervised visits, Mother does not have to pay the nominal child support to Father. Father agrees to continue to pay 100% of [REDACTED] financial support.

F. In placing the above limitations on Former Wife's timesharing, this Court fully

recognizes Fla. Stat. §61.13(2)(c)1, recently amended with an effective date of July 1st, 2023, which states: “It is the public policy of this state that each minor child has frequent and continuing contact with both parents after the parents separate or the marriage of the parties is dissolved and to encourage parents to share the rights and responsibilities, and joys, of childrearing. Unless otherwise provided in this section or agreed to by the parties, there is a rebuttable presumption that equal time-sharing of a minor child is in the best interests of the minor child. To rebut this presumption, a party must prove by a preponderance of the evidence that equal timesharing is not in the best interests of the minor child.”

G. Father has proven by a preponderance of the evidence that equal time-sharing is not in the best interests of the minor child in these proceedings.

H. This Court also fully recognizes that the “United States Supreme Court has held that a natural [parent] . . . has a due process right to maintain a parental relationship with his [or her] children. Kent v. Burdick, 573 So.2d 61, 63 (Fla. 1st DCA 1990) citing Quilloin v. Walcott, 434 U.S. 246, 255, 98 S.Ct. 549, 554, 54 L.ed.2d 511; Stanley v. Illinois, 405 U.S. 645, 649; 92 S.Ct. 1208, 1211, 31 L.ed.2d 551 (1972).

I. However, this right is not without limitations.

J. Where timesharing is shown to be detrimental to a Child’s welfare, this Court has the discretion, if not duty, to limit the offending parent’s timesharing. See Nalley v. Nalley, 406 So.2d 1240, 1241 (Fla. 1st DCA 1981) (“A trial court is entrusted with the responsibility of determining the extent of visitation which is in the best interests of the child.”)

K. Where timesharing would be “seriously detrimental” to the Child, as the Court has found here, the Court may limit a parent’s timesharing. Kent v. Burdick, 573 So.2d at 64.

L. Where competent substantial evidence shows that misconduct by one party will have an adverse effect on the morals or welfare of a child, the Court may restrict the offending parent's visitation. French v. French, 452 So.2d 647, 649 (Fla. 4th DCA 1984) citing Yandell v. Yandell, 39 So.2d 554 (Fla. 1949); Trylko v. Trylko, 392 So.2d 1034 (Fla. 2d DCA 1981).

M. It is the requesting party's burden of proof to show that visitation with the other party would be detrimental to the Child. Id. The Former Husband has met his burden, as well.

N. While "[t]he denial of visitation rights is generally disfavored, . . . when it is necessary to protect the welfare of the child the court has discretion to restrict or limit visitation." Id. citing Yandell v. Yandell, 39 So.2d 554 (Fla. 1949) and Gravonsky v. Gravonsky, 403 So.2d 627 (Fla. 1st DCA 1981).

O. The appellate courts have upheld a complete restriction on timesharing when same when necessary to protect the Child. Baker v. Baker, 377 So.2d 776 Fla. 3d DCA 1979 (upholding the total denial of visitation to one parent.); Walborsky v. Walborsky, 258 So2d 304, 305 (1st DCA 1972)(upholding trial court's order prohibiting Father from "directly or indirectly contacting or communicating with his two daughters unless permission to do so was granted by: the Mother due to "the acrimonious and vindictive attitude exhibited by [the parties] to each other, both before and after the divorce, and the effect this conduct has had upon the four children born of the marriage")

P. The Court retains jurisdiction on Former Husband's Motion for Indirect Criminal Contempt and Other Sanctions Against Former Wife and for Motion for Order to Show Cause dated June 25, 2021.

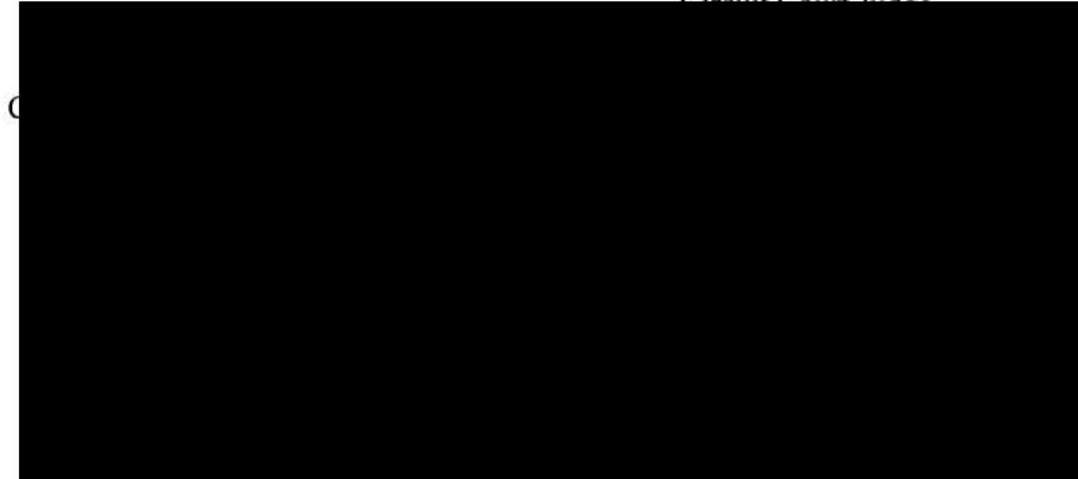
Q. The Court reserves jurisdiction over the parties and the subject matter for

purposes of enforcement and for all other lawful purposes.

DONE AND ORDERED this 28th day of July 2023, in chambers,
Fort Lauderdale, Broward County, Florida.



HONORABLE FRANCIS VIAMONTES
Circuit Court Judge



IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

IN RE: THE FORMER MARRIAGE OF

CASE NO.: FMCE 14-013564 (33) (91)

JOSEPH S. D'ALEO, JR.,

Petitioner/Former Husband,

vs.

MARINA D'ALEO

Respondent/Former Wife.

SUPERVISED/SAFETY-FOCUSED PARENTING PLAN

This parenting plan is: *{Choose only one}*

_____ A Parenting Plan submitted to the court with the agreement of the parties.

_____ An proposed Parenting Plan submitted by or on behalf of:

 ✓ A Parenting Plan established by the court.

This parenting plan is: *{Choose only one}*

_____ A final Parenting Plan established by the court.

_____ A temporary Parenting Plan established by the court.

 ✓ A modification of a prior final Parenting Plan or prior final order.

I. PARENTS

Petitioner, hereafter referred to in this Parenting Plan as Parent

***{name or designation}* FATHER**

Name: **JOSEPH S. D'ALEO, JR.**

_____ Address Unknown: *{Please indicate if Petitioner's address is unknown}*

_____ Address Confidential: *{Please indicate if Petitioner's address and phone numbers are confidential pursuant to either a _____ Final Judgment for Protection Against Domestic Violence or _____ other court order}*

}

EXHIBIT "A"

Respondent, hereafter referred to in this Parenting Plan as Parent

{name or designation} MOTHER

Name: **MARINA D'ALEO**

____ Address Unknown: *(Please indicate if Respondent's address is unknown)*

____ Address Confidential: *(Please indicate if Respondent's address and telephone numbers are confidential pursuant to either a ____ Final Judgment for Protection Against Domestic Violence or ____ other court order ____.)*

- II. **CHILDREN:** This parenting plan is for the following child born to, or adopted by the parties:

Name

Date of Birth

III. **JURISDICTION**

The United States is the country of habitual residence of the child.

The State of Florida is the child's home state for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

This Parenting Plan is a child custody determination for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act, the International Child Abduction Remedies Act, 42 U.S.C. Section 11601 et seq., the Parental Kidnapping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at the Hague on October 25, 1980, and for other state and federal laws.

IV. **PARENTAL RESPONSIBILITY**

Sole Parental Responsibility

It is in the best interests of the child that **FATHER** shall have **sole** authority to make major decisions for the child. It is detrimental to the child for the parents to have shared

parental responsibility.

FATHER shall have the sole authority to obtain and renew the child's U.S. Passport for minor child to go on vacations with **FATHER**, stepmother, Jessica D'Alco, and brother, A.D.

V. TIMESHARING SCHEDULE

A. FATHER'S TIMESHARING WITH V.G.D.

V.G.D. shall remain in the exclusive care of the **FATHER**. **FATHER** shall have all timesharing with **V.G.D.**, except for **MOTHER's** one (1) supervised visit every other month, which shall last no longer than three hours.

B. MOTHER'S SUPERVISED TIMESHARING WITH V.G.D.

MOTHER's visits with **V.G.D.** shall be supervised by F.A.C.E.S. **MOTHER** shall have the full responsibility of arranging for the supervised visits with F.A.C.E.S. with Barbara Kirtman as the supervisor or another F.A.C.E.S. professional supervisor who has the ability to stand up to **MOTHER** and terminate supervision should the Mother behave inappropriately, which includes but is not limited to: criticizing the Child, badmouthing the Father, failing to interact with the Child, whispering to the Child, speaking to the Child in Russian, making the Child uncomfortable, refusing to adhere to the rules and policies of the professional supervising company, arguing with the supervisor, inviting individuals not permitted to be at the visits to the supervised visit, and/or videochatting with individuals during the supervised visit with the Child.

MOTHER's supervised visits with **V.G.D.** shall last no longer than three (3) hours and no more frequent than once every other month. The supervised visits will be either Saturday or Sunday, and **FATHER** will choose whether it's Saturday or Sunday, depending on **V.G.D.'s** schedule and his extracurricular activities including track. **MOTHER'S** supervised visits will be once every other month supervised by F.A.C.E.S. commencing the first weekend in August 2023 and shall continue every other month, the first weekend of the month. The 12 months of visits are illustrated below and each year the same schedule shall repeat in the same pattern.

August 2023	Saturday, 8/5, <u>or</u> Sunday, 8/6
-------------	--------------------------------------

October 2023	Saturday, 10/7, or Sunday, 10/8
December 2023	Saturday, 12/2, or Sunday, 12/3
February 2024	Saturday, 2/3, or Sunday, 2/4
April 2024	Saturday, 4/6, or Sunday, 4/7
June 2024	Saturday, 6/1, or Sunday, 6/2
August 2024	Saturday, 8/3, or Sunday, 8/4

MOTHER'S supervised visits will be in the afternoon commencing at 3:00 p.m. and will last no longer than three hours. **MOTHER** shall only speak in English during the supervised visits. If **MOTHER** fails to appear at two consecutive supervised visits or fails to appear for three supervised visits in one calendar year, the supervised visits shall be terminated.

VI. SUPERVISOR AND SUPERVISION

SUPERVISOR. The person supervising the timesharing shall be F.A.C.E.S.

COSTS OF SUPERVISION

Mother shall pay 100% of the costs of supervised visits (supervisor's fees and travel fees and location costs included).

VII. LOCATION:

Mother shall spend her supervised timesharing with the child at the following location(s):

1. The supervised visits shall be in close proximity to **FATHER'S** home.
2. The supervised visits may take place at any of the following location. If **V.G.D.** does not want to go to any of those locations, then **FATHER** and [REDACTED] shall pick the location for the supervised visits.

a. [REDACTED]

[REDACTED]

[REDACTED]

VIII. DESIGNATION FOR OTHER LEGAL PURPOSES

The child named in this Safety-Focused Parenting Plan is scheduled to reside 100% of the time with **FATHER**. This majority designation is **SOLELY** for purposes of all other state and federal statutes which require such a designation. **This designation does not affect either parent's rights and responsibilities under this parenting plan.**

For purposes of school boundary determination and registration, the address of the **FATHER** shall be used.

IX. TRANSPORTATION AND EXCHANGE OF CHILD

Transportation

The **MOTHER** shall be responsible for her travel to the supervised visits.

The child shall not be driven in a car or transported by any means of transportation by **MOTHER**.

The **MOTHER** shall not remove the minor child from the location of the supervised visits.

The **FATHER**, the **FATHER'S** wife, or another responsible adult designated by **FATHER** shall be responsible for transporting the Child to and from the supervised visits.

X. COMMUNICATION

1. Between Parents

All communications regarding the child shall be between the parents. The parents shall not use the child as a messenger to convey information, ask questions, or set up schedule changes. The parents shall communicate with each other via Our Family Wizard.

2. Between Parent and Child

There shall no longer be any phone contact or FaceTime contact between **V.G.D.**

and **MOTHER**, unless **V.G.D.** wants to call **MOTHER**. Any FaceTime calls and/or phone contact between **MOTHER** and **V.G.D.** shall continue to be monitored and recorded pursuant to Dr. Jacobson's recommendations on monitoring and recording the calls.

XI. CHANGES OR MODIFICATIONS OF THE PARENTING PLAN

All changes to the Safety-Focused Parenting Plan must be pursuant to a court order.

XII. FATHER'S TRAVEL AND FOREIGN TRAVEL WITH MINOR CHILD

FATHER may travel inside and outside of the country with the minor child during his timesharing. **FATHER** has the sole authority to obtain and renew the minor child's passport and shall be permitted to travel with the child out of the country without documentation from the **MOTHER**. **MOTHER** is prohibited from blocking and/or preventing and/or delaying **FATHER** from obtaining and/or renewing the minor child's passport. **MOTHER** is further prohibited from using and/or possessing the child's passport for any purpose whatsoever.

Copies Furnished to:

