

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT,
IN AND FOR JACKSON COUNTY, FLORIDA

FAMILY LAW DIVISION
CASE NO. 2020-DR-364

QUINTINA ROULHAC-STALEY,
Former Wife/Petitioner,

and

ADRIAN STALEY,
Former Husband/Respondent.

_____ /

**ORDER ON PETITIONER'S EXCEPTIONS TO ORDER ON REPORT AND
RECOMMENDATION OF GENERAL MAGISTRATE ON WIFE'S PETITION
FOR DISSOLUTION OF MARRIAGE AND HUSBAND'S COUNTER-
PETITION FOR DISSOLUTION OF MARRIAGE**

THIS CAUSE came before the Court on the Former Wife's Exceptions to Report and Recommendation of General Magistrate on Wife's Petition for Dissolution of Marriage and Husband's Counter-Petition for Dissolution of Marriage, filed on June 6, 2022. Having considered the Court filings, evidence, and being fully advised, the Court hereby FINDS and ORDERS as follows;

1. On October 13, 2021, a final hearing was held in front of the family law magistrate on the Former Wife's Petition for Dissolution of Marriage, and the Counter-Petition by the Former Husband. On May 26, 2022, the Magistrate's Report and Recommendation was filed, noting that exceptions by either party could be filed within ten days. The Former Wife filed exceptions within the time period allowed under the Florida Rules of Judicial Administration, and on the same day, this Court filed an Order adopting the Magistrate's Report.
2. On June 9, 2022, the Former Wife filed a Motion to Vacate the Court's Order, which was granted and a hearing on exceptions was held via Zoom Video Conference on August 15, 2022. A transcript of the October 2021 hearing was filed with the Court, and both parties appeared with counsel for the August 15 hearing.

3. The Magistrate's findings of fact are clothed with the presumption of correctness and, in effect, carry the weight of a jury verdict. The reviewing Court is bound by the Magistrate's findings of fact unless the findings of fact are not supported by competent, substantial evidence or are clearly erroneous. The review of the recommendations regarding the Magistrate's conclusions of law involves a determination of whether the Magistrate erred with regard to the interpretation of the law.

4. The purpose of the trial court's review of the record is not to reweigh the evidence, but rather to determine whether the evidence relied upon was sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusions reached.

5. With the following exceptions, the Court affirms the family law magistrate's report of May 26, 2022.

6. At the hearing, the parties agreed to changes in the parenting plan, on the record, and agreed to submit new language on extracurricular activities, communication with the child, and Spring Break timesharing. The Court shall adopt the language agreed to by the parents and reflected in the attached Exhibits B and C.

5. As to child support, Section 61.30 Florida Statutes requires consideration be taken into account as to the parent paying for health insurance for a child. In this case, the undisputed evidence is that the Father provides health insurance for the minor child. However, the evidence presented as to the amount paid by the Father for the Minor child is unclear, and the child support guidelines amount of \$190.74 per month is not supported by competent and substantial evidence. The Father's testimony did not match amounts in the exhibits entered by him as Husband's exhibit 1, including his paystub and financial affidavits.

6. The Mother's petition requested child support on the date of filing, and child support had never been established in this case. Neither party requested that the Court establish retroactive child support through the pleadings or at the hearings. Accordingly, the Court finds that the issue of retroactive child support has been waived.

7. For the Wife's claims to exceptions on Equitable Distribution, the Court agrees the evidence regarding the Husband's student loans was not competent or substantial but merely consisted of one statement, dated March 29, 2021, that was entered into evidence. The marital portion of the student loan debt was not supported by competent evidence.

8. The Magistrate's Report also uses various dates for the valuation of assets and liabilities. Specifically, the Wife's exceptions regarding the debt

on the Victoria's Secret account and Capital One account should be readdressed by the Court for valuation as of the date of filing of the Petition for Dissolution and findings consistent with the exhibits entered into evidence. The Court finds that the valuation difference on the Discover card is *de minimus* and additional resources should not be expended to recalculate the marital portion of that debt.

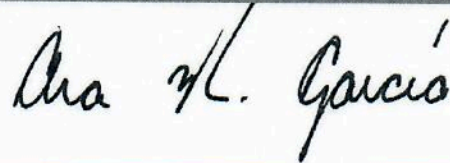
9. The Court remands this case to the Magistrate for amended rulings on the above issues.

10. On other matters, the Court finds that the family law magistrate had competent and substantial evidence to support all other contested matters.

11. The party who submitted this proposed order to the Court for approval is required to serve a copy of the signed order upon any persons not registered to receive service via the e-portal.

DONE AND ORDERED this Wednesday, December 21, 2022 in Mariana, Jackson County, Florida.

32-2020-DR-000364-DRAM 12/21/2022 08:08:31 PM



Ana Maria Garcia, Judge
32-2020-DR-000364-DRAM 12/21/2022 08:08:31 PM

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EXHIBIT B
PARENTING PLAN

This parenting plan is a Parenting Plan agreed upon by the parties.

I. PARENTS

Husband/Father

Name: Adrian Staley

Address: 2990 Vicky Drive, Marianna, Florida 32446

Telephone: (850) 633-7702

Wife/Mother

Name: Quintina Roulhac-Staley

Address: 3025 Riverview Road, Marianna, Florida 32446

Telephone: (850) 209-6034

II. CHILD: This Parenting Plan is for the following child born to, or adopted by the parties:

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>
A.A.S.	April 2018	Male

III. JURISDICTION

The United States is the country of habitual residence of the child. The State of Florida maintains the most significant contacts with the child and is the most appropriate forum for addressing parenting contact and time-sharing. The State of Florida is the child's home state for the purpose of the Uniform Child Custody Jurisdiction and Enforcement Act. Any order adopting 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. ss 11601 et seq., the Parental Kidnaping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at the Hague on October 25, 1980.

IV. PARENTAL RESPONSIBILITY AND DECISION MAKING

1. Parental Responsibility:

Shared Parental Responsibility.

It is in the best interests of the child that the parties have full parental rights and responsibility to confer and make major decisions affecting the welfare of the child. Major decisions include, but are not limited to, decisions about the child's education, healthcare, and other responsibilities unique to this family. Both parents shall abide by the Rules of Shared Parental Responsibility which are attached to the Final Judgment.

2. Ultimate Decision Making Authority (for Shared Responsibility cases only)

Although the parents shall share in making the major decisions for the child, if they are unable to reach an agreement, the ultimate decision on the following major issues shall be made by the parent(s) as indicated below:

Education/Academic matters - **Both**
Non-emergency Medical/Dental Care - **Both**
Religion/Religious training - **Both**
Extra-curricular Activities - **Both**
Counseling or Mental Health Care - **Both**
Child care - **Both**

3. Day-to-Day and Emergency Decisions

Each parent shall be entitled to make minor decisions regarding day-to-day care and control of the child while the child is residing with that parent. Regardless of the allocation of decision making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child when the child is with that parent. A parent who makes an emergency decision shall share the decision with the other parent as soon as reasonably possible.

4. Extracurricular Activities

A. The parent the child is with at the time of an extra-curricular activity shall transport the minor child to and from that extracurricular activity.

B. It is the responsibility of both parents to ensure that all uniforms, equipment and other items necessary for the child to participate in an upcoming extracurricular activity are delivered to the parent who the child will be with at the time of that activity.

C. It is the responsibility of the parent transporting the child to an extracurricular activity to ensure that the child takes to that activity all uniforms,

equipment and other items necessary to participate in that activity.

D. The parents are to confer about extracurricular activities for the child, and it is in the best interest of the child he be allowed to participate in at least one extracurricular activity at a time throughout the year. The Parents shall equally divide the cost and expense of all mutually agreed upon extracurricular activities. Each parent shall take into consideration the other parent's location and work schedule when suggesting activities for the child.

V. TIME-SHARING SCHEDULE

The parties shall abide by the Time Sharing Schedule which is which is attached hereto and incorporated herein by reference as Exhibit C.

VI. TRANSPORTATION AND EXCHANGE OF CHILD

1. Transportation

The parents or someone mutually known the parties who also holds a valid driver's license shall provide all transportation.

2. Exchange

Both parents shall have the child ready on time with sufficient clothing packed and ready at the agreed upon time of exchange. The parties shall exchange the minor child at daycare, school or at McDonald's, Lafayette Street, Marianna, Florida.

VII. EDUCATION

1. **School designation.** For school and school district purposes, the address of both parties shall be designated on all school forms and determine the minor child's school placement.

2. **School enrollment.** Both parties shall be responsible for enrolling the child in school and for ensuring that both parents are listed as emergency contacts on all school forms.

3. **School of attendance.** The parties agree that the minor child shall attend the Public School System in Marianna, Jackson County, Florida.

VIII. CHANGES OR MODIFICATIONS OF THE PARENTING PLAN

This Parenting Plan may be modified or varied on a temporary basis when both parents agree in writing. When the parents do not agree, the Parenting Plan remains in effect until further order of this court. In the absence of an agreement between the parties, changes to the Parenting Plan must be sought through the filing of a supplemental petition for modification.

IX. RELOCATION

Any relocation of the child is subject to and must be sought in compliance with Florida Statutes, Section 61.13001.

X. COMMUNICATION BETWEEN PARENTS AND CHILD

When the child is with one parent, then the child shall be permitted contact with the other parent by the following means and at the following times:

The child may have telephone, facetime, e-mail, or text-messaging contact with the other parent every day during the hours of 8:00 a.m. to 8:00 p.m. except during the periods of time in which the minor child is in school. The child shall have video communication with the other parent at least three times a week. As noted in Exhibit A, Shared Parenting Rules, the child shall be allowed reasonable privacy during their contact, and each parent shall work to ensure the child is free from distractions during communication.

XI. DISPUTES OR CONFLICT RESOLUTION

Parents shall attempt to cooperatively resolve any disputes which may arise over the terms of the Parenting Plan. Should the parents arrive at differences regarding any of the terms of the Parenting Plan, they shall confer, in good faith, in an effort to resolve them. No hearing shall be scheduled before a court of competent jurisdiction regarding any differences as afore said, unless the party seeking the hearing certifies to the court that the parties have conferred as herein mandated or that the other party refused to confer and that such difference cannot be resolved without intervention of the court. In the event either party files a supplemental petition for modification, the petitioner shall set forth in detail the supplemental petition what efforts said party put forth prior to filing the

supplemental petition.

EXHIBIT C
TIME SHARING SCHEDULE

The parties shall exercise time sharing with the minor child as follows (unless otherwise noted all times are Central Time) unless the parties otherwise agree in writing:

1. Regular - The parties shall exercise an equal time sharing arrangement with the minor child on a week-to-week basis with the exchange every Monday at the conclusion of daycare, the school day or 5:00 p.m. in the event daycare or school is not in session.
2. Child's Birthday - The Wife/Mother shall have the minor child from 8:00 a.m. until 1:00 p.m. every odd numbered year and from 1:00 p.m. until 6:00 p.m. every even numbered year. The Husband/Father shall have the minor child from 8:00 a.m. until 1:00 p.m. every even numbered year and from 1:00 p.m. until 6:00 p.m. every odd numbered year. This has priority over any other time sharing schedule.
3. Christmas Holidays - The Husband/Father shall have the minor child from December 24 at 8:00 a.m. until December 25 at 2:00 p.m. every odd numbered year and from December 25 at 2:00 p.m. until December 26 at 8:00 p.m. every even numbered year. The Wife/Mother shall have the minor child from December 24 at 8:00 a.m. until December 25 at 2:00 p.m. every even numbered year and from December 25 at 2:00 p.m. until December 26 at 8:00 p.m. every odd numbered year. This has priority over any other time sharing schedule.
4. Thanksgiving Holidays - The Wife/Mother shall have the minor child on Thanksgiving Day from 8:00 a.m. until 2:00 p.m. every odd numbered year and from 2:00 p.m. until 8:00 p.m. every even numbered year. The Husband/Father shall have the minor child on Thanksgiving Day from 8:00 a.m. until 2:00 p.m. every even numbered year and from 2:00 p.m. until 8:00 p.m. every odd numbered year. This has priority over any other time sharing schedule.
5. Spring Break - The parties shall rotate the minor child's Spring Break every year, with the Mother having Spring Break during odd years, and the Father having Spring Break during even numbered years. Spring Break shall begin on the Friday school releases and end the Monday the child returns to school. As the parents share a week on/week off timesharing schedule, if in any year this holiday timesharing would mean that a parent has three (3) weeks in a row with the child (because they also had timesharing the week before and the week after spring break), then beginning after school

on the Monday the child returns to school, timesharing for that week shall revert to the other parent, who shall have that week, and then the regular timesharing schedule shall resume. Each parent will have two weeks in a row in such a case.

This has priority over any other time sharing schedule.

6. Mother's Day Weekend/Father's Day Weekend - Mother's Day weekend each year from Friday at the conclusion of daycare or the school day (or at 5:00 p.m. in the event daycare or school is not in session) until Monday at the commencement of daycare or the school day or 5:00 p.m. in the event school is not in session with the Wife/Mother and Father's Day weekend each year from Friday at the conclusion of daycare or the school day (or at 5:00 p.m. in the event daycare or school is not in session) until Monday at the commencement of daycare or the school day or 5:00 p.m. in the event daycare school is not in session with the Husband/Father with priority over any other time sharing schedule.