

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

PAIGE C. SULLIVAN N/K/A PAIGE C. AUER,

Appellant,

v.

Case No. 5D22-257
LT Case No. 2015-DR-24190

JACOB JAMES CULWELL,

Appellee.

Decision filed October 11, 2022

Appeal from the Circuit Court
for Brevard County,
Robert Segal, Judge.

Paige C. Sullivan n/k/a Paige C.
Auer, Everett, WA, pro se.

Harley Gutin, of Gutin and Wolverton,
Cocoa, for Appellee.

PER CURIAM.

AFFIRMED.

LAMBERT, C.J., EVANDER and EDWARDS, JJ., concur.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

PAIGE C. SULLIVAN N/K/A
PAIGE C. AUER,

Appellant,

v.

CASE NO. 5D22-0257
LT CASE NO. 2015-DR-024190

JACOB JAMES CULWELL,

Appellee.

DATE: November 15, 2022

BY ORDER OF THE COURT:

ORDERED that Appellant's Motion for Rehearing and Request for
Opinion, filed October 24, 2022, is denied.

*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

Sandra B. Williams



SANDRA B. WILLIAMS, CLERK

Panel: Judges Lambert, Evander and Edwards

CC:

Harley Ives Gutin

Paige C. Auer

Filing # 141448835 E-Filed 01/06/2022 08:13:07 AM

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

Case No.: 05-2015-DR-024190
Division: Judge Segal

DOOR on behalf of:

PAIGE C. SULLIVAN
n/k/a **PAIGE C. AUERS**
Petitioner/Former Wife/Mother,

and

JACOB CULWELL,
Respondent/Former Husband/Father.

FINAL JUDGMENT ON
PETITION FILED BY FORMER HUSBAND
AND PETITION TO RELOCATE FILED BY FORMER WIFE

THIS CAUSE came on to be heard before the Court on December 16, 2021 by Former Husband's pending Petition and Former Wife's Petition to Relocate, with Paige C. Auers appearing via Teams and her Counsel Christina Farley Long appearing in Court, Jacob Culwell and his Attorney Harley Gutin appeared in Court and the Court, having reviewed the file, accepting the consent of the parties to enter this Final Judgment, and being otherwise fully advised in the premises finds as follows:

Order Sought to Be Modified

1. The Final Judgment of Dissolution of Marriage was entered by The Superior Court of Washington, County of Kitsap on June 26, 2014. Said foreign judgment was filed with the original petition and the Court granted jurisdiction at a Court proceeding.

Children of the Parties.

2. The parties have two children subject to this action, to wit:

Name: Jacob Culwell Jr.
Birth date: July 5, 2011

Name: Brooklyn Culwell
Birth date: July 24, 2009

Parental Information

3. The current information required by the central depository for child support purposes is as follows:

Father: JACOB CULWELL (Hereinafter referred to as "Father").

Mother: PAIGE AUERS (Hereinafter referred to as "Mother")

Jurisdictional Issues

4. The Court has jurisdiction of the parties and the subject matter of this proceeding.

5. This Court has continuing jurisdiction over the children pursuant to the applicable Florida Statutes and the Uniform Child Custody Jurisdiction and Enforcement Act.

6. Florida is the home state and the state of habitual residence of the children. Accordingly, Florida is the sole jurisdictional state to determine child custody, parental responsibility, time-sharing, rights of custody, and rights of access concerning the children under the Parental Kidnapping Prevention Act (PKPA), under the International Child Abduction Remedies Act (ICARA), and under the Convention on the Civil Aspects of International Child Abduction enacted at The Hague on October 25, 1980.

Factual findings

7. Mr. Culwell was previously adjudicated the father of both of the above-named children on more than one occasion.

8. His paternity is not in issue in this case.

9. This matter originated due to a Divorce Judgement from Washington and this Court is unaware of any prior orders pertaining to or even purport to pertain to the custody of these two children prior to the Washington Final Judgment dissolving the marriage of the parties.

10. Importantly, the Washington Judgement does not seem to mention Brooklyn Culwell but only mentions 'Jacob Culwell Jr.'

11. The Washington Judgment is comprised of two separate documents.

12. The first document is Decree of dissolution signed June 26, 2014.

13. With regard to jurisdiction over the children, paragraph 3.10 says the Court lacks jurisdiction over the children as set forth in the findings of fact and conclusions of law and under paragraph 3.11 parenting plan there is a check mark, and it says it does not apply and handwritten in "Court lacks jurisdiction" and under child support 3.12 states does not apply "court lack jurisdiction."

14. The second document appended to the request for registration is called Final Order

and it says that this final parenting Plan is the final parenting signed by the Court pursuant to Decree of Dissolution and has the same date June 26, 2014 as the date of divorce; that document despite the language of the Final Judgment or Decree of Divorce does go on to describe rights of parenting for Ms. English now Mrs. Auer and Mr. Culwell.

15. This matter then came to the State of Florida originally on a UIFSA petition and then subsequent other matters filed including a domestication and modification petition. This Court in July 2020 made a ruling that this was not a modification, but an original action based upon the Court's interpretation of the State of Washington Final Judgment that found it did not have jurisdiction to enter a parenting plan despite the fact that the parenting plan was attached to it.

16. At the beginning of this hearing this Court reiterated that this Court has found that this is an original action as the Washington "parenting plan" does not fully adjudicate the rights of the parents regarding both children.

17. That ruling was challenged in this Court and in the Fifth DCA which affirmed that temporary order on July 17, 2020.

18. It has always been the Court's opinion that this matter is an Original action because there had not been an adjudication of the best interests of both of these two children.

19. Even if this was a Modification action, the fact that the omission from the Washington parenting plan of the daughter, Brooklyn, is sufficient to establish that there has been a substantial change in circumstances.

20. Given that Florida Law prefers that two children are kept together it does not make any sense to apply one standard to one child (Jacob), that is that there needs to be a substantial change in circumstances, and another standard of best interests to Brooklyn.

21. The notion that a substantial change in circumstances is applicable cannot work. A substantial change in circumstances could not apply to Brooklyn even if this was a modification. That burden of proof is predicated on the res judicata effect of a prior judgment. Since Brooklyn was not considered in the State of Washington's Final Judgment of Dissolution of Marriage, res judicata cannot inhere and the Court must consider her best interests.

22. Ultimately it is the responsibility of this Court to make a Determination of the best interests of the children pursuant to Florida Statute 61.13 and 61.13001 pursuant to the Petition for Relocation filed by Ms. Auer.

Factors affecting the best interest of the child or as set forth in S.61.13

- a. **Demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent child relationship.**

The Court finds that Mr. Culwell has fostered a meaningful relationship between the children and the mother:

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

Ms. Auer is a stay-at-home mom but is reliant financially on her husband and the government for support and she has two other children from another relationship.

Mr. Culwell is able to provide support, has testified that he is involved in getting the children to school and caring for them after school to make sure they are doing their homework.

Mr. Culwell does have a wife he does rely on for help with the children, but he also has two other children with his present Wife.

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 does recognize that Ms. Auer was the primary caretaker for several years and at that time it was in the children's best interest, but whatever she was doing then and her ability to care for the children has since disappeared.

Ms. Auer made the decision to make several moves with the children, first to Washington, then back to Florida, next to Virginia and then finally back to Washington. The Court does not believe that these moves were in the best interests of the children.

The Court finds that all of the decisions made by Ms. Auer were made based on what was in her best interest, not the children's best interest.

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

There was testimony in April 2011 that Ms. Auer went to Washington for Thanksgiving and never returned.

In fall of 2014 she said she could not handle the kids and both kids came to live with Mr. Culwell.

In 2015 Ms. Auer took Brooklyn and left Jacob

In 2017 Ms. Auer falsely accused Mr. Culwell of kidnapping the children.

In 2018 Ms. Auer left the children with her sister in Tampa and apparently her sister cared for her children for five months.

Ms. Auer moved to Virginia in 2020.

Then the parties came up with a split custody plan, which the Court rejected, that Brooklyn would live with mom and Jacob would live with Dad.

e. The geographic viability of the parenting plan, with special attention to the needs

of the school age children.

The parties do not have a lot of money, but the Mother has made it clear she is staying in the State of Washington. The Court has fashioned a plan that will hopefully allow both parents meaningful time sharing.

f. The moral fitness of the parent.

Both parents are morally fit.

g. The mental and physical health of the parents.

Both parents are mentally and physically healthy.

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

At this time the children are stable residing in Brevard County, Florida with the Father. When the children resided with the Mother the daughter had attended five different schools before reaching the age of 10.

i. The reasonable preference of the child.

The Court generally does not speak to children, however, the children were spoken to by Ms. Mostert (appointed GAL) and the kids stated they wanted Mom in their life, but they wanted her here in Brevard County, Florida.

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.

The Court finds that both parents have been informed and involved as best they can, and this subsection favors neither parent.

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

No evidence was presented by either party on this factor.

l. The demonstrated capacity and disposition 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 dealing with the child.

Both parties have complained and testified about communication issues with the other parent.

m. Evidence of domestic violence, sexual violence, child abuse, child abandonment or child neglect.

There was some testimony by both the Mother and her sister that there may have been some pushing and shoving at one point, however, the Court does not find domestic violence relevant now as this occurred over a decade ago.

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.

Claims were made by Ms. Auer that Mr. Culwell, at all times they were together, committed acts of domestic violence against her.

The Court finds it troubling that there was an allegation that the Mother moved to Washington to avoid domestic violence, yet she testified that Mr. Culwell knew where she was going as she told Mr. Culwell where she was going, the shelter she was going to be staying at, and she had Mr. Culwell drive her to the airport.

The Court questions a lot of the things that it has been told regarding the alleged domestic violence, particularly by Ms. Auer, since she testified to the Court that she communicated to Mr. Culwell where she was residing at all times.

There was no evidence presented of any domestic violence actions or criminal actions being brought regarding domestic violence.

There was an allegation of rape of one of the children which turned out to be a lactose intolerance of the child as Mr. Culwell took the child to the doctor and the child is fine.

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

The Mother was the primary caretaker for the minor children for years, however, she no longer has the ability to do so.

The Father has been the primary caretaker for the minor children since July 2020.

p. The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activity.

Both parties appear to be involved in the children's education and both are knowledgeable regarding the children's extracurricular activities.

With Mother residing in the State of Washington and the children residing in Brevard County, Florida the Mother cannot participate in person as the Father can. However, the Court finds the Mother would participate if she was residing locally with the children and has participated when the children were residing with her.

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

No evidence of substance abuse.

- 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, 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.**

The Court finds both parents have discussed this case with the children. However, the Court hopes going forward that stops.

- 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.**

No evidence presented.

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

The minor children have several family members located here in Brevard County on both the Mother and Father's side. The Court finds that the Father has made sure to keep the children in contact with both sides of their family and that the children regularly spend time with both the Mother and Father's families. Additionally, the Court heard evidence that Brooklyn has 2 best friends here and that Jacob has made friends as well.

The only family the Court heard evidence of living in Washington near the Mother is a god-mother of sorts and the minor daughter's old best friend from second grade.

Conclusion of finding regarding 61.13

If the Court looks simply at the factors under 61.13, the Court comes to the conclusion that the children's best interests are served by granting Mr. Culwell majority overnight time sharing and granting the parents shared Parental Responsibility.

However, the Court now must consider Ms. Auer's Petition for Relocation.

Factors regarding request by Mother for Relocation:

(a) The nature, quality, extent of involvement, and duration of the child's relationship with the parent or other person proposing to relocate with the child and with the nonrelocating parent, other persons, siblings, half-siblings, and other significant persons in the child's life.

The Court believes that Ms. Auer made the decision to live where she did (State of Washington). The geographic distance between the parties is of her own choosing and although she was the primary caretaker in the children's lives years ago that has turned around as Mr. Culwell has become the primary caretaker due to Mrs. Auer's desire to live some place cheaper, go to school or open a business. All of the family with exception of just a couple of people live here in Florida.

Mr. Culwell is now the primary caretaker. Both have families here in Brevard County, Florida that are involved with the children, and both children have friends here.

(b) The age and developmental stage of the child, the needs of the child, and the likely impact the relocation will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child.

The children do not have any special needs.

There has been no evidence given that there would be any particular impact on the children; however, the Court cannot find that changing the home, school and friends again is in the children's best interests.

It is not in the children's best interests to change their schools, residence and composition of their family again.

(c) The feasibility of preserving the relationship between the nonrelocating parent or other person and the child through substitute arrangements that take into consideration the logistics of contact, access, and time-sharing, as well as the financial circumstances of the parties; whether those factors are sufficient to foster a continuing meaningful relationship between the child and the nonrelocating parent or other person; and the likelihood of compliance with the substitute arrangements by the relocating parent or other person once he or she is out of the jurisdiction of the court.

There have been numerous instances where Ms. Auer picked up and moved. She was on notice that she needed to file a relocation petition in this matter and moved from Virginia to Washington, without Court permission.

The Mother has been somewhat cavalier about the father's relationship with the children and the importance of said relationship.

Father has fostered a meaningful relationship between the children and the Mother while in the Father's care.

The GAL, Ms. Mostert defined the relationship between both parents and the children as strong and good.

While both parents complained about the communication issues both parents have testified that they have a good relationship with the children.

Again, the parties do not have a lot of money, but the parenting plan will be workable.

(d) The child's preference, taking into consideration the age and maturity of the child.

The Court finds Ms. Mostert (GAL) credible when she says the children want to be near their mother but they want their mother to move here rather than them moving to Washington.

(e) Whether the relocation will enhance the general quality of life for both the parent or other person seeking the relocation and the child, including, but not limited to, financial or emotional benefits or educational opportunities.

No evidence that the move to Washington enhances the general quality of life of Mom except she can continue to maintain her state of unemployment and live in guaranteed subsidized government housing.

The Court is not aware of any educational benefit, as the Mother is taking on-line classes which presumably she could from anywhere.

The Mother currently does not have a job in Washington. Further, she testified that at one point she moved to open an art business, then later testified that she intends to resume her career as a CNA upon her youngest child starting school and also that she is currently in school seeking a degree in biology.

The Court does not see how this will enhance the quality of life for the children other than putting them closer to their mother.

No evidence that the school is better.

No evidence that extended family members relationships would be stable or that they would be able to maintain their current relationships with their extended family.

(f) The reasons each parent or other person is seeking or opposing the relocation.

The Mother's move to Virginia and subsequent move to Washington were done because the Mother wanted a cheaper place to live, to start an art business and to go to school, and

none of that was clearly defined, other than claiming she can take advantage of government subsidized housing.

(g) The current employment and economic circumstances of each parent or other person and whether the proposed relocation is necessary to improve the economic circumstances of the parent or other person seeking relocation of the child.

Mother is currently unemployed and residing in Government housing and has been since relocating back to Washington.

The Court cannot find at this time the Mother is able to provide for the children without the support of her husband who has no legal obligation to support these children and without the support of the government housing.

The Father is employed and earning a good income.

Father resides with his wife who is also employed as a nurse.

They have a stable and modest home for the children.

(h) That the relocation is sought in good faith and the extent to which the objecting parent has fulfilled his or her financial obligations to the parent or other person seeking relocation, including child support, spousal support, and marital property and marital debt obligations.

Relocation is not sought in bad faith.

Mr. Culwell objects and as far as the Court can see Mr. Culwell has been consistently paying child support since ordered.

Court is aware there was an adjudication of arrears.

Mr. Culwell at some point he should have been doing better but once the child support obligation was established he complied.

There was no evidence that Ms. Auer chose or was forced to move because Mr. Culwell was not paying child support.

(i) The career and other opportunities available to the objecting parent or other person if the relocation occurs.

Ms. Auer might be able to maintain an art business, but no evidence was presented regarding said business. Additionally, she tried that out in Virginia, and it did not work out there.

She could go back to work as a CNA but does not have any immediate plans to do that and the Court cannot consider what may happen in a year or two.

(j) A history of substance abuse or domestic violence as defined in s. 741.28 or which meets the criteria of s. 39.806(1)(d) by either parent, including a consideration of the severity of such conduct and the failure or success of any attempts at rehabilitation.

No evidence presented of substance abuse and the Court does not see where the testimony presented regarding domestic violence should play any role in determining the petition for relocation.

Findings as to 61.13001

23. While the Court does not believe that Ms. Auer met her burden, and the Court could grant the motion for involuntary dismissal, the **Court hereby denies the Mother's Petition to Relocate on the merits.**

SECTION IV. Findings Relative to Child Support

24. The Court finds that there has been a substantial change in circumstances since entry of the Final Judgment in the above styled cause which required Father to pay child support to Mother, which warrants a modification of child support.
25. Father's child support was abated due to a Temporary Order entered in 2020.
26. The Court further finds that Mother has the present ability to pay child support.
27. The Court finds that the amounts in the Child Support Guidelines Worksheet attached as an exhibit ("B") are correct and incorporated herein as findings of fact.

On the evidence presented, the Court does hereby

ORDER, ADJUDGE and DECREE:

1. Mother's request for Relocation. The Court denies Mother's Petition to Relocate based on the findings above.
2. Shared Parental Responsibility. Mother and Father shall have shared parental responsibility and are awarded full parental rights and responsibilities with respect to the children in the above styled cause.
3. Parenting Plan. The Court adopts and incorporates the attached Parenting Plan (Exhibit A) into this Final Judgment as if written out in full herein and orders the parties to abide by said Parenting Plan.
4. Relocation. Any relocation, as that term is defined by section 61.13001, Fla. Stat., shall be sought in compliance with the provisions of that section of the Florida Statutes or any successor statute then in effect.
5. Notice of Parent's Relocation or Change of Residence. Either parent must give prior written notice at least twenty (20) days before the day that he or she is to relocate or change residence (regardless of whether the residence of any child will change). Such notice must be made to the other parent by certified mail, return

receipt requested, and must include the new address. This paragraph does not alter in any way either party's responsibility to comply with section 61.13001, or any successor statute, in the event of a relocation.

6. **No Disparagement of Other Parent.** No parent shall make disparaging comments about the other parent to any child or while in the presence of any child, nor allow any other person to do so.

7. **Child Support** Mother to pay Father child support of One Hundred and Fifty-Nine (\$159.00) Dollars per month through the Florida Disbursement Unit.

8. Mother shall pay to Father child support in the amount of \$159.00 per month for the child retroactively to July 17, 2020, to be paid in accordance with Mother's payroll cycle, and in any event at least once a month.

9. Mother shall continue payment of child support until the minor or dependent child: (a) reaches the age of 18; (b) becomes emancipated; (c) marries; (d) joins the armed services, (e) dies, or (f) becomes self-supporting; or until modified by order of the Court or by written agreement of the parties approved by the Court.

10. The child support obligation shall continue beyond the age of 18 and until high school graduation if the child is (a) dependent in fact; (b) between the ages of 18 and 19; and (c) still in high school, performing in good faith with a reasonable expectation of graduation before the age of 19.

11. **Arrears:** The Court reserves as to arrears. If this issue cannot be resolved, then the Court will conduct a hearing on this issue.

12. Father to pay for Health Insurance for the minor children.

13. **Prior Orders** This is a Final Judgment and controls over any and all prior orders entered previously in the above styled cause.

14. **Attorney's Fees** Mother's request for Attorney fees is denied. Each party will be responsible for his or her own court costs and attorney's fees incurred herein.

Other Orders

15. Going forward neither party shall discuss or allow to be discussed with the children any past, present, or future litigation or disclose any documents from past, present, or future litigation in the above styled cause to the children.

16. This Court specifically reserves jurisdiction of the entire matter to enter any further orders as may be equitable, appropriate, and just to enforce the orders made herein. Further, both parties are ordered to take whatever action is reasonable and

necessary to, and to conduct themselves in a manner conducive with, carrying out the intent and purpose of this Judgment.

17. The Court expressly retains jurisdiction over the parties, the children and over this cause for the purposes of enforcing, construing, interpreting, or modifying the terms of this Final Judgment.

DONE AND ORDERED in Chambers at The Moore Justice Center, Brevard County, Florida on the 5th day of January 2022.



Robert Segal, Circuit Judge

Copies to:

Attorney Christina Farley Long
Attorney Harley Gutin
Clerk of Court
Florida Disbursement Unit

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

Case No.: 05-2015-DR-024190
Division: Judge Segal

DOOR on behalf of:
PAIGE C. SULLIVAN
n/k/a **PAIGE C. AUERS**
Petitioner/Former Wife/Mother,

and

JACOB CULWELL,
Respondent/Former Husband/Father.

PARENTING PLAN ORDERED BY COURT
DECEMBER 2021

I. PARENTS

Petitioner, hereinafter referred to in this Parenting Plan as Jacob Culwell or Father.

Name: Jacob Culwell
Address: 1261 Vineland Street, Cocoa, FL 32927

Respondent, hereinafter referred to in this Parenting Plan as Paige C. Auers or Mother.

Name: Paige C. Auer
Address: Washington

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

Name	Date of Birth
Jacob Culwell Jr.	July 5, 2011
Brooklyn Culwell	July 24, 2009

III. JURISDICTION

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

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

IV. PARENTAL RESPONSIBILITY AND DECISION MAKING

1. Shared Parental Responsibility

It is in the best interests of the children that the parents confer and try to jointly make all major decisions affecting the welfare of the children. Major decisions include, but are not limited to, decisions about the children's education, healthcare, and other responsibilities unique to this family. **Neither parent shall denigrate the other parent or allow any other person within earshot of the children or child to do so. Both parties shall address and have the children address Paige C. English as Mom or Mother. Both parties shall address and have the children address Jacob Culwell as Father or Dad. Neither party shall allow or encourage any other person to use these designations to address, speak communicate or write the children.**

2. Day-to-Day Decisions

Unless otherwise specified in this plan, each parent shall make decisions regarding day-to-day care and control of each child while the child is 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 children when the child is residing with that parent. A parent who makes an emergency decision shall share the decision with the other parent as soon as reasonably possible.

3. Extra-curricular Activities

- a. Either parent may register the children and allow them to participate in the activity of the children's choice.
- b. The parents must mutually agree to all extra-curricular activities.
- c. The parent with the minor children shall transport the minor children to and/or from all mutually agreed upon extra-curricular activities, providing all necessary uniforms and equipment within the parent's possession.

V. INFORMATION SHARING. Unless otherwise indicated or ordered by the Court:

Unless otherwise prohibited by law, each parent shall have access to medical and school records and information pertaining to the children and shall be permitted to independently consult with any and all professionals involved with the children. The parents shall cooperate with each other in sharing information related to the health, education, and welfare of the children and they shall sign any necessary documentation ensuring that both parents have access to said records.

Each parent shall be responsible for obtaining records and reports directly from the school and health care providers.

Both parents have equal rights to inspect, receive governmental agency, and law enforcement records concerning the children.

Both parents shall have equal and independent authority to confer with the children's school, day care, health care providers, and other programs with regard to the children's educational, emotional, and social progress.

Both parents shall be listed as "emergency contacts" for the children.

Each parent has a continuing responsibility to provide a residential, mailing, and contact address and contact telephone number to the other parent. Each parent shall notify the other parent in writing within 24 hours of any changes. Each parent shall notify the court in writing within seven (7) days of any changes

VI. SCHEDULING

1. School Calendar

If necessary, on or before August 1 of each year, both parents should obtain a copy of the school calendar for the next school year. The parents shall discuss the calendars and the time-sharing schedule so that any differences or questions can be resolved.

The parents shall follow the school calendar of the oldest child.

2. Academic Break Definition

When defining academic break periods, the period shall begin at the end of the last scheduled day of classes before the holiday or break and shall end on the first day of regularly scheduled classes after the holiday or break.

3. Schedule Changes

- a. A parent making a request for a schedule change will make the request as soon as possible, but in any event, except in cases of emergency, no less than 7 days before the change is to occur.
- b. A parent requesting a change of schedule shall be responsible for any additional childcare, or transportation costs caused by the change.

VII. TIME-SHARING SCHEDULE BASED ON MOTHER RESIDING IN STATE OF WASHINGTON shall have the following time sharing:

1. **Weekend Schedule.** Mother can visit with the children in Florida for up to four overnights in a row every other weekend as long as Mother takes the children to

school and their regular extra- curricular, activities, if any with notice within ten days of said weekend to the father.

2. Father has all other weekday and weekend time not awarded to Mother above.
3. Holiday time sharing shall be as follows:

Holiday time-sharing shall be in accordance with the following schedule. The Holiday schedule will take priority over the regular weekday, weekend, and summer schedules. If a holiday is not specified as even, odd, or every year with one parent, then the children will remain with the parent in accordance with the regular schedule.

ALL HOLIDAYS THAT ARE THREE DAYS OR LESS SHALL TAKE PLACE IN FLORIDA.

<u>Holidays</u>	<u>Even Years</u>	<u>Odd Years</u>	<u>Every Year</u>	<u>Begin/End Time</u>
Mother's Day			Mother	8 a.m. to 8 p.m.
Father's Day			Father	8 a.m. to 8 p.m.
Martin Luther King Day	Father	Mother		overnight
President's Day Weekend	Mother	Father		overnight
Easter Weekend	Mother	Father		overnight
Memorial Day Weekend	Father	Mother		overnight
4th of July	Mother	Father		overnight
Labor Day Weekend	Father	Mother		overnight
Columbus Day Weekend	Mother	Father		overnight

Halloween	Father	Mother	from the time school is dismissed to 10 p.m.
Veteran's Day	Mother	Father	overnight
Thanksgiving	Father	Mother	from 6 p.m. on the day that school is dismissed for Thanksgiving, until 6 p.m. on Sunday
Children's Birthdays	Mother	Father	overnight

When the parents are using an alternating weekend plan and the holiday schedule would result in one parent having the children for three weekends in a row, the parents will exchange the following weekend, so that each has two weekends in a row before the regular alternating weekend pattern resumes.

3. Winter Break

A. Winter Break. Mother shall have timesharing from the time school lets out until December 26 in Even numbered years. Mother shall be responsible for returning children to Father no later than one day (24 hours) before school would normally resume. In other words: if there is no school due to pandemic it would be the day before school would have started had there been school based on the last school schedule when there was school.

4. **Spring Break.** Mother has the children every spring break from the day school lets out to the Sunday before school resumes.
5. **Summer Break.** The Mother shall have the summer break from one week after school ends until two weeks before school starts.
6. **Number of Overnights.** Based upon the time-sharing schedule herein, Paige C. Auer has 80 overnights per year and Jacob Culwell has an approximate and anticipated total of 285 overnights per year.

VIII. TRANSPORTATION AND EXCHANGE OF CHILDREN

1. Transportation

1. The parties shall have the child(ren) ready on time with sufficient clothing packed and ready at the agreed upon time of exchange. All necessary information and medicines will accompany the child(ren).

2. The parties shall exchange travel information and finalize travel plans at least 30 days in advance of the date of travel. Except in cases of emergency, any party requesting a change of travel plans after the date of finalization shall be solely responsible for any additional costs. Both parents shall have the children ready on time with sufficient clothing packed and ready at the agreed upon time of exchange. If a parent is more than 30 minutes late without contacting the other parent to make other arrangements, the parent with the children may proceed with other plans and activities.

Exchanges shall be at the children's school whenever possible and if not possible curbside at Paige C. Auer's and Jacob Culwell's homes unless both parents agree to a different meeting place.

3. Airplane and Other Public Transportation and Exchange

Airline regulations govern the age at which a child may fly unescorted. An older child or children may fly under such regulations as each airline may establish.

Airline reservations should be made well in advance and preferably, non-stop or direct.

All flight information shall be sent to the other party(ies) at least 30 days in advance of the flight by the party purchasing the tickets.

If the child(ren) are flying accompanied by a party, the party picking up the child(ren) shall exchange the child(ren) with the other party at the gate or baggage claim if unable to gate and the party returning the child(ren) shall exchange the children at the gate or baggage claim if unable to go to the gate.

If the exchange is to be made at the airport, the party flying in to pick up or drop off the child(ren) from/to the airport must notify the other party of any flight delays.

Unless otherwise agreed in advance, the party taking the child(ren) to the airport must call the other party(ies) immediately upon departure to notify the other party(ies) that the child(ren) is/are arriving, and the party who meets the child(ren) must immediately notify the other party(ies) upon the child(ren)'s arrival.

4. Costs of Airline and Other Public Transportation *{Indicate all that apply}*

a. X Ticket Purchase *{If Applicable}*:

The parties shall work together to purchase the most convenient and least expensive tickets.

After consultation among the parties, it shall be the responsibility of the Father to purchase the tickets 30 days in advance. All parties entitled to access to, or time-sharing with the child(ren) shall be notified of the purchase by *{date}* immediately.

Proof of the purchase and a copy of the itinerary from MCO to SEA-TAC and return shall be provided to all parties.

Unless otherwise agreed or in the case of an unavoidable emergency, any costs incurred by a missed travel connection shall be the sole responsibility of the party who failed to timely deliver the child(ren) to the missed connection.

- b. Transportation costs are included in the Child Support Worksheets and/or the Order for Child Support and should not be included here.
- c. Mother shall pay 50 % Father shall pay 50 % of the transportation costs.
- d. Mother shall pay 50 % Father shall pay 50 % of the transportation costs for an adult to accompany the child(ren) during travel. If an airline employee can accompany the child at a lower cost, then parties shall share in that cost and shall not be required to share the cost for an adult to accompany the child who is not an airline employee.
- e. If the parties are sharing travel costs, the non-purchasing party shall reimburse the other party within 30 days of receipt of documentation establishing the travel costs.
- f. Other: _____

5. **Foreign and Out-Of-State Travel {Indicate all that apply}**

- a. The parties may travel within the United States with the child(ren) during his/her time-sharing. The party traveling with the child(ren) shall give the other party(ies) at least 7 days written notice before traveling out of state unless there is an emergency, and shall provide the other party(ies) with a detailed itinerary, including locations and telephone numbers where the child(ren) and party can be reached at least 7 days in advance of the date of travel.
- b. A party may travel out of the country with the child(ren) during his/her time-sharing. At least 30 days in advance of the date of travel, the party shall provide a detailed itinerary, including locations, and telephone numbers where the child(ren) and party may be reached during the trip. Each party agrees to provide whatever documentation is necessary for the other party(ies) to take the child(ren) out of the country.

IX. EDUCATION

School designation. For purposes of school boundary determination and registration, Jacob Culwell's address shall be designated.

X. DESIGNATION FOR OTHER LEGAL PURPOSES

The children named in this Parenting Plan are scheduled to reside the majority of the time with the Jacob Culwell. This majority designation is **SOLELY** for purposes of all other state and federal laws which require such a designation. **This designation does not affect either parent's rights and responsibilities under this Parenting Plan.**

XI. COMMUNICATION

1. Between Parents

All communications regarding the children shall be between the parents by email regarding all issues related to shared parental responsibility and travel. The parents shall not use the children as messengers to convey information, ask questions, or set up schedule changes.

The parents shall communicate with each other in person, by telephone, by letter, or by e-mail.

2. Between Parent and Children

The non-time sharing shall be entitled to one call with the children at 8 p.m. eastern standard time.

DONE AND ORDERED at Viera, Brevard County, Florida on the 5th day of January, 2022.



Robert A. Segal
Circuit Judge

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

Case No.: 05-2015-DR-024190
Division: Judge Segal

DOOR on behalf of:

**PAIGE C. SULLIVAN
n/k/a PAIGE C. AUERS
Petitioner/Former Wife/Mother,**

and

**JACOB CULWELL,
Respondent/Former Husband/Father.**

CHILD SUPPORT GUIDELINES WORKSHEET			
	A. PETITIONER	B. RESPONDENT	TOTAL
1. Present Net Monthly Income Enter the amount from line number 27, Section I of Florida Family Law Rules of Procedure Form 12.902(b) or (c), Financial Affidavit.	\$1287.86	\$3450.00	\$4,737.86
2. Basic Monthly Obligation There are <u>two</u> minor children common to the parties. Using the total amount from line 1, enter the appropriate amount from the child support guidelines chart.			\$1,477.00
3. Percent of Financial Responsibility Divide the amount on line 1A by the total amount on line 1 to get Petitioner's percentage financial responsibility. Enter answer on line 3A. Divide the amount on line 1B by the total amount on line 1 to get Respondent's percentage of financial responsibility. Enter answer on line	27.18%	72.82%	

Enter answer on line 6B.			
Statutory Adjustments/Credits			
	A. PETITIONER	B. RESPONDENT	TOTAL
7.			
a. Monthly child care payments actually made.	\$0.00	\$0.00	
b. Monthly health insurance payments actually made.	\$0.00	\$0.00	
c. Other payments/credits actually made for any noncovered medical, dental and prescription medication expenses of the children not ordered to be separately paid on a percentage basis. (See § 61.30 (8), Florida Statutes.)	\$0.00	\$0.00	
8. Total Support Payments actually made [Add 7a through 7c.]	\$0.00	\$0.00	
9. MINIMUM CHILD SUPPORT OBLIGATION FOR EACH PARENT [Line 4 plus line 6; minus line 8.]	\$401.48	\$1,075.52	
Substantial Time-Sharing (GROSS UP METHOD) If each parent exercises time-sharing at least 20 percent of the overnights in the year (73 overnights in the year), complete Nos. 10 through 21			
	A. PETITIONER	B. RESPONDENT	TOTAL
10. Basic Monthly Obligation x 150% [Multiply line 2 by 1.5]			\$2,215.50

11. Increased Basic Obligation for each parent. Multiply the number on line 10 by the percentage on line 3A to determine the Petitioner's share. Enter answer on line 11A. Multiply the number on line 10 by the percentage on line 3B to determine the Respondent's share. Enter answer on line 11B.	\$602.22	\$1,613.28	
12. Percentage of overnight stays with each parent. The children spend <u>73</u> overnight stays with the Petitioner each year. Using the number on the above line, multiply it by 100 and divide by 365. Enter this number on line 12A. The children spend <u>292</u> overnight stays with the Respondent each year. Using the number on the above line, multiply it by 100 and divide by 365. Enter this number on line 12B.	20.0%	80.0%	
13. Parent's support multiplied by other Parent's percentage of overnights [Multiply line 11A by line 12B. Enter this number in 13A. Multiply line 11B by line 12A. Enter this number in 13B.]	\$481.78	\$322.66	
Additional Support - Health Insurance, Child Care & Other			
	A. PETITIONER	B. RESPONDENT	TOTAL
14. a. Total Monthly Child Care Costs [Child care costs should not exceed the level required to provide quality care from a licensed source. See section 61.30(7), Fla. Stat. for more information.]			\$0.00

b. Total Monthly Children's Health Insurance Cost. [This is only amounts actually paid for health insurance on the children.]			\$0.00
c. Total Monthly Children's Noncovered Medical, Dental and Prescription Costs.			\$0.00
d. Total Monthly Child Care & Health Costs [Add lines 14a+14b+14c.]			\$0.00
15. Additional Support Payments. Multiply the number on line 14d by the percentage on line 3A to determine the Petitioner's share. Enter answer on line 15A. Multiply the number on line 14d by the percentage on line 3B to determine the Respondent's share. Enter answer on line 15B.	\$0.00	\$0.00	
Statutory Adjustments/Credits			
	A. PETITIONER	B. RESPONDENT	TOTAL
16.			
a. Monthly child care payments actually made.	\$0.00	\$0.00	
b. Monthly health insurance payments actually made.	\$0.00	\$0.00	
c. Other payments/credits actually made for any noncovered medical, dental and prescription medication expenses of the children not ordered to be separately paid on a percentage basis. [See Section 61.30 (8), Florida Statutes.]	\$0.00	\$0.00	
17. Total Support Payments actually made [Add 16a through 16c.]	\$0.00	\$0.00	
18. Total Additional Support Transfer	\$0.00	\$0.00	