

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY,
FLORIDA

IN THE INTERESTS OF:
M. J.-W.
DOB: 08/20/2002
K. J.-W.
DOB: 09/06/2005
Minor Children/
_____ /

JUVENILE DIVISION
D13-15193A-B (D048)



AMENDED VERIFIED PETITION FOR DEPENDENCY

COMES NOW, the Petitioner, MARIO JIMENEZ, by and through the undersigned counsel, and files this Amended Verified Petition for Dependency pursuant to Section 39.501, Florida Statutes and Fla. R. Juv. P.8.310(a), and petitions this court to adjudicate the above-named child to be dependent within the meaning and intent of section 39.01, Florida Statutes, and the Florida Rules of Juvenile Procedure. As grounds therefore, Petitioner alleges the following:

1. This court has jurisdiction over the minor children:

<u>Name</u>	<u>Birthdate</u>	<u>Gender</u>	<u>Person who has custody</u>
M.J.W.	08/20/2002	Male	Mother
K.J.W.	09/06/2005	Female	Mother

2. The natural mother of the minor children is Karen Wizel, whose address is [REDACTED]

[REDACTED] Homestead, FL 33032.

3. The legal father of the minor children is Mario Jimenez who was married to the Mother at the time of birth and conception of the child and whose address is [REDACTED]

[REDACTED] Miami, FL 33183.

4. The UCCJEA Affidavit was filed with the Court on April 14, 2009 and is incorporated by reference.

5. Mediation has not been offered.

6. The Amended Verified Petition for Dependency is upon the following:

7. The children are dependent within the meaning and intent of Chapter 39.01 (14) Florida Statutes, in that the mother has abused the minor children. The acts constituting the abuse include the following:

8. The Mother, KAREN WIZEL abused the minor children, as defined in Florida Statute 39.01(44), in that the Mother has become mentally unstable and has psychologically harmed the minor children through the following actions: 1) repeatedly filing false reports of abuse against the Father, MARIO JIMENEZ; 2) brainwashing and coaching the children into believing the false allegations of abuse by Father towards them; 3) and deliberately obstructing the Father-children relationship by curtailing visitations, minimizing telephonic and email contact, and insinuating that timesharing with Father is harmful for the children.

9. Mother's actions have not only psychologically injured the minor children, but have also resulted in the manifestation of Parental Alienation Syndrome in the minor children.

Count 1

A. Mother's Actions Constituting Abuse

(i) Mother's Repeated False Reports of Abuse against Father

10. The Mother has been repeatedly making unfounded allegations that the Father has physically abused the Mother and the minor children, particularly the minor child, M.J.W.

11. The Mother has been accusing the Father of abuse since 2008, when both parties lived in Nicaragua with their children.

12. In Nicaragua, the Mother brought several complaints against the Father accusing him of violence towards her and the children. These matters were investigated by the court in Nicaragua.

13. The parties were given joint custody and Father had liberal visitation with the children.

14. However, Mother absconded with the children, beginning her campaign to separate the children from their Father.

15. Soon after, Father left Nicaragua for Miami to pursue his medical residency training.

16. Mother, despite all allegations of abuse by Father, left her country and out of all the cities in the world, moved to Miami, where Father resides.

17. To date, the Mother continues to accuse the Father of physical and psychological abuse against her and the minor children, in an apparent attempt to relitigate matters already addressed by the Nicaraguan court.

18. Mother came to Miami with the children where, upon information and belief, she filed three DCF abuse reports against the Father.

19. Specifically, Mother referred to an alleged, yet nonexistent and unproven history of abuse that Father had purportedly instigated against her and M.J.W.

20. The first two investigations by the Department of Children and Families (DCF) have been closed with a designation of "No Indicators."

21. The Child Protection Team (CPT) also investigated the third DCF report filed by the Mother and it ultimately closed the investigation with a designation of "Not Substantiated" with respect to the allegations of physical abuse but "verified" for the allegations of mental injury.

22. Notably, this "verification" of mental injury came after several attempts by Mother to have the children tell investigative authorities that Father had abused them.

23. Upon information and belief, Mother succeeded in coaching the children to the extent where ultimately the minor children came to believe that Father was abusive towards them, instilling in them fear and animosity towards their Father.

24. However, these investigations demonstrate that there have been no findings that the Father has physically abused the children, as claimed by Mother.

25. Although there is evidence of substantial psychological injury, particularly with the youngest child, M.J.W., such has been caused by Mother's actions, not by abuse on the part of Father, as alleged by Mother.

26. Even in Nicaragua, law enforcement officials investigated the Mother's complaints and determined that they were unfounded, ultimately closing the case.

27. Despite numerous investigations by various officials in both Nicaragua and Miami, the Mother continued to go to different individuals or organizations with her allegations.

28. Mother's history of making false accusations and resorting to different legal and investigative authorities to perpetrate fraud is extensive.

29. In fact, evidence will show that Mother approached Father's sister-in-law to assist her in bringing a false claim of abuse against sister-in-law's husband. Specifically, Mother advised her as to the methods and means by which to initiate and prove the fraudulent claim, including the use of body makeup and photographs to demonstrate nonexistent physical abuse.

30. Additionally, evidence in the form of sworn testimony by the parties' nanny while they lived in Nicaragua, will also show that the Mother is the abusive parent and not the Father as has been so vehemently claimed by Mother.

30. The present case is just one more example of Mother's fraudulent schemes.

31. In her unrelenting pursuit of fraudulently accusing Father of abuse, Mother has psychologically injured the minor children and effectively disrupted the Father-children relationship resulting in the manifestation of Parental Alienation Syndrome.

(ii) *Mother's Brainwashing and Coaching the Minor Children against Father*

32. Mother's actions in brainwashing and coaching the minor children in her attempt to indict Father, have psychologically harmed the minor children and led to a "verification" of allegations of mental injury in the CPT report.

33. As part of a vicious campaign to sever the Father-children relationship, Mother has successfully brainwashed and coached the children into believing Father is abusive towards them.

34. Over the period of almost a year, the children were exclusively under Mother's care and had no contact whatsoever with Father since the Mother had kept the children hidden away from the Father.

35. Over a period of many months, Mother was able to coach and brainwash the minor children against the Father.

36. Ultimately, the minor children could not help but share the Mother's false allegations of abuse, especially in light of the fact that the children were approximately three and six years of age at the time therefore particularly susceptible to Mother's manipulations.

37. As such, the minor children have not only come to believe that Father is abusive towards them, but have also repeated Mother's false claims of abuse to the authorities.

38. In fact, the children have even accused Father and his current partner of "burning" their infant child. This allegation was investigated by the authorities and proven unfounded.

39. Additionally, the minor children have grown increasingly and inexplicably fearful and resentful of Father.

40. As expected, this situation has seriously deteriorated the mental health of the minor children, particularly the youngest child, M.J.W.

41. The minor children exhibit a number of psychological issues, particularly M.J.W., whose psychological evaluations have diagnosed him with an adjustment disorder, combined with depression and anxiety, as well as multiple behavioral issues including aggression and inability to interact with peers at school.

42. Plus, by coaching and brainwashing the minor children against Father, Mother has effectively alienated the minor children from Father.

43. This constitutes a form of mental abuse that needs to be addressed; Mother's actions in teaching the minor children to hate and fear their Father constitute child abuse, even if not in its usual form.

44. As such, the only remedy is to remove the minor children from Mother's care and such an abusive environment.

(iii) Mother's Deliberate Obstruction of Father-Children Relationship

45. Over the past few years, Mother has prevented the children from visiting Father and has made every effort to sabotage the relationship between the Father and his children.

46. In Nicaragua, the mother absconded with the children and kept them hidden from the Father, even before the parties divorced.

47. After their divorce, Mother violated the terms of the foreign divorce decree by denying the Father his visitation rights.

48. Moreover, in her unrelenting attempt to impede the Father-children relationship, Mother has continued making false allegations of abuse by Father, even after the parties divorced and even after Father moved away to Miami.

49. In fact, Mother followed Father to Miami, where she continued filing false reports of abuse against them, all of which have been uncorroborated after multiple investigations.

50. Additionally, Mother has engaged in brainwashing and coaching of her minor children in order to antagonize the children and alienate them from the Father, further straining the relationship between them.

51. Mother's incessant efforts have culminated in the suspension of Father's timesharing rights.

52. As of July 2012, pursuant to a motion with unsubstantiated claims submitted by the Mother's attorney here in Miami, Father's contact with the children was suspended. The basis was a DCF report that was ultimately closed.

53. The Court ordered that the Father be allowed only supervised visitation and that daily telephonic contact with the children was to be recorded. This was done after the Court reviewed the psychological report prepared by Dr. Vanessa Archer, the court-appointed psychologist, and without providing Father the benefit of an evidentiary hearing and opportunity to cross-examine Dr. Archer.

54. As such, Mother has accomplished her objectives of disrupting the Father-children relationship and antagonizing the children against their own Father.

55. In the process, Mother has psychologically injured the children and prompted the manifestation of Parental Alienation Syndrome.

56. In sum, Mother's conduct establishes a number of factors for imminent risk of harm including: repeated false allegations of abuse; developmental and psychological stifling of the children by Mother; venue shopping and manipulation of reporters, investigative, and therapeutic professionals; coaching and brainwashing of the minor children; and sabotaging contact with the children's Father. Through the aforementioned actions, Mother harmed the

minor children as defined in Florida Statutes 39.01(32) and/or caused the children's physical, mental or emotional health to be significantly impaired.

57. Due to the concerns already expressed, as well as Mother's manipulation of the child abuse investigative process and her history of abuse, Father seeks court intervention to determine the stability of the children under the Mother's care.

58. As such, Father is not pursuing this action as a means to engage in forum shopping, but rather because he has legitimate concerns regarding his children's safety and psychological health while under the care of their Mother.

59. Father is pursuing an action for which he has a statutory right and an arguable basis in law or fact. Therefore, the fact that the case was transferred to another court should not be grounds for dismissing an otherwise meritorious claim for which there is substantial factual support.

B. Psychological Harm and Parental Alienation Syndrome

60. Mother's actions, as discussed above, threaten harm and place the children at risk or prospective risk of harm to the children as defined in Florida Statutes 39.01(32) cause and likely to cause the children's mental or emotional health to be significantly impaired or to be in danger of being significantly impaired.

61. Mother's conduct, through her actions, has psychologically injured the children, especially M.J.W.

62. To date, the child has had four psychological evaluations, with the first two psychological evaluations taking place in Nicaragua and the latter two in Miami.

63. The first psychological evaluation dated May of 2008 originated as a result of Mother's allegations that Father was sexually abusing the minor child. After being examined by both a

psychologist and forensic physician, it was established that, although the minor child exhibited minor symptoms of anxiety, there was no physical evidence of sexual abuse.

64. The second psychological evaluation dated in June of 2009, established that M.J.W. presented an episode of anxiety and considerable psychological damage, which could potentially lead to rapid and significant psychological erosion.

65. The psychological report also stressed that the child's emotional needs were not being met, and that this could interfere with the child's psychological growth and development.

66. The third psychological assessment, which takes place after numerous treatment sessions in Miami from August of 2011 through May of 2012, diagnosed the child with an adjustment disorder, combined with depression and anxiety.

67. Additionally, the evaluation reports that M.J.W. exhibits defiant and aggressive behavior in school towards teachers and his classmates.

68. The child is unable to interact with teachers and classmates in an appropriate manner and does not complete his homework. Notably, this has been the situation while mother has had exclusive de facto custody of the child.

69. However, the therapist for M.J.W. while he was under Father's care and away from Mother's influence, Dr. Alicia Vidal-Zas, discloses in her clinical notes that during that period of time M.J.W.'s behavior improved significantly; his aggression at school subsided considerably, and his academic performance improved, even obtaining an Honor Roll diploma in school.

70. Additionally, while under close contact with Father, the Father-children relationship drastically improved. In fact, during a psychological session, M.J.W. expressed how he was no

longer afraid of Father, now that he did not reside with Mother. M.J.W. also denied Father being abusive towards him.

71. Nevertheless, once contact with Father was suspended by the Court based on a hearsay report by Dr. Archer, M.J.W.'s mental health began to rapidly deteriorate; the last psychiatric evaluation, dated February 2013, indicated that the minor child exhibits a myriad of symptoms including, but not limited to: anxiety, depressive disorder, Post Traumatic Stress Disorder, difficulty sleeping, feelings of intense fear and helplessness, Attention Deficit Hyperactivity Disorder, as well as behavioral issues, such as anger and aggression.

72. Notably, this has been while under Mother's exclusive custody and with severely limited and supervised contact with Father.

73. Psychological studies have proven that children exhibit a number of negative behaviors as a response to the effects of parental alienation which has occurred in this case.

74. Parental alienation has been defined to be a set of strategies that parents use to undermine and interfere with the relationship that a child has with another parent.

75. These strategies include but are not limited to bad-mouthing the other parent, limiting contact with that parent, forcing children to reject the other parent, creating the impression that the other parent is dangerous, forcing the child to choose and belittling and limiting contact with the extended family for the targeted parent.

76. All of the above have been present in this case; through her actions, Mother has caused a rift in the Father-children relationship by limiting Father's visitation with the minor children and

by coaching the children to believe that the Father is dangerous and abusive towards them. The alienation has progressed to include not only Father, but also Father's extended family.

77. Psychological research has proven that exposing children to such alienation represents a form of emotional abuse.

78. Children who suffer from Parental Alienation Syndrome have been shown to develop the concept that one parent is that loving parent, while the other is the hated parent who has done "evil" or "wickedness" not only towards the alienating parent but towards the child.

79. Additionally, studies have proven that all good memories have been destroyed and there has been brainwashing in order to make the child fearful of the alienated parent.¹

80. Therefore, the child loses support from not only the parent but also the grandparents and extended family of that alienated parent.

81. The paternal grandfather and grandmother have great concerns regarding the children's psychological well-being. The paternal grandfather has reported to be currently scared of being around the children due to the false allegations that the mother might employ in the children's mind and therefore possibly falsely incriminating him. Grandfather has serious concerns regarding the deterioration of the relationship with the children.²

82. Undoubtedly, there are psychological effects that occur in children that are suffering this syndrome such as: anger, loss or lack of impulse control in conduct, developing fears and phobias, sleep disorders, poor peer relationship and educational problems.

¹ Ludwig. F. Lowenstein, Ph.D, Problems suffered by children due to the effects of Parental Alienation Syndrome, (Justice of the Peace, Vol. 166 No. 24, 2002) PG 464-466.

² Amy J. L. Baker, Ph.D, Parental Alienation is Emotional Abuse of Children, (Psychology Today) 2011

83. All of the major symptoms are exhibited by M.J.W. Prior psychological evaluation and his teacher's reports confirm that the child exhibits these symptoms.³

84. The child exhibits anger issues and poor peer relationships, as evident by his negative interaction with his peers.

85. Reports have shown that M.J.W. has used profane words around his peer members and has been in several altercations with his peers.

86. The youngest child has shown symptoms associated with sleep disturbances to the extent that the child has been reported to have slept with a knife underneath his bed.

87. Additionally, the minor child exhibits anxious behaviors and has continuously communicated to the father his resentment for allegedly abounding the family.

88. Notably, typical symptoms or behaviors related to children who have experienced what Mother alleged M.J.W. experienced are trauma-specific dreams, running away from home, dissociation, derealization, depersonalization and preoccupation with the trauma, none of which are exhibited by the minor child.

89. Moreover, the mother's extensive history of false reports of abuse against the father evidences a pattern of attention seeking behavior and dependency which demonstrates a lack of care for the children's emotional and psychological health and wellbeing.

90. Through her actions, Mother has harmed the children's relationship with his father and significantly impaired the child's emotional and psychological health, as detailed above.

³ Ludwig, F. Lowenstein, Ph.D, Problems suffered by children due to the effects of Parental Alienation Syndrome, (Justice of the Peace, Vol. 166 No. 24, 2002) PG 464-466.

91. Mother has caused and/is likely to continue to cause the children's physical, mental, or emotional health to be significantly impaired, as defined in Florida Statutes 39.01 (32).

Under Chapter 39, Florida Statutes, the clerk of the court is required to issue a summons to the following parents or custodians:

The natural mother of the minor children, Karen Wizel, whose address is [REDACTED], [REDACTED], Homestead, FL 33032. The legal father of the minor children, Mario Jimenez, whose address is [REDACTED], Miami, FL 33183.


WHEREFORE, the Petitioner asks that process may issue in due course to bring the above-named parties before the court to be dealt with according to the law and to adjudicate the above-named minor children to be dependent.

This Petition is filed in good faith.

Date this 15th day of May, 2013.

PETITIONER, MARIO JIMENEZ

By: _____


Denise M. Scanziani, Esq.
12464 SW 127 Avenue
Miami, FL 33186

VERIFICATION

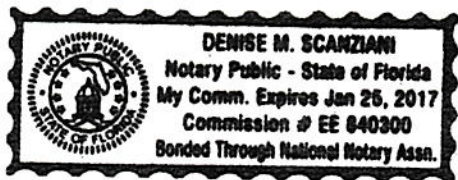
I, MARIO JIMENEZ, do hereby solemnly swear that I have carefully read each and every statement contained in this my Amended Petition for Dependency and that each and every statement contained herein is true and correct.



State of Florida
County of Miami-Dade

The forgoing instrument was acknowledged before me this 1st day of May 2013, MARIO JIMENEZ, who [] is personally known or [] has produced a driver's license as identification.

[Notary Seal]



Notary Public
Printed Name: Denise M. Scanziani
My Commission Expires: 1/25/2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this document was e-mailed and personally served to the person listed below on May 1st, 2013: Ana Morales, Esq., 6910 North Kendall Drive, Second Floor, Miami, FL 33156, amorales@reyesmiller.com and Anastasia Garcia, Esq. Guardian Ad Litem for the parties, 770 Ponce De Leon Blvd., Coral Gables, FL.

Respectfully submitted,

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