

IN RE THE MATTER OF:
MARIO ALBERTO JIMENEZ,

Petitioner/Father,
and

KAREN WIZEL,

Respondent/Mother.

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

FAMILY DIVISION

CASE NO. 2011-21207 FC 29

**ORDER ON MOTHER'S EMERGENCY MOTION FOR RE-HEARING ON FATHER'S
MOTION FOR TEMPORARY INJUNCTIONS AND MOTHER'S
EMERGENCY MOTION TO PICK UP CHILDREN**

THIS MATTER was heard by the court on October 6, 2011. After considering argument of counsel, it is hereby ORDERED as follows:

1. This is an action to domesticate a foreign judgment.

2. There are two minor children subject to this proceeding, [REDACTED], born on August 22, 2002, and [REDACTED], born on September 6, 2005.

3. On May 4, 2010, an Order or Final Judgment on Divorce was entered in the Court of Catarina, Nicaragua, Central America in Case No. 27, Folio 55 and 56, Tome No. VII, Year 2010, g

4. On July 7, 2011, the Father filed his Petition to Domesticate Foreign Judgment. The final judgment awarded the parties equal shared custody and the Father was awarded time with the children from Monday to Friday to be responsible for their education.

5. On August 23, 2011, this Court granted the Father's Emergency Motion for Temporary Injunction to Prevent Removal of Minor Children and/or Denial of Passport Service. The Mother was ordered to turn in the children's passports immediately to counsel for the Father until further notice of the Court, and neither party was allowed to remove the children from the state of Florida.

6. The court entered a pick up order on August 23, 2011 which allowed the Father to take custody of the minor children.

"Exhibit R"

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7. The Mother claims she was in labor on August 23, 2011 and delivered her child on August 24, 2011, thus making it impossible for her to attend the August 23rd hearing.

8. The Mother claims that the children are in a dangerous situation living with the Father, who fled Nicaragua in May of 2010 to escape two pending criminal charges of Domestic Violence against the Mother and their minor son, Mario.

9. The Mother claims that the Father misrepresented the Final Judgment of the Nicaraguan Court to this Court, as the Final Judgment stated that both parents had joint parental responsibility and that the Father had the right to **visit** the children Monday through Friday. Due to the pending criminal charges against the Father, however, this right to visitation was subsequently barred.

10. On May 18, 2011, the Mother and minor children entered into The Lodge Victim Response Outreach Program, a certified Domestic Violence Center, which purchased for her and the children plane tickets in order to leave Guatemala. She is still receiving help from the program.

11. The Mother claims that she is so petrified of her abusive ex-husband that she cannot even visit the children, or let them meet their new baby brother. She is terrified for her children, and distraught that the Father continues to call the Mother on a daily basis asking her to stop and visit the children, but when she responds that she cannot, he tells the children that their Mother does not want to see them anymore.

12. The Mother claims it is in the best interests of the minor children for this Court to vacate the Temporary Injunction issued on August 23, 2011, and restore custody of the minor children to the Mother.

13. The children have been living with the Father since August 24, 2011 when the Pick up Order was executed. The children are now attending Winston Park Elementary School.

14. On a temporary basis, the children shall continue to attend Winston Park Elementary School and the parties shall have equal time sharing from end of school on Friday until the beginning of school on the following Friday. The Mother's time sharing will commence on Friday October 7, 2011 at the end of school. The Father shall immediately list the Mother as a person authorized to pick up the children from school and authorized to obtain information about the children from the school.

15. Each parent shall ensure that the children attend therapy on Thursdays at 3:30. The Father shall immediately provide the Mother with the name, address and phone number of the therapist.

16. Neither party may remove the children from the State of Florida pending further order of the court.

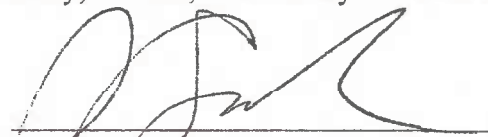
17. A copy of this order shall be served on the appropriate federal authorities.

18. The Mother will share time on Thanksgiving 2011 until Friday morning at 9:00 and the Father shall pick up the children from the Mother's home at that time for his week of time sharing.


19. During Christmas 2011, the Father will share time from December 23, 2011 until December 25, 2011 at noon and from December 26 at noon until December 30, 2011 at noon. The Mother will share time from December 25, 2011 at noon until December 26, 2011 at noon and from December 30, 2011 until January 6, 2011.

20. Each party shall be entitled to daily telephonic communication with the children for no more than 15 minutes while the children are with the other party. The parties shall exchange cell phone numbers prior to leaving the courthouse. All communications directly between the parties shall be by text message only and both parties shall save all text messages to and from each other for court evidence.

DONE AND ORDERED in Miami-Dade County, Florida, this 6th day of October, 2011.


Robert N. Scola, Jr.
Circuit Court Judge

Copies furnished to:
Gerald Adams, Esq.
Kenia Bravo, Esq.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office. *Oct. 12th* AD 2011
HARVEY RUVIN, Clerk of Circuit and County Courts
Deputy Clerk 



"Exhibit R"

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