

Third District Court of Appeal

State of Florida

Opinion filed September 18, 2015.

No. 3D15-1854
Lower Tribunal No. 11-28790

Candice Wolfson,
Petitioner,

vs.

Howard Wolfson,
Respondent.

A Petition for Writ of Certiorari to the Circuit Court for Miami-Dade County, Stanford Blake, Judge.

Sandy T. Fox (Aventura), for petitioner.

Sidweber & Weintraub and Karen B. Weintraub and Robert W. Sidweber (Fort Lauderdale), for respondent.

Before WELLS, SHEPHERD and LOGUE, JJ.

ON MOTION FOR REHEARING AND CLARIFICATION

SHEPHERD, J.

Howard Wolfson's motion for rehearing of this Court's opinion issued September 9, 2015, is denied. His motion for clarification is granted.

In our opinion, we determined “the trial court departed from the essential requirements of law by **temporarily** modifying the child’s parenting plan without a full hearing in which the mother was permitted to present her case,” and “quash[ed] the **order under review**.” (Emphasis added.) The order under review was the July 27, 2015, order which temporarily modified the parties’ previously mediated and court-ratified parenting plan providing for equal timesharing. We therefore “remand[ed] the case to the trial court to promptly reconsider the issue of the mother’s supervised visitation.” In so doing, we ordered the trial court to provide Mrs. Wolfson, without delay, an opportunity to be heard on Mr. Wolfson’s emergency request for temporary relief until such time as the trial court could schedule a full evidentiary hearing on the parties’ cross petitions for **permanent** modification of the parenting plan.

Because we recognize that the parties’ child has been living with his father since December 2014, and we are reluctant to further disrupt these arrangements, we uphold the trial court’s decision to maintain the status quo. However, supervised visitation should only continue until such time as, after hearing from Mrs. Wolfson, the trial court decides Mr. Wolfson’s emergency motion for temporary relief.

So ordered. This opinion shall take effect immediately.