

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

ROY WALL,

Appellant,

v.

Case No. 5D21-1504
LT Case No. 2020-DR-030191

ZOE KYRAMARIOS-WALL,

Appellee.

_____ /

Opinion filed December 14, 2021

Appeal from the Circuit Court
for Brevard County,
Nancy Maloney, Judge.

Elizabeth Siano Harris, of Harris
Appellate Law Office, Mims, for
Appellant.

No Appearance for Appellee.

PER CURIAM.

Roy Wall (“Father”) appeals the trial court’s order that was entered on the “Motion for Civil Contempt, Enforcement, and Related Relief” filed by Zoe Kyramarios-Wall (“Mother”), arising from Father’s alleged violation of the

amended final judgment that granted Mother an injunction for protection against domestic violence from Father. Pertinent here, the amended final judgment of injunction established, among other things, a temporary parenting plan involving the parties' two minor children whereby Mother was given 100 percent of the time-sharing with the children and Father was prohibited from having any contact with them, including by phone, text, or email.

In the motion for contempt at issue, Mother asserted that Father had violated the injunction by sending a text message to the parties' eldest child on her eighteenth birthday. At the hearing held on the motion, Father stipulated that he sent this text but argued that he should not be found or held in contempt because the parenting plan contained in the injunction only prohibited him from contacting his daughter while she was still a minor child.¹ The trial court conceded that Father "may, technically, be correct," but it voiced concern that Father's text message to his now-adult daughter violated "the spirit of the law and what was intended by [the predecessor judge who entered the injunction]."

¹ Father also acknowledged sending subsequent text messages to his daughter.

The written order that was entered following the hearing that is now before us for review did not find or hold Father to be in contempt. The trial court did, however, specifically provide in its order that Father “shall have no direct or indirect contact with [the parties’ adult daughter].”

Father takes issue with this verbiage in the order, arguing here that the trial court violated his right to due process by essentially enjoining him from having contact with his adult daughter when such relief was not requested by Mother in her motion. We agree.² See *Booth v. Hicks*, 301 So. 3d 369, 370 (Fla. 2d DCA 2020) (“It is well-settled that a trial court violates due process and commits reversible error when it grants a party relief that the party did not request.”).

Accordingly, the trial court’s order on Mother’s motion for civil contempt is reversed.

REVERSED.

LAMBERT, C.J., EISNAUGLE and TRAVER, JJ., concur.

² To be clear, we take no position as to whether the adult daughter would be entitled to an injunction for protection against Father if she separately pursued such a claim.