

Third District Court of Appeal

State of Florida

Opinion filed June 12, 2019.
Not final until disposition of timely filed motion for rehearing.

No. 3D18-921
Lower Tribunal No. 13-918

Tamara Nadine Trainor,
Appellant,

vs.

Jose Heraldo Mendez Cisneros,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Sarah I. Zabel,
Judge.

Tamara Nadine Trainor, in proper person.

Jose Heraldo Mendez Cisneros, in proper person.

Before EMAS, C.J., and SALTER and MILLER, JJ.

PER CURIAM.

The appellant (“Former Wife”) appeals post-judgment orders regarding the parties’ cross-petitions to modify timesharing and child support. The Former Wife

and the appellee (“Former Husband”) commenced the underlying dissolution proceeding in 2013. They entered into a mediated settlement agreement and parenting plan later that year, and the trial court entered a Final Judgment of Dissolution of Marriage adopting that agreement and plan in November 2014.

Thereafter, numerous motions and cross-motions were filed (often as emergency motions). A guardian ad litem was appointed for the parties’ minor daughter (born in 2010). In late 2016, the cross-petitions for modification were filed, and those matters were heard by the trial court in August and October 2017. At the final hearing, the Former Husband was represented by counsel, while the Former Wife appeared pro se.¹ Proposed findings were exchanged, and the trial court entered a “final order on all pending issues” in January 2018.²

The Former Wife filed a motion for rehearing, which was denied by the trial court. That order directed the parties to first comply with the mediation requirement imposed as to issues arising regarding timesharing and the minor child. This appeal followed.

Analysis

¹ In this appeal, both parties appear pro se.

² At the same time, the trial court also signed an “order closing post judgment.” That order disclaimed the adjudication of any motion pending and unresolved by the final order on the post judgment cross-petitions for modification of timesharing and child support.

We review the trial court's order on the timesharing issues for an abuse of discretion. Troike v. Troike, 44 Fla. L. Weekly D313, D314 n.3 (Fla. 3d DCA Jan. 30, 2019). The modification of a child support award is also subject to that standard of review. Cordell v. Cordell, 30 So. 3d 647, 649 (Fla. 3d DCA 2010).

The Former Wife's principal point on appeal contends that the trial court erred by adopting the form of order proposed by the Former Husband. See Perlow v. Berg-Perlow, 875 So. 2d 383 (Fla. 2004). The present case is readily distinguishable, however, as both sides submitted proposed orders, and the trial court made significant additions and deletions to the Former Husband's proposed order.

In addition, our independent review of the extensive record in the case, including the petitions, transcripts, guardian ad litem reports, and child support guidelines worksheets, does not disclose any abuse of discretion or deviation from the requirements of the applicable statutes.

The Former Wife also asserts that the trial court erred by failing to rule on other open issues, such as an alleged child support arrearage, unpaid medical expenses, responsibility for court reporter fees, and child care costs. We disagree. The final order, as well as the companion "order closing post judgment," disclaimed the adjudication of pending matters that had not been addressed in the final order on the cross-petitions for modification of timesharing and child support ("This order is entered without prejudice to either party's claims or defenses in connection with any

such pending matters.”). Notably, paragraph 38 of the final order also required the parties to “first attend mediation whenever there are any issues that arise with the child.”

Finally, the Former Wife’s contention that the trial court erred by failing to include specific findings regarding the net income of the parties is belied by the trial court’s reliance on the completed child support guidelines worksheet in the record.

Finding no error in the proceedings or orders before us, the final orders on the cross-petitions are affirmed.