

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA** **CIVIL ACTION**

J. A.,
Petitioner & father,

vs.

Case No. 0 DR 0000 N

S. G.,
Respondent & mother,

**ORDER DENYING MOTION FOR EXTENDED HEARING
WITHOUT PREJUDICE**

This matter having come before the court on the mother's "Motion for Extended Hearing on Motion to Enforce Final Judgment" filed 12/20/2010, it is ordered:

1. Findings

The parties are the parents of D. A., born (*Date omitted*). A Final Judgment of Paternity was entered in this case on 1/28/2009. It orders shared parental responsibility and a time sharing schedule for the child.

The mother's motion asks the court to enforce the time sharing order against the father and also the father's aunt and uncle, who were granted an Order of temporary custody of the child on 11/12/2009 in Case No. 0 DR 0000 N (*number omitted*). That Order has not been modified or terminated. It does not provide for visitation between the parents and the child.

2. Ruling

The motion is denied, without prejudice. Until the Order of 11/12/2009 granting temporary custody to the child's paternal aunt and uncle is terminated or modified pursuant to §751.05(6), neither parent is entitled to enforce the time sharing order in this case because the parents do not have custody of the child. The parents consented to the Order of 11/12/2009 and that Order supersedes the time sharing order in the Final Judgment in this case until it is terminated or modified.

Done and ordered in Fort Myers, Lee County, Florida, this _____

R. Thomas Corbin, Circuit Judge

Copies provided to:
, Esq., and , Esq.