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

J. E.,
Petitioner & father,

vs. **Case No. 0 DR N**

M. N.,
Respondent & mother,

AMENDMENT TO FINAL JUDGMENT OF PATERNITY

This matter having come before the court on the mother's "Motion for Rehearing" filed 6/21/2010, it is ordered:

1. Jurisdiction; amendment to correct scrivener's error

Pursuant to the mother's timely filed motion for rehearing, the court hereby corrects the scrivener's error in paragraph 4.13(C) by deleting that paragraph from the Final Judgment and replacing it with the following paragraph:

> "4. Health Insurance
>
> ...
>
> 4.13
>
> ...
>
> (C) Prompt Request and Prompt Payment If either parent incurs a "medical bill", as defined below, on a child, he or she shall send a copy of it to the other parent with a cover note asking for payment of the parent's share of the bill. He or she must keep a copy of the bill and the note asking for payment. Upon receipt of such correspondence, the parent receiving it shall promptly reimburse his or her share of the bill to the other parent, or he or she shall promptly send a written objection or explanation to the other parent explaining why the payment is not being made."

2. Motion for Rehearing Otherwise Denied

Except for the correction of the foregoing scrivener's error, the motion is legally insufficient and therefore it is denied. The motion does not state a legally sufficient reason to hold a second trial.

The judgment orders sole parental responsibility to the father and orders a time-sharing

schedule. The mother's motion complains that the judgment does not also order the father to "keep her informed" about the child's education and medical care. However, the motion does not cite any legal authority for the proposition that a judgment containing a parental responsibility order and a time-sharing schedule must also contain an order for a parent to "keep the other parent informed" about those matters.

No authority is cited because there is none, even if it seems like a good idea or something that an appropriate parent would do. A trial court's jurisdiction is derived from the constitution and the statutes. Notions of appropriate parenting behavior do not define the court's jurisdiction. F.S. §61.13(2)(c)2. gives the court the jurisdiction to order shared parental responsibility or sole parental responsibility if detriment is proven, which it was in this case, and §61.13(2)(c)3. provides that both parties are entitled to equal "[a]ccess to records and information pertaining to a minor child" from her educational, medical and other providers. The court having found a detriment if shared parental responsibility were ordered and the father having pled for sole parental responsibility, the judgment orders sole parental responsibility to the father, and it also orders the parents are entitled to equal access to records and information pertaining to the child from third parties.

Neither F.S. §61.13(2)(c)2. nor 3. give the court the jurisdiction to order the parents to "keep the other parent informed" of the child's medical and educational information. There is no provision in §61.13(2) or anywhere else in Chapter 61 or the constitution that gives the court the jurisdiction to order the parents to "keep the other parent informed" about the child. While appropriate parents should do this, the court has no jurisdiction to micro-manage, monitor, police and fine tune a parent's appropriate parenting behaviors over and over by motion after motion until the child is 18 years old. A principal goal of all legal systems is to bring disputes to an end. For instance, F.S. §61.13(3) provides that a parental responsibility order and a time-sharing schedule cannot be "modified without a showing of a substantial, material and unanticipated change in circumstances and a determination that the modification is in the best interests of the child," because without such a standard a final judgment would not be final. The court does not accomplish the goal of bringing disputes to an end by assuming a non-existent jurisdiction to endlessly monitor and police the parties' parenting behaviors.

If a motion under Rule 1.530 does not state a legally sufficient reason to conduct a second trial, the court is not required to hold a hearing on the motion and it can be denied without a hearing. *See, e.g., Stella v. Stella.* 418 So.2d 1029 (Fla. 4th DCA 1982) and *Flemenbaum v. Flemenbaum,* 636 So.2d 579 (Fla. 4th DCA 1994), in which the court said: "If a motion [for rehearing] on its face does not set forth a basis for relief, then an evidentiary hearing is unnecessary. The time and expense of needless litigation are avoided and the policy of preserving the finality of judgments is enhanced." *Id.* at 580.

3. Judgment now final

The mother's "Motion for Rehearing" filed 6/21/2010 having now been ruled upon in this Amendment to the Final Judgment, the judgment is now final.

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

R. Thomas Corbin, Circuit Judge

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