

IN RE:

Escareno, Gloria  
Petitioner  
vs  
De La Torre, Jabier  
Respondent

CASE NO.: 08-DR-004174

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**STANDING TEMPORARY ORDER FOR  
PATERNITY ACTION WITH MINOR CHILDREN**

Revised 07/01/05

It is in the best interests of children that parents in a paternity case learn about the problems, duties, and responsibilities of parenting after a paternity action, and that the parties comply with court rules. Therefore, it is ordered:

**1. CONTACT WITH BOTH PARENTS; SHARED PARENTING.**

1.1. It is the law that, in general, contact with both parents is in the children's best interests, and that children are entitled to "frequent and continuing contact with both parents."

1.2. Further, the parent who is or wants to be the "primary residential parent" has an "affirmative obligation to encourage and nurture a relationship between the children and the alternate residential parent." A parent who restricts access of the children to the other parent and does not encourage a relationship between the children and the other parent, for no good reason, perhaps should not be designated the "primary residential parent." Such a parent is not acting in the children's best interests and is not following the law.

1.3. In nearly all cases, the court orders "shared parenting" of the children by the parents. This means that wherever the children are living from time to time, the parents must confer with each other and agree upon all parenting decisions. Therefore, both parents must participate in all parenting decisions and immediately work out their own time-sharing schedules. If the parents cannot agree on any issue, then the court will decide.

**2. PARENTING CLASS REQUIRED.**

2.1. Both the Petitioner and Respondent in this matter must attend and complete one of the following courses, unless it is determined that the putative father is not the child(ren)'s father. Completion of one of these courses is mandatory. Therefore, even if the parties have settled, they must both attend one of these courses. The parties should not enroll in the same class unless both agree to do so.

2.1.1. Lee County residents: "Parents, Children, and Divorce" is offered in Lee County. To enroll, call 239-693-8893. "Living Apart-Parenting Together" is also

offered in Lee County. To enroll, call 239-461-7519. Either course will satisfy the course requirement.

2.1.2. Collier County residents with a case in Lee County: "Putting Children First" is offered in Collier County. To enroll, call 239-732-3707. "Parents, Children, and Divorce" is offered in Collier County. To enroll, call 800-767-8193. Either course will satisfy the court requirement.

2.1.3. Charlotte County residents with a case in Lee County: "TransParenting" is offered in Charlotte County. To enroll, call 941-255-7480. Also, "Parents, Children, and Divorce" is offered in Charlotte County. To enroll, call 800-767-8193. Either course will satisfy the course requirement.

2.1.4. Internet Course: Under special circumstances, the Court may approve attendance of an approved Internet parenting course for good cause shown. Prior approval must be obtained from the Court to meet the parenting class requirement through an Internet course.

2.2. Both the parents of the minor child/children must attend and complete one of these classes within 60 days after this action was filed, unless one of the parties is contesting paternity, in which case that party is not required to attend the course until 30 days after paternity is determined by court order or otherwise. If a certificate of completion for both parents from one of these courses is not in the court file, the court will not sign a final judgment, absent extraordinary circumstances.

2.3. If either parent is no longer residing in the Lee, Collier or Charlotte Counties, that parent may attend a similar, court approved program in another county or state.

2.4. Both parents are ordered to study the course workbook thoroughly and conduct themselves accordingly. The court expects the parents to observe and abide by what is taught in the course.

3. NO RELOCATION OF CHILDREN. Neither party may remove, cause to be removed, nor permit the removal of any minor children of the parties from their current county of residence without the written agreement of both parents or an order of this court.

4. CHILD SUPPORT. In general, the law requires child support to be paid from the date when the parents did not reside together in the household with the child, not to exceed a period of 24 months before the date of filing of the Petition; or, the date of the filing of the Petition. Therefore, to avoid building up an arrearage in child support, the alternate residential parent should make voluntary payments of child support to the primary residential parent prior to the entry of an order requiring payment of support. Waiting for an order can be very expensive because child support may be ordered retroactive to the date of the filing of the Petition or retroactive to the date of the birth of the child or 24 months prior to the filing of the petition whichever period of time is appropriate. If child support is paid in excess of that required by the statute, the paying parent can ask for a refund. Child support will be determined by the Child Support Guidelines, §61.30, Florida Statutes. Therefore, it is in both parties' best interests to determine the correct amount of child support quickly and begin paying promptly.

5. TREATMENT OF CHILDREN. The safety, financial security and well-being of the children involved in this case are the court's primary concern. Parents must follow these guidelines:

5.1. Except in certain circumstances, both parents will share parental responsibility for all minor children involved in this case. The parents should share the children's time and participate together in making all important decisions concerning the children. The

parents should cooperate on all decisions involving the children. Therefore, parents must recognize the following:

- \*Children have a right to a loving, open, and continuing relationship with both parents. They have the right to express love, affection and respect for one parent in the presence of the other parent.**
- \*Neither parent may alienate the child's affection for the other parent.**
- \*Parents must separate any bad feelings for one another from their duties as parents. Their duty is to share the children's time and share in making parenting decisions. Children must be free to draw their own conclusions about each parent, without the prejudicial influence of the other parent.**
- \*Children have the right to never hear a parent, or a relative or friend of a parent, run down or degrade the other parent.**
- \*Children have the right to be free of guilt because the parents are not together. They are entitled to honest answers to questions about changes taking place in the family makeup.**
- \*Parents should never be so preoccupied with their own problems that they fail to meet the children's needs. Separation of the parents usually has a worse impact on the children than on the parents, a fact both parents should never forget.**
- \*Each parent should openly, honestly, respectfully and regularly communicate with the other parent to avoid misunderstandings. They should never argue about the children in front of them.**
- \*Parents should discuss all differences regarding their separation and financial issues between them and parenting decisions out of the presence of the child. Both parents should always try to present a united front in handling any problems with the children.**
- \*Children have the right to regular and continuing contact with both parents. Parents should arrange all visitations and exchanges together and not through the child. The child should never be the messenger between the parents.**
- \*Visitation plans should be kept and never canceled unless absolutely necessary. If plans change, children should be given an explanation, preferably in advance and by the parent causing the cancellation.**

**5.2. Common courtesies (politeness, promptness, readiness, calling to notify if one is going to be late) should always be observed when picking up and dropping off children. These times can be very stressful on children, so it is imperative that parents behave as responsible adults.**

- \*Between visits, children should be encouraged to contact the absent parent by letter and phone, frequently and continuously.**

**\*Parent/child access and child support, while they may be emotionally connected, are separate and distinct under the law. Accordingly a child's right of access to his or her parents is not contingent upon the payment of child support.**

**\*A child should never be the delivery person for support payments.**

**\*Both parents are entitled to participate in and attend all special activities in which their children are engaged, such as religious activities, school programs, sports events and other extra curricular activities and programs.**

**6. CONDUCT OF THE PARTIES DURING THE CASE; SANCTIONS. Neither party should verbally harass the other in person or over the telephone, at home or at work. Any unwanted physical contact between the parties is a crime and is vigorously prosecuted by the state attorney. Failure to obey this order may result in injunctions for protection against domestic violence entered against the offending parent and/or contempt proceedings. Contempt of court is punishable by a sentence in the county jail. The parties and their lawyers are ordered to comply with the "Notice to All Lawyers and Parties in Family Court".**

**7. SANCTIONS FOR FAILURE TO COMPLY WITH COURT RULES. If a party fails to comply with the rules requiring the production of financial records and other documents, or fails to answer interrogatories or attend a deposition, or otherwise fails to comply with the rules requiring disclosure or discovery, that party may be sanctioned by an order requiring a minimum payment of \$250.00 to the other party.**

**8. SERVICE AND APPLICATION OF THIS ORDER. The petitioner shall serve a copy of this order with a copy of the petition. This order is binding on the petitioner upon the filing of this action and shall become binding on the respondent upon service of the order. This order shall remain in effect until further order of this court. Any part of this order not changed by some later order remains in effect. This entire order will terminate once a final judgment is entered.**

**ORDERED in Fort Myers, Lee County, Florida.**

**Dated: 3/6/2008**

*Hugh E. Starnes (electronically signed)*

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**Hugh E. Starnes, Circuit Judge  
Administrative Judge, Family Law Division**

**\*\*\*\*Original on file with the Administrative Family Law Judge**