

**IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
NASSAU COUNTY, FLORIDA**

**Case No.: 2019-DR-0974
Division: A**

IN RE: THE MARRIAGE OF:

**ERIN N. DUFAULT,
Petitioner/Wife,**

and

**DUSTIN M. DUFAULT,
Respondent/Husband.**

**ORDER GRANTING FORMER WIFE’S VERIFIED EMERGENCY MOTION TO
SUSPEND TIMESHARING AND/OR OTHER RELIEF**

THIS CAUSE came on to be heard upon the Motion of the Petitioner/Former Wife via Zoom videoconference on Wednesday, May 21, 2025. Both parties appeared and were represented by counsel. This Court, having considered the evidence and testimony presented, the pleadings filed herein, and the arguments of counsel, makes the following findings:

A. This Court entered an Order on April 3, 2024, on the parties’ outstanding Motions, which held the Former Husband in contempt and provided in relevant part the following:

1. The Former Husband was to respond to the Former Wife’s Our Family Wizard within 12 hours on weekdays;

2. The parties during communications with the children were restricted from criticizing or disparaging the other parent to the children and were not to “tell the children all of the things in life they are missing by spending time with the other parent.”

B. The Former Wife filed an Amended Motion for Contempt on July 24, 2024, (docket

268) alleging in part that the Former Husband had refused to respond timely to her Our Family Wizard Messages in accordance with this Court's directives from the April 19, 2024 Order requiring him to do so. A hearing was held on October 2, 2024, on the Former Wife's Amended Motion, wherein the Wife provided many instances of the Former Husband ignoring her messages and failing to timely respond (See Exhibits 3, 4, 5, 6, and 7, docket numbers 307, 308, 309, 310, and 311, respectively). As noted in its Order entered on October 21, 2024, the Former Husband was afforded additional time to refute the Former Wife's numerous examples and exhibits. The Former Husband took it upon himself to submit information to this Court directly, and improperly, on an *ex parte* basis, filing a response that was not only inappropriately filed without assistance of his counsel of record at the time, but also which contained information irrelevant to the Court's directive and outside the scope of what was mandated by this Court. The Former Husband's counsel then provided a letter on October 9, 2024, with attached exhibits; this Court stated in its order simply that "[a]fter carefully reviewing same, the Court cannot readily determine if the Petitioner's burden has been met." No further ruling was issued.

C. The Former Husband continues to disregard this Court's directive to respond to the Former Wife within twelve (12) hours, with regularity. For example, The Former Husband clearly does not believe he is bound by this Court's Orders, as evidenced by the repeated behaviors necessitating numerous motions filed by the Former Wife to seek his compliance. Though able, the Former Husband has willingly disregarded this Court's Order as follows:

D. In addition to considering the testimony of both parties, along with the Former Husband's therapist, Matt Borer, the Court spoke to the parties' minor child, Lucy, in the presence of both parties' counsel but outside the presence of the parties. Counsel for the parties

were permitted to provide written questions for Lucy to the Court ahead of the hearing, and the Court asked the child non-leading questions. The Court found the child's testimony to be very credible and also very disturbing. She confirmed actions the Former Husband denied, along with those of the paternal grandmother, who the Court believes used soap to "clean" one of the minor children's mouths despite the grandmother's denial. Lucy indicated the Former Husband Involved her in adult affairs, reading court documents to her and the parties' other children while he recorded her. The Former Husband would often discuss the issue of money with the children, blaming the Former Wife for taking his money, allowing the grandmother to say the same; both he and his mother often demonize the Former Wife in the presence of the children, and the Court finds this behavior contemptible. Lucy felt anxious and nervous by these actions, and the Former Husband essentially asked her to take sides, causing her to worry about his mental health, which puts a great deal of adult pressure on her. The Court recognizes that it has never experienced a case wherein a child was so involved in adult affairs, which is attributable solely to the Former Husband. The Former Husband is traumatizing the children, and it is clear his goal is to win this litigation, setting the stage for the children to continue to struggle emotionally. Despite the testimony to the contrary provided by the therapist, the Court was outraged to hear of the Former Husband's actions and the Court considers this behavior abusive to the minor children and the Former Husband's relationship is toxic to the minor children.

E. The evidence, including the testimony of the witnesses, as well as the written evidence provided by the Former Wife clearly demonstrated the following:

1. The Former Husband has refused to respond as directed and in a timely fashion to the Former Wife's Our Family Wizard messages (Former Wife's Exhibit 1);

2. The Former Husband has interfered with the children's communication with the Former Wife;

3. The Former Husband has disparaged the Former Wife in the presence of the minor children (Former Wife's Exhibit 2) and has engaged in a pattern of conduct that has caused trauma to the minor children.

4. The Former Husband has permitted his mother to disparage the Former Wife in the presence of the minor child and has permitted her to inappropriately physically discipline the children.

F. The Former Husband's actions constitute criminal contempt and are concerning enough to this Court that, in the best interest of the children to prevent further trauma, the Former Husband's timesharing should be limited to telephone contact, until such time as he has completed at least 7 sessions of the 29-week Emotional Management program offered by Clearview Concepts. Thereafter, a reunification step-up time-sharing schedule should be implemented, to ensure safe and non-toxic contact between the Former Husband and the minor children.

G. It is in the best interest of the parties' minor children that the Former Husband's timesharing with the children be suspended and modified, pending certain actions by the Former Husband as articulated in this Order.

H. The Former Wife is entitled to receive attorney's fees from the Former Husband. Counsel for the parties shall meet to determine the reasonableness of the fees incurred by the Former Wife, as he will be required to contribute to said fees. Because of the nature of the Motion for Contempt, there is no need versus ability to pay requirement in assessing said fees. If

the parties cannot agree, this Court will conduct a hearing to determine the amount owed by the Former Husband to the Former Wife.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. The Former Wife's Motion is hereby GRANTED, and the Former Husband is held in CONTEMPT of this Court as set forth above.

2. Without exception, the Former Husband shall respond to the Former Wife's Our Family Wizard messages within three (3) hours of receiving any message from the Former Wife. The Former Husband's continued refusal to respond to the Former Wife will result in more severe sanctions.

3. The Former Husband shall attend the 29-week program as referenced above, and file proof with the court each time he attends until completion.

4. The Former Wife will be entitled to sole parental responsibility at this time.

5. After the Former Husband completes 6 or 7 sessions, assuming improvement and realization of his behaviors, the Former Husband may have timesharing with the minor children on a step-up/reunification basis, as follows:

- a. Step one: The Former Husband may exercise timesharing with the children at the Family Nurturing Center once a week for four weeks. Once he has completed these sessions, the Former Husband will move to the next step;
- b. Step two: The Former Husband will exercise timesharing with the minor children Saturdays from 9:00 a.m. to 5:00 p.m. on alternating weekends for four weeks (two visits). Once he has completed this time sharing, the Former Husband will progress to the next step;

- c. Step three: The Former Husband will exercise timesharing with the minor children Saturdays and Sundays from 9:00 a.m. to 5:00 p.m. on alternating weekends for four weeks (two visits). Once he has completed this time sharing, the Former Husband will progress to the next step;
- d. Step four: The Former Husband will exercise timesharing with the minor children in accordance with the original Final Judgment and Parenting Plan, except as to holiday/other timesharing, it shall resume once the Former Husband has completed the entirety of the course.

6. Until such time as a recommendation is received otherwise from the social investigator appointed to this case, the Former Husband's mother shall have no contact with the minor children.

7. This Court reserves jurisdiction to determine the amount of fees owed to the Former Wife, and a hearing shall be scheduled accordingly.

DONE AND ORDERED in Chambers at the Robert M. Foster Justice Center, Nassau County, Florida, DDDD

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