

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Case No.: 2011-021207-FC-04

Division: FAMILY (ECHARTE, 29)

MARIO ALBERTO JIMENEZ,

Petitioner,

and

KAREN WIZEL,

Respondent

REQUEST FOR EMERGENCY TELEPHONIC HEARING

1. Motion for which hearing is being requested:

EMERGENCY MOTION TO SUSPEND TIMESHARING

Evidentiary (requires Testimony) X Non Evidentiary (legal argument only) _____

2. Amount of time requested for both sides to complete presentation:

THIRTY (30) MINUTES

I certify that a copy of this motion has been sent to opposing counsel or party. I have conferred or will have conferred with the opposing counsel or pro se party, prior to hearing, in a good faith effort to resolve the matter(s) without a hearing and to determine the amount of time requested for the hearing

Exhibit A

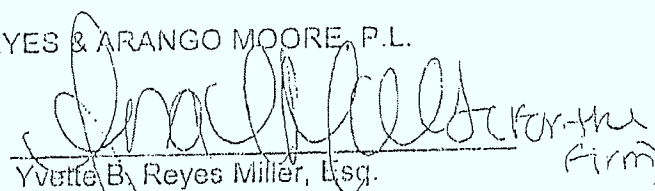
CERTIFICATE OF SERVICE

I certify that a copy of this Request for Emergency Telephonic Hearing was delivered by U.S. mail to Mario A. Jimenez at 12901 S.W. 66 Terrace Drive, Miami, FL 33183 on this 20th day of July, 2012.

Respectfully Submitted,

REYES & ARANGO MOORE, P.L.

By:

for the
(Firm)
Yvette B. Reyes Miller, Esq.

FL Bar No: 53510

6910 North Kendall Dr., Suite 200

Miami, FL 33156

Telephone: (305) 663-6565

Facsimile: (305) 663-6540

Email: yreyes@ramlawus.com

Email: amorales@ramlawus.com

Email: receptionist@ramlawus.com

Attorney for Respondent

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Case No.: 2011-021207-FC-04
Division: FAMILY (ECHARTE, 29)

MARIO ALBERTO JIMENEZ,

Petitioner,

and

KAREN WIZEL,

Respondent

EMERGENCY MOTION TO SUSPEND TIMESHARING

Respondent, KAREN WIZEL, by and through the undersigned attorney, files this
Emergency Motion to Suspend Timesharing and in support thereof states as follows:

1. A Final Judgment of Dissolution of Marriage was entered on March 26, 2010, in the Court of Catarina, Nicaragua. On July 7, 2011 the Father filed a Petition to Domesticated Foreign Judgment.
2. There are two minor children subject to this action, to wit, M.S.J-W. born XX-XX-XX02 and K.N.J-W. born XX-XX-XX05. Both children were born in the United States.
3. On August 23, 2011 based on false pretenses and misrepresentations to the Court, the Father obtained a pick up Order allowing him to take custody of the minor children.
4. On October 6, 2011, based on the Mother's Emergency Motion for Re-Hearing on Father's Motion for Temporary Injunctions and Mother's

Emergency Motion to Pick up Children, the Court, on a temporary basis ordered, the parties to have equal timesharing and shared parental responsibility.

5. There is a long history of violence between the parties, the Mother has evidence to show the domestic violence she suffered at the hands of the Father throughout their marriage and witnessed by the minor children.
6. Since the Father was granted timesharing with the minor children several alarming allegations have been made by the minor children against the Father and his new Wife.
7. The minor children have reported severe mental and emotional abuse imposed by the Father and the stepmother. The children have reported that the Father and Stepmother have hit them, thrown the son M.S.J-W., into a lake, continuously curse at them and threaten that they will be killed by "demonic" spirits.
8. The Department of Children and Families (DCF) has been involved with the parties on several occasions, first in April, 2011 and most recently in June 2012.
9. DCF is presently conducting an investigation, under Case No.: 2012-130103 and referred this case to the University of Miami Child Protection Team on 06/12/2012. The University of Miami Child Protection Team has conducted specialized interviews with the minor children and made their recommendations for the care of the minor children. A copy of the University of Miami Child Protection Team report is attached hereto as Exhibit A.

10. The University of Miami Child Protection Team has recommended that the Father be subjected to a full psychological evaluation and that timesharing be "only under closely supervised conditions and at the discretion of the children's treating therapist."
11. The minor children and the Mother have well founded fears for the safety and wellbeing of the minor children. The minor child, M.S.J-W., is so terrified by the actions of his Father that he has reported to sleep with a knife under his pillow.
12. A Motion for a full Custody and Psychological evaluation of the Father and Stepmother will be filed contemporaneously with this Motion.
13. The Mother is in the process of obtaining a Temporary Injunction against the Father on behalf of the minor children.
14. This matter is an emergency because the minor children are in danger while under the supervision of the Father and Stepmother and the Father is to have timesharing with the minor children today July 20, 2012. The Father's abuse may cause irreparable physical and emotional harm to the minor children.
15. The Father is unfit to provide for the wellbeing of the minor children.
16. It is in the best interests of the minor children if all timesharing is suspended until such time as a full psychological evaluation of the Father has been conducted and full custody evaluation has been completed and the Court can ensure the minor children's safety.
17. Respondent has incurred additional attorney's fees due to the necessity of

this action and the Petitioner/Father should be ordered to pay for same.

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- A. Enter an Order suspending all timesharing with the Father as requested herein until further order of the Court;
- B. Award Respondent reasonable attorney's fee and costs incurred due to the willful actions of Petitioner;
- C. Grant such other relief as the court deems just and proper.

CERTIFICATE OF SERVICE

I certify that a copy of this document was delivered by mail to Mario A. Jimenez, 12901 S.W. 66 Terrace Drive, Miami, FL 33183, on this 20th day of July, 2012.

Respectfully Submitted,

REYES & ARANGO MOORE, P.L.

By:

 (for the Firm)
Yvette B. Reyes Miller, Esq.

FL Bar No: 53510

6910 North Kendall Dr., Suite 200

Miami, FL 33156

Telephone: (305) 663-6565

Facsimile: (305) 663-6540

Email: yreyes@ramlawus.com

Email: amorales@ramlawus.com

Email: receptionist@ramlawus.com

Attorney for Respondent

Jul 16 12 01:11a

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P.004

Jun. 22. 2012 4:43PM

No. 0585 P. 2



UM Child Protection Team
 1150 NW 14 Street, Suite 212
 Miami, FL 33136
 305.243 7550 phone
 305.243 7548 fax

Child Name: Mario Wize
 FSFN: 2012-130103
 Page 1 of 6

Specialized Interview

Child's Name: Mario Wize and Karen Wize
DOB: 08/20/02 09/06/05
Date of Report: 06/12/12
FSFN: 2012-130103
Referred by: DCF CPI Teresa Hernandez

Reason for Referral:

On 06/12/12 DCF CPI Theresa Hernandez contacted CPT to refer this case. According to the allegations (FSFN#: 2012-130103), "Around two or three weeks ago, Mario was slapped and spanked by his father, his uncle and his grandfather. The father is the one that slapped him. The father slapped him in the face. Mario had a red mark on his face from being slapped. The grandfather spansks Karen on her bottom when she misbehaves; however, there are no known injuries to her. In October, the uncle tossed Mario in the lake. He did this because Mario took off an eye of a plastic cow and he tossed it into the lake. The uncle threw him into the lake to get the eye. Mario was crying because there was algae in the lake. The stepmother has called the children 'Malditos'." An additional report alleges, "On 06/05/2012, the father called Mario on the cell phone and said some demonic spirits would come and kill them today (06/05/2012) or tomorrow (06/06/2012)."

According to the CPI, the children were not observed with any injuries indicative of abuse. The family is going through custody issues. The CPI stated the children are "petrified" of the father because he hits them. Karen said that the stepmother curses at them. Mario said his father hit him in the face three times and he sustained a red mark to his face about a month ago. The children said that the father spansks them with his hand or whatever he can grab and hits them in the face. The father told Karen that the spirits are going to "kill" them all tomorrow. The CPI stated Karen was "hysterical." The CPI has not been able to interview the father because he's "busy" doing his residency at Baptist Hospital. This case was staffed with CPT Clinical Director Susan K. Dandes, PhD.

On 6/7/12 CPI contacted CPT with more information. CPI stated the family went to family court on August 24. The father filed a motion because he wanted custody of the children. The children spend one week with the father and another week with the mother. The father denied the allegations and told the CPI that he doesn't hit the children. He indicated he reads the bible to the children and explains to them the conflict between God and the devil. The stepmother denied cursing at the children. The CPI has concerns because Mario sleeps with a knife under his bed as he is afraid of the father. This case was re-staffed with

EXHIBIT B

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RX DATE/TIME: Jul 16 12 01:11a
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 Jun. 22. 2012 4:43PM

Child Name: Mario Wize
 FSFN: 2012-130103
 Page 2 of 8

CPT Clinical Director Susan K. Dandes, PhD. The children ONLY are scheduled for a specialized interview at CPT South office on 6/8/12.

DCF History/Prior Reports:

This family has had prior history with the Department of Children and Families. There is a report dated on 04/06/11 (FSFN# 2011-078791). According to the allegations, the mother is in court now requesting an injunction against the father. The domestic violence took place on 09/17/09 when the parents separated. The father has been stalking the mother. There was a lot of psychological and sexual abuse towards the mother. This case was closed with no findings. There is a report dated on 08/25/11 (FSFN# 2011-190766). According to the allegations, the father has been beating the mother from 2003-2009. The father has been threatening to kill the mother. There are also concerns that the father is hitting Mario with a belt. This case was closed with no findings.

Specialized Interview with Mario Wize (child):

Melyssa Lopez, Case Coordinator, conducted a specialized interview with the child, Mario, at the CPT South office on 06/08/12. The purpose of this interview was to further assess the physical abuse and mental injury allegations, family dynamics, and risk in the home. Mario is a 9-year-old Hispanic male who was brought to this appointment by DCF CPI Teresa Hernandez. Mario was also accompanied to this appointment by his sister, Karen. Mario reported that he resides with his mother, Ms. Karen Wize, and his two siblings (Karen Wize, 6, and Joshua, 9 months old). Mario reported that he and his sister attend Winston Park Elementary School. Mario reported that he is going into the 4th grade. Mario explained that his sister is going into the 1st grade. Mario reported that his mother and his father are no longer together. Mario reported that his father resides with his girlfriend, Georgina, and his baby sister (9 months old). Mario did not know the name of his baby sister. Mario reported that his mother works but did not know where she works. Mario reported that his father is a doctor and his father's girlfriend is unemployed at this time.

Mario reported that no one in his mother or father's home uses illegal drugs, drinks alcohol excessively or has a criminal record. When asked if he ever witnessed domestic violence between his parents, Mario said, "Yes, my dad. He has hit my mom. He pointed my mom with a gun. Stuff like that." When asked if anyone told him what to say at CPT, Mario replied, "Yesterday, my dad told me not to lie, but I'm not lying." When asked if he ever witnessed any marks on his mom, Mario replied, "Yes. I saw purple/green bruises, red hand prints on her body and bumps on her head, too." When asked if his mother ever called the police, Mario replied, "I think once." When asked what would cause the fighting between his parents in the past, Mario was not sure.

When asked how his father disciplines him, Mario said, "He hits me and puts me in time out." When asked how his father hits him, Mario said, "With his hand." When asked where his father hits him on his body, Mario said, "Everywhere." When asked if his

Exhibit B

1 of 6

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Jun. 22. 2012 4:44PM

No. 0585 P. 4

Child Name: Mario Wize
 FSFN: 2012-130103
 Page 3 of 6

father hits him on the face, Mario replied, "Yes." When asked if his father hits him with a belt, Mario replied, "Yes, but not anymore." When asked if he is afraid of his father, Mario reported that he was and said, "Because he is mean and bad. He hits us." When asked how his father disciplines his sister, Mario was not sure.

When asked if any of his relatives have ever mistreated him, Mario stated, "Once my uncle threw me in the river." When asked why, Mario reported, "My (paternal) grandparents have these cows (plastic) on the back house. The cows are very old and the eyes fell off. I didn't do it. He got mad at me and threw me in the river." When asked if his grandparents ever hit him, Mario said, "My grandpa, with a whip." When asked to describe the whip, Mario explained that the "whip" his grandfather hit him with is actually a belt. When asked where his grandfather hit him, Mario reported on his buttocks. When asked if he is afraid of his grandfather, Mario said, "All of my dad's relatives, besides my cousin." When asked why, Mario reported that they are mean to him. When asked how his father's girlfriend disciplines him and his sister, Mario said, "She screams at me bad words." When asked if the father's girlfriend hit the kids, Mario replied, "No." When asked what kinds of words his father's girlfriend calls the kids, Mario replied, "Son of a bitch and mother fucker." When asked if his father has ever threatened to kill him, Mario said, "Yes, he tells me that spirits are going to kill us." When asked why he thinks his father says this to him, Mario said, "To scare us."

When asked if he sleeps with a knife under his bed, Mario said, "Yes. I get it from the kitchen. I put it under the bed because I get scared." When asked if he is allowed to play with knives, Mario said, "No." When asked what he is afraid of, Mario reported he is afraid of the things his father says to him about the spirits.

Specialized Interview with Karen Wize (child):

Melyssa Lopez, Case Coordinator, conducted a specialized interview with the child, Karen, at the CPT South office on 06/08/12. The purpose of this interview was to further assess the physical abuse and mental injury allegations, family dynamics, and risk in the home. Karen is a 6-year-old Hispanic female who was brought to this appointment by DCF CPI Teresa Hernandez. Karen was also accompanied to this appointment by her brother, Mario. Karen resides with her mother, Karen Wize, and her two brothers (Mario Wize, 9, and Joshua Jimenez, 9 months old). Karen reported that her father and her mother are no longer together and her father lives in another location with his paramour. Karen reported, "I'm with my mom for seven days and then I'm with my dad for seven days." When asked who lives in her father's home, Karen reported her father, Mr. Mario Jimenez, her father's girlfriend, Georgina, and baby sister (9 months old). Karen did not know the name of her baby sister. When asked if her parents are employed, Karen reported that her father is a doctor and her mother "helps people." When asked if her father's girlfriend works, Karen said, "No, because she has a lot of stuff to do in the house." Karen was not sure what school she attends but stated that she is going into the 1st grade.

Exhibit B

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No. 0585 P. 5

Child Name: Mario Wazel
 FSN: 2012-130103
 Page 4 of 8

When asked if she has ever witnessed her mom and dad hitting each other when they were together, Karen stated, "My dad did. He left my mom real red right here (pointing to her arm). He did it hard." When asked if she saw her father hit her mother, Karen said, "Yes, he hit her really hard with his hand. That was the only time I saw that. He also put a gun right here." Karen pointed to her forehead to point to the place the father aimed the gun at her mother. When asked if she witnessed the gun incident, Karen replied, "No, my brother sees (saw) it." When asked if she is afraid of her father, Karen reported, "Yes." When asked why she is afraid of her father, Karen reported, "One day he was talking on the phone and he was saying that the devil was going to kill everyone. Those bad angels will come kill us." When asked why her father said these things to her, Karen reported, "I don't know." When asked if she is afraid of her mom, Karen denied this.

When asked how her father disciplines them, Karen said, "He takes all our toys. He gets us in trouble. He hits my brother." When asked how her father hits her brother, Karen replied, "He throw him on the bed and pushed him. One day he pushed him and hurt him right here." Karen pointed to the back of her head. Karen reported that her father hits her brother with an open hand. When asked if she ever witnessed her father slapping her brother on the face, Karen said, "No, you're going to have to ask my brother about that." When asked if her father hits her, Karen replied, "He punished me hard." When asked how her father punishes her, Karen replied, "He puts me in my room. He puts us in the room for five or ten minutes." When asked how her father's girlfriend disciplines her and her brother, Karen replied, "She says bad words to us. One day she called us stupid. She called me a bitch and a piece of crap." Karen denied that her father's girlfriend has ever hit her or her brother. When asked how her mother disciplines her, Karen replied, "I don't do stuff wrong. She don't discipline me." When asked how her mother disciplines her brother, Karen reported that her mother does not discipline her or her brother.

When asked if any of her relatives ever hit her or her brother, Karen stated, "Yes, my grandpa. My grandpa grabbed me right here hard and made a red mark." When asked if her grandfather spanked her, Karen said, "Yes, to my brother and me." When asked what her grandfather hit her and her brother with, Karen replied, "A belt." When asked where her grandfather hit her and her brother, Karen said, "Butt and leg." When asked if she is afraid of her grandfather, Karen nodded her head yes and said, "Hits me very hard." When asked if she ever saw anyone throw her brother into a lake, Karen replied, "My tio (uncle) threw my brother in the lake. There were fishes and crocodiles and he threw him in." When asked why her tio (uncle) threw her brother in the lake, Karen said, "He threw him very long away to the river." When asked why, Karen said, "He thought my brother took the eyes from the goat off but he didn't. It was the air that took them away." When asked if her brother has a knife under his bed, Karen replied, "No, I've never seen that."

Risk Factors:

Exhibit B

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No. 0585 P. 6

Child Name: Mario Wziel
 FSFN: 2012-130103
 Page 5 of 8

Based on the specialized interviews of both children and the information provided to CPT by the DCF CPI, the identified risk factors are:

- Both kids reported that the father made threatening comments to them about spirits coming to kill them.
- Mario reported that his father hits him all over his body with his open hands and has targeted his face in the past.
- Both children reported that they are afraid of their father.
- Mario reported that his uncle threw him in the lake as a means of punishment for allegedly breaking something on his grandparents' porch.
- Both children reported witnessing domestic violence between their biological parents in the past.
- Both children reported that their father's girlfriend curses at them and calls them foul names.
- Mario reported that he sleeps with a knife under his bed because of the statements his father makes about the spirits coming to kill him.

Family Strengths:

Based on the specialized interviews of both children and the information provided to CPT by the DCF CPI, the identified family strengths are:

- The father is employed.
- The mother is employed.
- The children seem to have a healthy bond with one another.

Conclusions and Recommendations:

Mario reported that he sleeps with a knife under his bed due to the threatening comments his father makes about spirits coming to kill the kids. Mario reported that his father hits him all over his body with an open hand and has targeted his face in the past as a form of punishment. Mario reported that he is afraid of his father because he hits him and does not treat him nicely. Mario also reported that his paternal uncle did throw him in the lake as punishment because he thought he broke a plastic cow on his grandparent's porch. Mario also reported that his grandfather hits him with a belt when he does something wrong. Mario stated that he does not feel safe when he is in his father's care.

Karen reported that she is afraid of her father because he tells her that dark angels are going to kill her and her brother. Karen reported that her father hits her brother and that the father's girlfriend curses at the children when they do something wrong. Karen reported witnessing domestic violence between her parents in the past. Karen explained that her father hit her mother leaving a red mark on her. Karen reported that her grandfather also hits her with the belt and she does not feel safe when she is around him.

Exhibit B

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KX Date/Time
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Jun. 22. 2012 4:44PM

No. 0585 P. 7

Child Name: Mario Wizer
FSN: 2012-130103
Page 6 of 6

CPT recommends that DCF should refer the children for intensive therapeutic intervention to process their abuse histories by their father, including the witnessing of domestic violence. Due to the children's expressed fear of their father, CPT recommends that visitation occur only under closely supervised conditions and at the discretion of the children's treating therapist. CPT further recommends that the father be court-ordered to undergo a full psychological evaluation to assess his personality functioning and treatment needs.

Prepared by:


Melyssa Lopez, Case Coordinator

Date:

06/22/12

Exhibit B

6 of 6

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT COURT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

MARIO ALBERTO JIMENEZ,

Petitioner,

FAMILY DIVISION

CASE NO.: 2011-21207 FC04

and

KAREN WIZEL,

Respondent.

ORDER GRANTING EMERGENCY MOTION
TO SUSPEND PETITIONER'S TIME SHARING

THIS CAUSE came to be heard on July 20, 2012 on the Respondent's Emergency Motion to Suspend Father's Time Sharing, and the Court having conducted a telephonic hearing with the Petitioner, Mario Alberto Jimenez, and Respondent's attorney, Ana Morales, and the Court having heard from the Petitioner and the Respondent's attorney, having reviewed the pleadings and being otherwise fully advised in the premises, it is

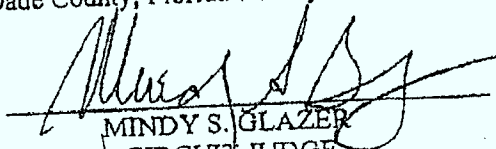
ORDERED AND ADJUDGED as follows:

1. The Emergency Motion to Suspend the Petitioner, Mario Alberto Jimenez's time sharing with the children is Granted.
2. This Court has reviewed a June 12, 2012 Child Protection Team report attached to the Motion, and has considered the recommendations contained therein.
3. The Petitioner Mario Alberto Jimenez's time sharing with the minor children, Mario Jimenez Wizel and Karen Jimenez Wizel is suspended until further court order.
4. The Petitioner, Mario Alberto Jimenez, shall have supervised therapeutic visitation with the children at the discretion of each child's treating therapist.

Exhibit C

5. This matter shall be set on an expedited basis before the Court.

DONE AND ORDERED in Miami-Dade County, Florida on July 20, 2012.


MINDY S. GLAZER
CIRCUIT JUDGE

cc: Mario Alberto Jimenez
Ana Morales, Esq.

Exhibit C

2 of 2

A person who knowingly or willfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse hotline is subject to the penalty provisions of s. 39.205.

INTAKE REPORT

Intake Name Wizel, Karen		Intake Number 2012-130103-01		County Miami-Dade
Date and Time Intake Received 06/04/2012 5:10 PM	Program Type Child Intake - Initial	Investigative Sub-Type In-Home	Provider Name N/A	
Worker Safety Concerns <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Prior Involvement <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Law Enforcement Notified <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Response Time 24 Hours	Name - Worker SAUNDERS, LINDA		Name - Supervisor COMPTON, CHRIS	

I. Family Information

Name - Family Wizel, Karen		Telephone Number - Home (786)339-0723		
Address - Street 1934 SE 17t St	Unit Designator	City Homestead	State FL	Zip Code 330351959
Primary Language:	Interpreter Needed: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Directions to House Children's location/ mother's address/ Home address 12817 SW 252 st, Homestead, FL 33032.				

A. Participants

Name	ID Number	Role	Gender	DOB
Wizel, Karen	[REDACTED]	IN-PC	Female	10/25/1984
Est. Age	Ethnicity	Race		
27	Hispanic/Latino	White		
Name	ID Number	Role	Gender	DOB
Jimenez Wizel, Mario Simon	[REDACTED]	V	Male	08/20/2002
Est. Age	Ethnicity	Race		
9	Hispanic/Latino	White		
Name	ID Number	Role	Gender	DOB
Jimenez Wizel, Karen Nicole	[REDACTED]	CH	Female	09/06/2005
Est. Age	Ethnicity	Race		
6	Hispanic/Latino	White		
Name	ID Number	Role	Gender	DOB
Jimenez, Mario Alberto	[REDACTED]	AP-PC	Male	10/22/1969
Est. Age	Ethnicity	Race		
42	Hispanic/Latino	White		

AP = Alleged Perpetrator
CH = Child In Home
HM = Household Member
NM = Non-Household Member

PC = Parent/Caregiver
IN = Intake Name
SO = Significant Other
V = Victim

JS = Alleged Juvenile Sexual Offender
IC = Identified Child
RN = Referral Name / SC Referral Name

B. Address and Phone Information

Name	Type	Address	Telephone Number
Wizel, Karen	Primary Residence	1934 SE 17t St Homestead, FL 330351959	(786)339-0723
Jimenez Wizel, Mario Simon	Primary Residence		
Jimenez Wizel, Karen Nicole	Primary Residence	1934 SE 17t St Homestead, FL 330351959	(786)339-0723
Jimenez, Mario Alberto	Primary Residence	12901 SW 66th Terrace DR Miami, FL 331831315	(305)386-9988

Exhibit D

A person who knowingly or willfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse hotline is subject to the penalty provisions of s. 39.205.

C. Relationships		Relationship	Subject
Wizel, Karen	Mother		Jimenez Wizel, Mario Simon
Wizel, Karen	Mother		Jimenez Wizel, Karen Nicole
Jimenez, Mario Alberto	Father		Jimenez Wizel, Mario Simon
Jimenez, Mario Alberto	Father		Jimenez Wizel, Karen Nicole

D. Alleged Maltreatment		Maltreatment Code
Alleged Victim		Physical Injury
Jimenez Wizel, Mario Simon		

E. Location of Incident		Apt.	City	State	Zip Code
Address - Street					
Telephone Number - Home	Telephone Number - Work	Telephone Number - Cell			

II. Narratives

A. Allegation Narrative

Around two or three weeks ago, Mario was slapped and spanked by his father, his uncle and his grandfather. The father is the one that slapped him. The father slapped him in the face. Mario had a red mark on his face from being slapped. The grandfather spans Karen on her bottom when she misbehaves however there are no known injuries to her.

In October, the uncle tossed Mario in the lake. He did this because Mario took off an eye of a plastic cow and he tossed it into the lake. The uncle threw him into the lake to get the eye. Mario was crying because there was algae in the lake. The stepmother has called the children Malditos.

B. Narrative for Worker Safety Concerns

III. Agency Response

A. Probationary Worker Recommendation

Decision
Pending
Explain

Date/Time Decision Made

Reason

B. Worker/Supervisor Decision

Decision

Date/Time Decision Made

Reason

Exhibit D

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score (3) as well. This is based on the two priors and the allegations of physical injury.

This family has two prior report for family violence and physical injury both closed no indicators. The interaction between the children and the mother was observed to appropriate and loving. The children were happy to be this week with their mother with the exclusion of the infant, whom the father in this case is not the biological father of the infant, Joshua. His father is in Nicaragua and has no involvement with the child nor mother as stated by the mother to CPI.

Updated for closure 7/18/2012

CPI provided a daycare/summer camp referral for the children while they are at the mother's home so that she can go to work her part time.

D. Criminal History Summary and Implications for Child Safety

The mother, Karen Wizer has no criminal record.

The father, Mario Alberto Jimenez has on hit in 9/11/1999 for curfew violation-closed WH ADJ/CTS

E Prior Reports and Service Records Implications for Child Safety

This family has two priors with the department, both closed no indicators.

2011-078791 for family violence and physical injury-A/P Mario Alberto Jimenez.

2011-190766 for family violence and physical injury-A/P Mario Alberto Jimenez.

V. Overall Safety Assessment

SDM completed, see file cabinet. The overall assessment is moderate based on the risk is (3) and the abuse score (3) as well. This is based on the two priors and the allegations of physical injury.

The father still has to be interviewed as all participants which were mentioned in the allegation narrative.

The children were seen and no bruises, welts, nor scratches noted on either child. The children Karen and Mario did disclose that they were scared of their father and of what he will do if CPI speaks to him. They appeared genuinely scared of the father and what he will do to them.

Note: Each child was interviewed separately in the school office. They disclosed that they have both in different occasions been hit, mainly Mario by the father and disclosed that he also got thrown in the lake behind his grandparent's home because he threw a plastic cow (appears to be a figurine) into the lake where his uncle Ivan came, picked him up and threw him in the lake to get the figurine. It was disclosed that once his father was told he slapped Mario in the face a few times. Both children also disclosed that the stepmother curses at them and speaks bad as to their mother as well.

In speaking to the mother she has disclosed her abusive relationship which she endured while living with the father in Nicaragua. She requested to the Embassy to come to the US and came with the children fleeing from the father's threats.

She stated that her infant's father who is in Nicaragua left the Country and went back to his homeland because of the threats this present father made and he was immature to stand his ground. This father is no longer in the lives of the mother nor infant child who was born on 8/24/2011. This date is significant to her because while in the hospital recuperating from giving birth to her son Joshua, the father of Karen and Mario motioned the court and took her children from her. He withdrew them from their school and placed them in a school closer to his home making it a hardship for her to take them to school and pick them up when it is her week to have the children.

CPI contacted the father by phone and explained that he has to be interviewed as a report came to the department. He was hesitant and stated that CPI should speak to the previous CPI as CPI might not know all the fact. CPI

"A person who knowingly or willfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse hotline is subject to the penalty provisions of s. 39.205."

Investigative Summary

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Exhibit D

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explained that she has read the priors and notes as well and that she will speak to the prior CPI but that he still needs to be interviewed. He stated he would call CPI as he is doing an internship as a doctor and is not available without speaking first to his superiors. CPI explained that this is understandable but that an interview is needed and that over the phone CPI can not give him the allegations. CPI mentioned that his family (wife and brother) need to be interviewed as well. He stated that the children attend Dr. Alicia Vidal-psychologist and that CPI can call her as well to get the facts as to what his ex-wife is trying to do.

CPI again brought the conversation to focus on the interview that needs to be done. He stated he would call CPI and advise.

In speaking to the mother during her interview and reading the priors Project SOS was assisting the mother and children and they were also receiving counseling through Miami Behavioral-Homestead.

Case will be staffed with Our Kids for services.

Up dated for closure 7/18/2012

The allegations were investigated and findings were that the children did say to be scared of their father and his family. They stated that they are hit and don't want to go to be with them, however no bruises, welts nor scratches noted on either child. CPI interviewed the mother and received documents of D/V while they were living in Nicaragua which CPI read throughly. A second report came to surface where the father had been texting the children saying that "God and the Deveil are in a contact battle and that the dark angels would come to kill them tonight nor tomorrow". This message/text was sent to the children by the father while they were staying the week at their mother's home. Note: the messgaes kept on coming in everynight a few minutes to 9:00pm time the children go to sleep. CPI interviewed the father as to this and he did not deny sending the message but stated he just wanted to reach the children of good and bad and was quoting bible scriptures. It is evident that there is a custody battle between both parents. The mother has stated to have come to this country with the assistance of the US Embassy (which she provided proof) so means to get away from the abusive relationship she endured while living with the father. They were divorced when she came here. The father sort the mother out, found where the children were living and motioned family court to give him an order which he then took the children out of the school they were attending, closeby to the mother's home and placed them in a school close to his home. This last making a hardship for the mother who lives on menial means, has a part time job and trying to make ends meet. The children up to now have stated their wish to live with their mother and attend the school they used to attend (Gateway K-8) where they were also receiving counseling through Homesteadh Behavioral. They are presently receiving counseling with Dr. Alicia Vidal- psychologist sort out by the father. Both homes have been visited and found to be appropriate for the children. They have more toys and clothes at the mother's home than at the father's home this was visible to CPI. A referral to Dr. D'Tomasso was sent for the father to undergo a psychological evaluation as recommended by CPT after CPT interviewed both children. DCF Legal is also awaiting such evaluation to establish how to proceed on this case as no physical abuse is noted. CPI will submit this case for closure today however will request to leave the shell open as we are pending the Flex Funds for Dr. D'Tomasso to do the evaluation on the father. As for the children they continue to go one week with the father and one week with the mother.

Note: Our Kids, Legal, and Supervisor as well as CPI are waiting the evaluation to see how to proceed.

VI. Summary/Findings Implications

The allegations were investigated and findings were that the children did say to be scared of their father and his family. They stated that they are hit and don't want to go to be with them, however no bruises, welts nor scratches noted on either child. CPI interviewed the mother and received documents of D/V while they were living in Nicaragua which CPI read throughly. A second report came to surface where the father had been texting the children saying that "God and the Deveil are in a contact battle and that the dark angels would come to kill them tonight nor tomorrow". This message/text was sent to the children by the father while they were staying the week at their mother's home. Note: the messgaes kept on coming in everynight a few minutes to 9:00pm time the children

¹A person who knowingly or wilfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse hotline is subject to the penalty provisions of s. 39.205.

Exhibit D

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go to sleep. CPI interviewed the father as to this and he did not deny sending the message but stated he just wanted to teach the children of good and bad and was quoting bible scriptures. It is evident that there is a custody battle between both parents. The mother has stated to have come to this country with the assistance of the US Embassy (which she provided proof) so means to get away from the abusive relationship she endured while living with the father. They were divorced when she came here. The father sort the mother out, found where the children were living and motioned family court to give him an order which he then took the children out of the school they were attending, closeby to the mother's home and placed them in a school close to his home. This last making a hardship for the mother who lives on menial means, has a part time job and trying to make ends meet. The children up to now have stated their wish to live with their mother and attend the school they used to attend (Gateway K-8) where they were also receiving counseling through Homesteadh Behavioral. They are presently receiving counseling with Dr. Alicia Vidal- psychologist sort out by the father. Both homes have been visited and found to be ap[ropriate for the children. They have more toys and clothes at the mother's home than at the father's home this was visible to CPI. A referral to Dr. D'Tomasso was sent for the father to undergo a psychological evaluation as recommended by CPT after CPT interviewed both children. DCF Legal is also awaiting such evaluation to establish how to proceed on this case as no physical abuse is noted. CPI will submit this case for closure today however will request to leave the shell open as we are pending the Flex Funds for Dr.D'Tomasso to do the evaluation on the father. As for the children they continue to go one week with the father and one week with the mother.

VII. Recommended Disposition

CPI continues to staff case with legal, Rosemarie Rinaldi who needs to staff case with her superiors as to how to proceed and translate the Spanish documents received. Legal sufficiency is still pending based on the CPT report. The children continue to receive counseling with Dr. Alicia Vidal whom the father chose back in Aug.2011. CPI still awaiting updated process report from this psychologist. CPI submitted a request for the father to receive a psychological evaluation as recommended by CPT. The referral was sent to Dr.D'Tomasso, evaluation still pending. Case will be submitted for closure however the shell wil continue open pending evaluation as to the father with Dr.D'Tomasso and progress report from Dr.Vidal for the children.

VIII. Signatures

SIGNATURE – Protective Investigator

Date Signed

SIGNATURE - Protective Investigator Supervisor

Date Signed

Jun 20 12 06:33p

Alicia Vidal-Zas

305-221-9800

p.2

Alicia Vidal-Zas, Psy.D, P.A.

Licensed Clinical Psychologist
 14225 S.W. 42nd Street
 Miami, Florida 33175
 Office: (305) 221-8200
 Fax: (305) 221-9800

CONFIDENTIAL

Patient Name: Mario Jimenez-Wizel
DOB: September 06, 2005

Summary of treatment sessions from commencement to May 3rd, 2012

8-29-11 - First consultation – Patient is brought by father. Mario Jimenez-Wizel, is a 9 year old, Hispanic male accompanied by his father, whose major concern is adjusting to new living arrangements, child's defiant behavior, and manipulative tendencies with sister with regards to running away. He currently resides with father and step-mother. The patient attends Winston Park Elementary and is currently in third grade. Mario is a product of a full term pregnancy via vaginal birth. No remarkable developmental delays or medical concerns. Diagnostic impression: Adjustment disorder with depression and anxiety

9-1-11 Contact note clarifying mother's parental rights.

9-1-11 Visit with father. Family session. Farther reported parents divorced in 2010, and currently having joint custody of the child. He further informed he had been looking for children for two years. He was oriented about disclosure to lawyers and legal procedures with consents. Mario admitted feeling well at dad's home. Father was oriented about the importance of consistent parenting, avoiding adult issues in child's presence and talking negatively. Child was able to bond with clinician.

9-9-11 Individual therapy. Father Reports DCF visits to his house. Father reports patient has been lying (grandmother is in agreement). Pt feels happy at dad's home. Father was oriented about behavior management and use of logical consequences.

9-16-11 Individual therapy. Pt was made aware of importance of following instructions as he tends to be non-compliant or oppositional. He is unable to admit that he is wrong when not following instructions.

9-28-11 Individual therapy. Accompanied by father. Patient appeared cooperative. He has experienced difficulties in school, for not completing homework and due to behavior problems. Clinician assisted him in increasing awareness about how to improve his academic performance, how to avoid forgetting homework compliance with instructions at home. Father was oriented about using logical consequences and consistent limit settings.

10-6-11 Family Session with Father. Letter stating no danger was provided as per father's request to take to court. Father's concerns were addressed.

10-10-11 Individual Therapy. Explored patient's relationship with father "I used to be afraid of him because he argued too much with my mother." "Not anymore, because I don't live with my mother now."

Exhibit E

1 of 6

Jun 20 12 06:34p

Alicia Vidal-Zas

305-221-9800

p.3

Patient denied father hitting him or being abusive. "I have another mom now: 'mama Gigi', which is like having two mothers, my mother and now her too." Patient has accepted new baby sister and appears to have a healthy relationship with father. "He is nice but if I don't behave he will put me in time out." Clinician validated his disclosure and clarified difference between mother (biological) and stepmother.

10-10-11 DCF worker calls office. No danger clarified.

10-14-11 First session with mother. Clinician explored patient's relationship with mother. He is happy because now he can spend time with her, and also time with his father. Parents went to court and shared custody was granted. Patient has two new siblings as mother and father both recently had babies. He appeared to be very happy about this. Clinician educated patient about divorce. Support was offered and he was validated as the "big brother."

10-21-11 Individual therapy. Patient appeared very restless and anxious today. He disclosed being scared in school as there is "a boy who wants to bully me." He changed the story several times and when confronted admitted he was saying the truth, but exaggerating some facts. He was encouraged to tell adults (teacher, parents) about his problems and to avoid aggressiveness to solve problems.

11-4-11 Individual therapy. Patient appeared calmer today. He reported that bully was expelled from the school; he was able to tell teachers about his difficulties. Patient admitted feeling very satisfied with school decision. He is sharing time with mother and father (alternating weeks) and is comfortable with this arrangement.

11-11-11 Individual therapy. Mother was present at end of session. Patient appeared well disposed for therapy. He was put on detention yesterday because he was fighting in school, after a classmate called him names. Patient reported using friend 1 and friend 2 (his fists). Clinician encouraged him to explore alternative behaviors he can use instead of being aggressive, such as ignoring, talking, or getting help from an adult (teacher). Addressed dad's concern and educated him on ways to help child processing emotions.

12-9-11 OTR discussed with mother and patient. Patient appeared well disposed for therapy and reported that his behavior in school has improved. He has not been aggressive again, although some classmates have called him names, he has been able to display appropriate self-control. Clinician reinforced this performance and praised him verbally.

12-16-11 Dad present. Patient presented with good disposition for therapy. He is being bullied in school by a girl who threatened to kill him. "She has a pocketknife; she was expelled from school." He was instructed to inform teacher and adults in the family about his problems in school. Parent was oriented to discuss this situation with school authorities.

1-5-12 Mother present at end of session. Patient presented with cooperative attitude. He disclosed feeling bad about paternal grandmother calling names to his half brother (mother's side). He was oriented to "ignore" negative comments about his half brother as he loves his baby brother. To focus on the positive side, "brother is healthy, brother is "cute". Father will be informed about this situation and educated about messages to child.

Exhibit E

2 of 6

Jun 20 12 06:34p

Alicia Vidal-Zas

305-271-9800

p.4

1-25-12 Individual therapy. Patient presented cooperative. The patient stated that he wants to be in the military and made several statements regarding the grenades, guns, and knives during the session. Will continue to explore these emotions and begin working on coping skills as of next session. Processed negative emotions.

2-8-12 Individual Therapy. Patient presented cooperative. Worked on exploring patient's emotions and identifying maladaptive thoughts that tend to trigger anxiety, anger and other strong emotions. Will continue to explore his emotions and work on coping skills on how to deal with stress or problems as of next session.

3-23-12 Individual therapy. Patient presented with cooperative attitude. He disclosed feeling bad about father acting like his boss. "I don't like it when he tells me what to do." Clinician explained father's role as an authority figure and importance of following rules consistently both at home and at school.

3-30-12 Mother present in session. Patient presented with good disposition for session. He disclosed having obtained Honor Roll diploma in school and feeling upset because mother was not invited to the act. Clinician offered validation and also reframed and redirected. He was praised for his achievements.

04-27-12 Individual Therapy. Mother at end of session. Patient presented with good disposition for session. He disclosed he doesn't want to fulfill duties at home when at father's house. "My duty is to study." Patient stated he doesn't want to obey, disregarding father's authority. Clarification was offered regarding parental roles and the importance of home chores.

05-03-12 Family Session, Father present. Patient presented with good disposition for session. He disclosed he sometimes hits sister. He was able to identify the negative consequences of being aggressive versus the benefits of enjoying a loving relationship with sister. Father was oriented about communication with mother as a way to establish consistency in child's behavior management.

6-5-12 Family session (Father present). Father came to the office to discuss mother's allegations of corporal punishment against son. She files a complaint with DCF and they are in the process to investigate allegations. Oriented dad about the importance of establishing proper communication as adults and caregivers, so as to avoid patient acting as a messenger or manipulating parents. Dad was educated about behavior modification (ex: Take away privileges, time out, etc.). Also, addressed with dad to help child identify anger emotions and canalize them appropriately. Dad appeared to be receptive.

6/8/12 Family Session (Both parents present). Mother and father met with clinician to discuss parenting styles. It was oriented to both to establish proper communication as adults and caregivers, so as to avoid patient acting as a messenger or manipulating parents. Both were guided to express their expectations regarding consequences, limit setting and avoiding excessive punishment and/or comments criticizing other parent.



Alicia Vidal-Zas, PsyD

Exhibit E

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Jun 20 12 06:34p

Alicia Vidal-Zas

305-221-9800

p.5

Alicia Vidal-Zas, Psy.D, P.A.

Licensed Clinical Psychologist
 14225 S.W. 42nd Street
 Miami, Florida 33175
 Office: (305) 221-8200
 Fax: (305) 221-9800

CONFIDENTIAL

Patient Name: Karen Jimenez-Wizel
DOB: September 06, 2005

Summary of treatment sessions from commencement to May 3rd, 2012.

8-29-11 - First consultation – Patient is brought by father. Karen Jimenez-Wizel, is a 6 year old, Hispanic female accompanied by her father, whose major concern is difficulties adjusting to new living arrangements, mother's absence, anger, and mood swings. She resides with father and step-mother. The patient attends Winston Park Elementary and is currently in Kinder. Karen is a product of a full term pregnancy via vaginal birth. No remarkable developmental delays or medical concerns. Diagnostic impression: Adjustment disorder with depression and anxiety

9-2-11 Visit with father. Family session. Father reports he was looking for his children for two years. He was oriented about disclosure to lawyers and legal procedures with consents. Karen displayed sibling rivalry with regards to competition of father's attention. Father was advised since mother's parental rights have not been revoked; that the present role of clinician is to monitor emotional well being of patient and assist in transition to new environment.

9-8-11 Individual therapy. Father reports DCF visit to his house, in response to reports made by the child's mother. He informed DCF child was in psychological treatment. Patient mentioned wanting mom and dad to be together. Therapist clarified father is remarried with new baby sister, Donatella.

9-16-11 Individual therapy. Patient has displayed defiant behavior. She was made aware of negative or incorrect bx. to increase her awareness.

9-27-11 Individual therapy. Patient appeared as cooperative. She admitted being able to follow instructions at home and at school. Patient seemed to enjoy and participated in therapy activity. She was able to communicate verbally throughout the session. She voiced concerns about Reading as she is experiencing difficulties in this subject. She wrote a letter to father: "Daddy. I love you. I love my mom."

10-5-11 Individual therapy. Explored patient's relationship with father "I love him because he is my "papi". He is nice to me and never hits me." Patient denied father hitting her or being abusive. "I love my mother too, but she lives in another place now." I have nightmares sometimes." She disclosed incident with biological mother's ex-husband who scared her and tickled her. Patient appears to have accepted

Exhibit E

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Jun 20 12 06:35p

Alicia Vidal-Zas

305-221-9800

p.6

stepmother, new baby sister and appears to have a healthy relationship with father. Clinician validated her disclosure and educated about reality and dreams (nightmares as not real).

10-6-11 Letter stating no danger.

10-10-11 DCF worker calls office. No danger clarified.

10-14-11 First session with mother. Clinician met with mother and client. Karen appeared very happy to introduce mother to clinician. She displayed affectionate behavior towards mother and was able to draw a picture for her. Both mother and patient were involved in game activity so as to observe their interaction and pattern of communication. Mother was also oriented about healthy relationship between divorced parents.

10-21-11 Individual therapy. Patient mentioned baby sister with a loving attitude. Patient appeared tearful as she had an argument with grandfather, who "ate my candy, I gave him one, and he took another candy from me." Patient was oriented about sharing and expressing her feelings. She disclosed how her brother was brave and always defended her, so brother "can tell grandpa to leave my candies alone."

11-4-11 Individual therapy. Patient displayed calm behavior in session. She requested to make a drawing "for my mommy". She added colors and wrote "I love my mom," once she finished the drawing. Patient insisted in taking the drawing for mother to see it. She also disclosed good behavior in school, after clinician explored this area.

11-11-11 Individual therapy. Mother was present at end of session. As per mother's report patient has continued to display appropriate behavior at home and at school. She interacts with baby brother in a very loving manner and imitates mother playing with a baby doll. Patient has received congratulations in school for her good performance. She continues to spend one week with father and one with mother.

12-9-11 Patient continues displaying hyper vigilance and at times is sad. Processed these feeling with patient.

12-16-11 Dad present. Patient presented well disposed for therapy. She was willing to disclose that she is behaving better in school and at home. She was encouraged to be truthful and communicate openly with parents and brother.

1-5-12 Mother present at end of session. Patient presented well disposed for therapy. She reported that she is behaving well but grandmother is talking "bad about my mother." She calls her "perra". She admitted feeling anxious and nervous about these comments. Patient was offered support and reframing, as well as reassurance to decrease her levels of anxiety.

1-25-12 Individual therapy. Patient presented good disposed for therapy. She stated "I don't have anything to say." Patient repeats theme of "mom" in a house when she makes drawings.

2-8-12 Patient presented with good disposition for therapy. She was able to follow instructions in a structured activity and was able to disclose feelings while engaged in game. She appeared slightly confused about mothers, then clarified "I only have one mother." She appears to feel comfortable with mother as well as with stepmother.

Exhibit E

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Jun 20 12 06:35p

Alicia Vidal-Zas

JUD-221-2000

p. 1

2-23-12 Individual session. Patient presented with good disposition for therapy. She was encouraged to engage in a structured activity in order to assess her ability to complete tasks. She displayed creativity and was able to follow instructions. Patient brought report card and has low grades in Reading (Unsatisfactory Progress). The other subjects are G and E (Good and Excellent).

3-23-12 Individual therapy. Patient presented with good disposition for therapy. She was engaged in a structured activity in order to assess her ability to display attentive behavior. She required redirection repeatedly, as she was easily distracted and made careless mistakes, yet responded well to intervention.

3-30-12 Mother present in session. Patient presented with good disposition for therapy. She was engaged in a structured activity in order to assess her ability to wait her turn. She displayed impulsive behavior and required redirection as she had difficulty waiting her turn. She accepted feedback with understanding attitude.

4-27-12 Mother at end of session. Patient presented with good disposition for therapy. She disclosed her paternal grandfather "hit me once because I got an F." She admitted it has not happened again. She was encouraged to be respectful and compliant with adult's instructions. Will address incident with dad.

5-3-12 Father present at end of session. Patient presented with good disposition for therapy. She appeared very concerned about the death of a pet lizard. Clinician offered reassurance and explained the cycle of life and death. At end of session father was invited to discuss and clarify rules at home, incident with grandfather was addressed with dad, encouraged to teach grandfather other methods of discipline such as time out and take away privileges.



Alicia Vidal-Zas, PsyD

Exhibit E

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Alicia Vidal-Zas, Psy.D
Licensed Clinical Psychologist
14225 S.W. 42nd Street
Miami, Florida 33175
Office: (305) 221-8200
Fax: (305)221-9800

July 23rd, 2012

RE: Karen Jimenez-Wizel
DOB: 09/06/2005
and
RE: Mario Jimenez-Wizel
DOB: 08/20/2002


Dear Dr. Mario Jimenez,

As per your request, the intent of this letter is to inform the interested party that both Karen Jimenez-Wizel and Mario Jimenez-Wizel are under my treatment as of August 29th, 2011.

I was informed by you today that an emergency motion took place requiring documentation regarding the safety of the children under your care. Currently, as per the children's report there is no evidence of imminent danger to bodily harm. However, due to the children's perception to recent events I feel that it is best for parents to continue bringing children on a weekly basis for therapy and that both parents undergo a psychological evaluation to best determine appropriate custody arrangement that will be in the best interest of the children.

For further information, please feel free to contact me at the above stated number.

Sincerely,


Alicia Vidal-Zas, Psy D
Licensed Psychologist

Provided to and requested by father

Exhibit F

1 of 1

[illegible]

- 1- Receiving bilingual instruction in this subject.
- 1- Recibe instrucción bilingüe en esta asignatura.
- 2- Language Arts/reading grade received within the ESOL grade. Level 1 only
- 2- Calificación de artes de idiomas/leer será recibido en su calificación de ESOL
- 3- Requires close supervision.
- 3- Requiere supervisión constante.
- 8- Fails to complete required assignments.
- 8- No termina los deberes que se le asignan.

ESOL Level 1 students do NOT receive Language Arts and Reading grades.

ADDITIONAL COMMENTS

STANDARDIZED TESTING

	SCORE	LEVEL
FCAT - GRADE 03		
READING	207	3
MATHEMATICS	220	4
WRITING	N/A	N/A

(FCAT LEVELS RANGE FROM A LOW OF 1 TO A HIGH OF 5)

Exhibit G

Page 1 of 1

DCI A-0425

NEXT GRADE LEVEL IS 09
ACADEMICALLY PROMOTED TO THE NEXT GRADE LEVEL
AS OF: 06/07/12

MIAMI-DADE COUNTY PUBLIC SCHOOLS

CERTIFICATE of

AWARD

This Certifies That

MARIO JIMENEZ-WIZEL

is awarded this Certificate for

STUDENT OF THE MONTH

Given at WINSTON PARK K-8 CENTER, this 28TH day of MARCH, A.D. 2012


Principal


Assistant Principal

Exhibit H

1 of 1

MICHAEL J. DiTOMASSO Ph.D., P.A. Ψ

Psychological Evaluations: Clinical, Forensic, and Psychoeducational
Miami, Florida; Tel. (305) 256 4324, Fax (305) 256-5610

PSYCHOLOGICAL EVALUATION (Confidential)

Case #: None

Name: Mario Alberto Jimenez

Age: 42

Date of Testing: 08/01/2012

DOB: 10/22/1969

Ethnicity/Sex: Hispanic Male

Date of Report: 08/05/2012

Location: Client's Home

Examiner: Michael J. DiTomaso, Ph.D.

REASON FOR REFERRAL:

Mario Alberto Jimenez was referred by Theresa Hernandez o the Department of Children and Families for an evaluation of overall psychological functioning.

THE EVALUATION CONSISTED OF:

Review of CPT Specialized Interviews, Children's therapy records with Dr. Vidal-Zas, Letter from Mario Jimenez to Mrs. Fuentes

Clinical Interview

Minnesota Multiphasic Personality Inventory

Sentence Completion Test

Projective Drawings Test

PSYCHOSOCIAL DATA:

Prior to the beginning of the interview and testing, Mario Alberto Jimenez was advised of the purpose of the evaluation and the limits of confidentiality.

Background: Mario Alberto Jimenez, M.D., is a 42 year old Hispanic male who was born and raised Nicaragua. His mother is Maria Leticia Jerez de Jimenez and his father is Mario Bruno Jimenez Blen. Mario has three brothers and two sisters. He is the oldest.

Mario left Nicaragua when he was 15, and spent a year in Honduras and El Salvador, before coming to the US when he was 16. He came here with his brother and his father. They settled in Miami. The rest of the family came over later on. Mario's family had some political roots and they were on the wrong side of the revolution that was occurring in Honduras in those years.

Dr. Mario Jimenez, page 2

Mario said that his childhood, before politics in his country got crazy, was very good. His parents took good care of him, and his family was well off financially. He used to spend some time on his grandfather's farm. But when the fighting started "It was the most horrible event in my life. You would see families killing each other, neighbors against neighbors. It was horrible." He used to have nightmares about bombs being thrown. He said that from that point on he was a pacifist, opposing wars under almost any circumstances."

Mario told me that when he was 15 years old he had a "Born Again experience, a personal encounter with Jesus," which he believed helped him to survive. He said he is still a Christian and his faith is the main driving force in his life.

Mario told me that he went to high school in Miami, and then he went to Miami Dade Community College, and then to Florida International University in a pre-medical program. He worked for a time as an electrical engineer. He was a digital communications specialist for a satellite communication company. Then he went back to school to study medicine. He has since completed medical school and earned his M.D. degree. He is presently in the third and last year of his residency at UM Jackson.

Mario married in Guatemala in 2001. His wife Karen Wixel was Guatemalan. He told me that he and Karen separated in 2009 and were legally divorced in 2010. He and his wife Karen had two children together, Mario Simon Jimenez-Wixel (9) and Karen Nicole Jimenez-Wixel (6). It was during his marriage to Karen that he went to Medical school. In 2007 he was in Medical School in Belize and in August of the same year he transferred to a medical school in Nicaragua.

I asked Mario why his marriage ended. He replied "Infidelity on her part." He explained "She was having an affair. I heard about it. She falsely accused me so I wouldn't take away the kids. She accused me of psychological and physical abuse. It was only because of a video that showed her to be lying that I was not put in prison (in Nicaragua)."

Mario said he did not know where his children were for two years. He said "My ex took away the kids. She was hiding (in Nicaragua) with the man she had met, Marcello. Mario was in Nicaragua at this time too, in medical school. But he did not know where Karen and his children were.

Mario has been back in Miami since May 2010, still not having found his children. When he came back, he met Giorgelina Rapiza, and they became a couple. She has given birth to his youngest child, Donatella Leticia Jimenez-Rapiza (11 months).

Mario does not know when his ex-wife Karen came back to Miami, but he thinks it was in 2011. The children were with her when she came back. Mario said he found out she and the children were here in Miami in August of 2011. He told me that when he became aware that she was here he petitioned the court "For what the court had ordered in Nicaragua, 50/50 equal custody of the kids." He said this was granted.

Exhibit I

2 of 7

Dr. Mario Jimenez, page 3

He went on to say "But since that day she's filed four different reports with DCF." He complained that the investigator who followed up her last complaint "Believed everything she said." I noted that the children were assessed at CPT and what they said to the CPT investigators was taken into account. (Both children told CPT that their father hits the boy, that there was domestic violence, and that father said scary things to them about the devil and spirits.) Mario said yes, they said these things because the mother has influenced them to do so.

Mario said that the children's mother Karen complained that he had been telling the children that the devil was going to kill them. I said to him "Well, you did talk to them about God and Devil." He said yes, but he didn't threaten them about it. "She twisted the whole thing." He said he told the children not to be anxious because God is in control. "We should not fear the Devil, we should only fear God. Basically that was the message I conveyed to the kids. She twisted it all around."

I told him that I think he does not realize what he really said to them. I told him that it is no great comfort to be told that God will protect, after you have just been told that the Devil is out to kill you. He seemed to understand what I was saying, but he still felt it was more important that Karen "twisted" what he had said, rather than that he had put the idea of "the Devil" in their heads in the first place.

Mario told me that the last time he saw the children was two weeks ago when the mother filed an emergency motion against him.

Child Abuse: Mario said he was never abused as a child. He said that none of his own children were ever abused that he is aware of. He is clear in his denial of all allegations that he has abused his children, though he acknowledged that his talk with the children about the Devil and such was a mistake.

I questioned Mario about the allegations that he has hit his children, that his parents have hit his children, and that his brother threw Mario Jr. into a lake. He categorically denied all of this.

Domestic Violence: Mario said there was never domestic violence between himself and Giorgelina. He said there was domestic violence between himself and Karen "On her part, she used to hit me, and curse all the time."

I noted that in the CPT interviews both children said that their father hit their mother. Mario told me that these statements on the children's part arise from events that occurred in 2009. He said that he was charging his wife's phone and he found a message from her boyfriend. He said she attacked him in an effort to get the phone from him, and she later made contact with the police at which time she had injuries and bruises all over her. But she was uninjured the last he had seen of her. He feels that the bruises and injuries she appeared before the police with were inflicted by herself or by someone else at her request, in order to get him arrested. He went on to say that a security camera that happened to be active at the time of the alleged incident shows her attacking

Exhibit I

3 of 7

Dr. Mario Jimenez, page 4

him, and this is what exonerated him. He said that if not for that video, he might have been an innocent man spending a couple of years in a Nicaraguan jail.

He makes the point that she had two years to be going over her version of this story with the children, and now they remember what she has been telling them. (He has a point. Repetition of childhood stories or accounts of events in the family can become set in place and seem like actual memories in the minds of children.)

Substance Use/Abuse: Mario said he never used drugs. He said he drinks alcohol socially. He said he does not get drunk.

School: Mario has a Bachelor's from Florida International University and an M.D. from Universidad Central de Nicaragua.

Employment: Mario is in his third year of residency at Jackson Memorial Hospital. This is his second career. His first career was in electronics.

Arrest History: Mario told me that he was investigated but not arrested in Nicaragua in regard to the allegations of domestic violence that his wife made.

He said he was arrested once in Miami Dade, for breaking curfew after Hurricane Andrew.

Medical and Mental Health History: Mario said he suffers from high cholesterol. He said he has never had mental health problems, though he added that in Nicaragua, he took citalopram (generic for Celexa, an SSRI antidepressant) while going through the divorce and during the time he did not know where his children were. He said he never had psychotherapy. He is not taking mental health medication at this time.

CLINICAL FINDINGS:

Behavioral Observations: Mario was appropriately dressed and well groomed. His mood was unremarkable. Affect (expressed emotion) was appropriate in quality and range. He put a good effort into the formal testing, and was frank and open in response to interview questions

Mental Status: Mario was oriented to person place and time. His speech was relevant, organized, and goal directed. He denied auditory or visual hallucinations. There were no signs of paranoid ideation or disordered thinking.

Intellectual Functioning: Formal IQ testing was not done. Mario is a college graduate and a physician. There is no doubt that he is intellectually and academically competent.

Personality Functioning: Mario is not suffering major psychiatric disease. He is a bright, competent, and successful man. He pursues goals in his life with a great deal of energy and

Exhibit I

4 of 7

Dr. Mario Jimenez, page 5

determination. He is accustomed to accomplishing what he sets out to do. He tends to be persistent and tenacious. He can sometimes be rigid in his thinking.

Mario takes religion very seriously, and in my opinion he went overboard in regard to sharing his beliefs with his children by giving them more than they are developmentally prepared to process. He did this by telling his children about the Devil and evil entities that only God could save them from. If an adult's thinking is oriented around a personal faith in a beneficent God, then stories about Devils and evil spiritual forces provide a kind of argumentum ad baculum (appeal to force) that supports the religious belief system. It feels good to an adult who has deep faith in God, to know there is something scary around that he or she does not have to be scared of. But these stories do not have the same effect on little kids. Young children do not have sufficient ego structure to hold off the fear of Devils and evil spirits by the strength of their faith. The statements to CPT by the children that they fear their father, and that young Mario sleeps with a knife, are plausible when their exposure to these kinds of narratives are taken into account. I called this to Mario's attention during the assessment. He seemed to understand the point and acknowledged that communicating these ideas to the children may have been a mistake.

Mario has a good deal of ego strength and self-discipline at his disposal. But he is also under a great deal of stress. This stress has resulted in depression and anger. In the past Mario took antidepressant medication. At present, it is more anger than overt sadness that is building up in him. But the anger and the sadness are related. They are in fact, like two sides of a single coin because they share a common underlying set of causes. Mario is in an awful custody battle with his ex-wife and the allegations are flying on both sides. It is no revelation to say that these kinds of battles bring out the worst in people. And it is starting to make Mario ill.

Mario is diagnosed with Adjustment Disorder. This is not a mental illness per se. The diagnosis implies real emotional distress, but as normal negative emotional reaction to excessive environmental stressors. Not as intrinsic mental illness. Mario took the Minnesota Multiphasic Personality Inventory. His results were rendered invalid by defensive responding. He is in a battle and he is functioning in defensive mode. I guess a defensive approach to the test could have been expected. Unfortunately the results reveal little about his personality function other than he is in a defensive mode, and the results cannot be relied upon to rule out further psychopathology.

Mario denied present or past suicidality and he denied ideation relating to harming others

Five Axis DSM-IV-TR Diagnostic Impression			
Axis #	Axis Name	Code	Description of Client's Condition/Status
I	Clinical Disorder	309.9	Adjustment Disorder
II	Personality Disorder	799.9	Diagnosis Deferred
III	Medical Condition		None reported
IV	Situational Stressors		Custody battle, Child protective involvement
V	Global Assessment of Functioning	55	Moderate symptoms

Exhibit I

5 of 7

Dr. Mario Jimenez, page 6

SUMMARY AND RECOMMENDATIONS:

Mario does not appear to be suffering from major psychiatric disease. He is angry and there likely is underlying depression in reaction to the very difficult situation he finds himself in. Further psychopathology was not identified, but unfortunately cannot be ruled out either because Mario's approach to the MMPI was defensive and rendered his results invalid.

I am troubled by the children's statements that the paternal grandparents hit them and speak bad about their mother and their mother's baby. Mario is in a process of integrating his children back into his life. He does not need, and the children do not need, interference from the grandparents. If and when the children's relationships with Mario and his partner are resolved and progressing well, then it may be time to bring the grandparent's in, if they can keep their hands to themselves and refrain from commenting on the children's mother and the mother's family. For now, let's not complicate matters further than they need be.

I am troubled that both Mario and his ex-wife are making accusations in the present about domestic violence that purportedly occurred when they lived together, years ago, and in another country. For their children's sake, they need to put this behind them. Divorce is supposed to be the end of a relationship, but it seems that for Mario and Karen, the emotional relationship is still intense, the difference being that the valence of the emotion has changed from love to anger.

I cannot say whether or not Mario has been hitting his son. I see in the CPT report where the boy is reported to have said this has been happening. The court will weigh that as it sees fit. But I will not adopt that information at this point and accept it as substantiated fact. I would want to speak to the children myself before venturing an opinion on this matter.

Frankly, Mario and his ex-wife Karen are in a horrible child custody battle. It is no revelation to say that these kinds of battles bring out the worst in people. The war of the Roses is raging between Mario and Karen, and their children are the victims of the collateral damage. If the children are not going to muck through the rubble of their parent's war for the rest of their childhoods, a cease-fire will have to be called – and wanted and honored by both sides. Selfish yearnings for individual vindication by either of the parents, even by only one of them, will be sufficient to keep the children in a childhood purgatory of their parents making. It's time for the adults to start acting like adults.

Mario would probably benefit from psychotherapy to help him put what is happening in his live into perspective. He is embedded in the situation now, and he cannot see the way out from his position deep within it. An objective professional can help him. I recommend that Mario be given the liberty to choose a qualified Christian/pastoral counselor rather than a secular professional if he feels he might make better progress working with such a person.

The present evaluation is insufficient to fully answer safety and custody questions. (By saying that Mario needs a counselor I am certainly not implying that he has mental health problems and his ex-wife does not. I am in fact implying neither that Mario has mental health problems, nor

Exhibit I

6 of 7

Dr. Mario Jimenez, page 7

that I know anything about his ex-wife's mental health strengths or possible weaknesses. I am recommending therapy for Mario because he is embedded in a bad situation and he needs professional help to find his way to the best decisions and actions for himself and his children. No comparison of Mario mental health functioning versus that of his ex-wife can be made on the bases of the present one-sided data.

There are a lot of cross accusations on the table that serve more to cloud issues than to inform them. Further information could be derived from psychological evaluations of the mother, the stepmother, and of the two children. With the rest of these pieces of psychological data in place, a more comprehensive formulation of the case and recommendation for future directions could be offered.

I, Michael J. DiTomasso, Ph.D., hereby certify that I personally conducted this evaluation and prepared this report, and that all conclusions herein are my own and not those of any third party. I further certify that the preparation of this evaluation was performed consistent with Chapter 490, Florida Statutes, as well as with rules and regulations promulgated pursuant thereto.

Michael J. DiTomasso Ph.D.

Michael J. DiTomasso, Ph.D.
Licensed Psychologist
Florida License # PY-5449

Exhibit I

7 of 7

Subject: Psychological Evaluations
From: jerry@adamslaw4men.com (jerry@adamslaw4men.com)
To: yreyes@ramlawus.com;
Cc: Jerry@AdamsLaw4Men.com;
Date: Tuesday, August 7, 2012 3:36 PM

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is PRIVILEGED and CONFIDENTIAL. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, this serves as notice to you that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please delete the original message and any attachments, as well as all copies thereof, and notify us immediately via e-mail at Jerry@AdamsLaw4Men.com or by telephone at 305-400-1633, 954-353-5035 or 561-304-8359. This e-mail is not intended to: (a) provide legal advice to anyone who is not an existing client, (b) create an attorney-client relationship, or (c) to have my signature. Thank You.

Good afternoon Ms. Miller:

We would like to use Dr. Michael Ditomasso, PhD, 13834 S.W. 122nd Court, Miami, 33186, Telephone number (305) 256.4324, for the evaluations. Please have Karen make her appointment as soon as possible.

Thank you for your attention to this matter.

Regards,

**Gerald Adams, J.D.
For Your Protection,
Gerald Adams & Associates, LLC**

305.400.1633
954.353.5035
561.304.8359

Exhibit J

1 of 1

JIMENEZ vs WIZEL
Case No: 2011-21217

Page 28 of 29

was going to come and kill her and her brother, and that they were going to go to Hell as a result. She denied any other times when the police had gone to her home.

When asked if she ever saw her parents hit each other, Karen expressed the belief that her father has hit her mother previously and that he also put a gun to her head. She was not clear, however, she was also present when these incident occurred, or if she only knew about them because someone had told her about it.

Karen denied that she has ever seen her father and stepmother physically hitting each other. She readily indicated that they do say bad words, but it was not clear if this was only in the context of them talking negatively about her mother, or if it was also during arguments. Finally, Karen denied ever witnessing any violence between her mother and Marcello.

CONCLUSIONS AND RECOMMENDATIONS:

Mr. Mario Jimenez and Ms. Karen Wize were referred for psychological evaluations pursuant to a Court Order. Their children were also interviewed. It was requested that the evaluations address recommendations regarding their parenting abilities.

Based on the reviewed documentation, there is ample indication that Mr. Jimenez's inappropriate actions - and possibly abusive behaviors - are well documented to have transpired over the course of time dating back to 2003. The documented allegations are consistent over time, and appear to indicate that Mr. Jimenez had several incidents in which he was physically violent both towards Ms. Wize and towards their son, Mario. Of particular concern is his own emails in which he justifies his actions and blames Ms. Wize for repeatedly antagonizing him and causing him to lash out, and his more recent denials of these past actions.

With respect to his treatment of the children, the undersigned is not convinced that Mr. Jimenez's treatment of the children rises to the extent of physical abuse - although she also can not rule it out. What is apparent, however, is that his style of parenting - which clearly does include corporal punishment (and of particular concern may be being used by him with respect to his infant daughter) - is drastically different from that of the mother's where she does not use any physical means of disciplining the children.

That said, however, is the emotional harm that is of most concern to the undersigned. Mr. Jimenez's repeated religious references are extremely scary for the children - and his inability to recognize this raises significant concerns with respect to his ability to provide an emotionally supportive and nurturing environment for the children. The undersigned references, in particular, statements made by the children that reflect their fear given what the father has said to them in the past. In addition, the undersigned notes that the recorded

Exhibit K

1 of 2

JIMENEZ vs WIZEL

Case No: 2011-21217

Page 29 of 29

telephone conversations depict Mr. Jimenez continuing to make religious references over the children's protests to such an extent that no meaningful conversation was able to occur.

The undersigned notes that Mr. Jimenez's religious beliefs - which interestingly are not as pronounced in conversation that the undersigned has had with him - are excessive and intrusive, and likely do approach a fanatic level. Until he is able to recognize this, and the effect it has on his ability to parent his children, the undersigned remains extremely concerned about the emotional safety of the children if left unsupervised in his care. Towards this end, therapeutic supervision during his contact with the children is strongly suggested. It is further recommended that Mr. Jimenez participate in individual therapist - and that the therapist who supervises the visits maintain regular communication with the treating individual therapist. Psychological re-evaluation is strongly recommended prior to allowing Mr. Jimenez any unsupervised contact.

No concerns are raised with respect to Ms. Wizel's parenting abilities. She should, however, continue to participate in individual therapy for purposes of helping address her needs for attention and dependency.

Thank you for the opportunity to be of assistance. This report has been produced following psychological evaluation of the referred party and is intended only as a summary of those findings and recommendations of relevance to the current legal proceedings. Should the Court require additional information, please contact the undersigned.



Vanessa L. Archer, Ph.D.
Clinical Psychologist
License No. PY0005597

Copies distributed to: Ana Morales, Esq (Attorney for the Mother)
Sabrina Salomon, Esq (Attorney for the Father)
Mario Jimenez
Karen Wizel
Anastasia Garcia, Esq (Guardian ad Litem)

Exhibit K

2 of 2

**The Florida Bar
Inquiry/Complaint Form**

PART ONE (See Page 1, PART ONE – Complainant Information.):

Your Name: Mario Alberto Jimenez
Organization: _____
Address: 12901 SW 66 Terrace Drive
City, State, Zip Code: Miami, FL 33183
Telephone: 786-253-8158
E-mail: marioaj01@yahoo.com
ACAP Reference No.: _____
Have you ever filed a complaint against a member of The Florida Bar: Yes ☒ No ☐
If yes, how many complaints have you filed? 2
Does this complaint pertain to a matter currently in litigation? Yes ☒ No ☐

PART TWO (See Page 1, PART TWO – Attorney Information.):

Attorney's Name: Sabrina Salomon
Address: 5827 Sheridan Street
City, State, Zip Code: Hollywood, FL 33021
Telephone: 305-394-9663

PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheets as necessary)

On December 7, 2012, while representing me in a Family Division case, # 2011-021207-FC-04, I believe that Mrs. Salomon provided me with false and misleading information that favored opposite counsel. Mrs. Salomon had initially planned to argue that the suit had been brought to harass and that "Respondent's attorney did not provide Affidavit of cost and budget so not prepared to discuss" (please see Mrs. Salomon's defense plan for that day, and e-mails I exchanged with her about our plan to appeal the order). However, on the day of the hearing, Mrs. Salomon recommended that I should agree on an order to pay for half of what opposite counsel was requesting since the judge would most likely force me to pay for the whole amount, but that once we had the opportunity to present our case, we could request to change the agreement, and I have witnesses to this fact. However, a week later, when I consulted with a different attorney about the case, I found out that agreed orders are basically impossible to change or appeal. When I told this to Mrs. Salomon, she confirmed it, and replied that she was sorry but she had made a mistake. A week after this, Mrs. Salomon called me to her office and told me that she would be withdrawing from the case because of a recent conflict of interest with a job she had accepted in a battered women's shelter associated with my ex-wife. At first, I believed that it was an honest error, but since then, I have requested her to rectify her mistake before the new judge in the case, and she had refused to do so. I am now facing jail time for my inability to pay for the agreed order, and because the new judge believes that I should have never agreed to pay if I was planning to appeal. Please, investigate and correct this inappropriate behavior.

Exhibit L

Page 1 of 9

PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: [see attached sheet].

PART FIVE (See Page 1, PART FIVE – Signature.): Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

Mario A. Jimenez

Print Name

Signature

A handwritten signature in black ink, appearing to read 'MAJ', is written over a horizontal line. The signature is stylized and somewhat cursive.

August 18, 2013.

Date

Exhibit L

Page 2 of 9

The witnesses in support of my allegations are:

1. Giorgelina Rapizza
13840 Kendall Lakes Drive
Miami, Fl 33183
305-910-7119

2. Mario Bruno Jimenez
12901 SW 66 Terrace Drive
Miami, Fl 33183
786-366-3585

3. Leticia Jerez
12901 SW 66 Terrace Drive
Miami, Fl 33183
786-355-7696

Exhibit L

Page 3 of 9

Talk about Client's religion in Opening Statement
Do timeline of events

Motion for Temporary Relief

1. Shared parental responsibility

- Request re-instatement of shared parental responsibility (highlight kids grades slipping, etc..)
-

Motion to Vacate Foreign Judgment/Modify Order

- As to Domesticated: reason in front of judge Scola....states nature of proceeding right on form
- Wife initial petitioner in foreign petition
- Wife represented by counsel
- Appealed decision and decision withheld on appeal

Motion for Temporary Attorney's Fees, Suit, Money and Costs

- Respondent's attorney did not provide Affidavit of cost and budget so not prepare to discuss
- Suit brought forth to harass

Move to strike the Psychologist report

- Make judge understand Mario's religious practice.
- Debunk finding in Psychological report
- Highlight bias – Point by point how takes as true wife's statements
- Freedom of Religion analogize with Orthodox Jews, Jehowa's Witness (harm to kids not to celebrate xmas, or birthday....)

Exhibit L

Page 4 of 9

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

FAMILY DIVISION

MARIO ALBERTO JIMENEZ,

CASE NO: 2011-021207-FC-04

Petitioner/Father,
and

THE ORIGINAL FILED
IN THE OFFICE OF THE CLERK

KAREN WIZEL,

AUG 20 2012

Respondent/Mother,

CIRCUIT & COUNTY COURTS
MIAMI-DADE COUNTY FLORIDA

**RESPONSE IN OPPOSITION TO MOTION FOR
TEMPORARY ATTORNEY'S FEES AND COSTS**

COMES NOW, The Petitioner/Father MARIO ALBERTO JIMENEZ, by and through undersigned counsel files this Response in Opposition to Respondent's Motion for Temporary Attorney's Fees and Costs, and in support thereof states the following:

1. Respondent/Mother has filed various reports with the Department of Children and Family which were not substantiated.
2. Respondent/Mother filed a Petition for Injunction on behalf of the couples' minor children, which was denied at the ex-parte hearing on July 20, 2012 (Exhibit A). The allegations made by Respondent/Wife were not deemed to show immediate and present danger under Florida law.
3. On the same day, Respondent/Mother filed an emergency motion to suspend time sharing to the father which is granted based on a report dated 06/12/2012 from the University of Miami Child Protection Team. However, report from the Department of Children and Family shows that on 07/18/2012 (two days before the emergency hearing) investigator closed the file (Exhibit B), pending psychological evaluation by Dr. DiTomassio. Petitioner/Husband completed evaluation on August 1st, 2012 (Exhibit C), which did not find him unfit to take care of his kids.
4. On August 6th, 2012 Honorable Judge Echarte ordered both parties to a psychological evaluation through Dr. Archer or another they could agree on (Exhibit D). On August 7, Petitioner/Husband's previous counsel contacted Respondent/Wife's counsel about using Dr. DiTomassio for the evaluation (Exhibit

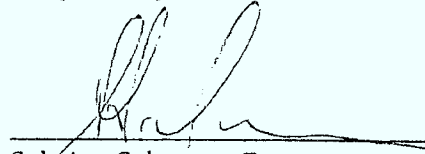
Page 1 of 2

E), but he did not hear back from them. On August 20th, undersigned counsel renewed the request to use the same doctor DCF had recommended for the evaluation but Respondent/Wife's counsel refused. Petitioner/Husband was ordered to get and pay for another psychological evaluation along with that of Respondent/Wife. This resulted in more delays and additional expenses.

WHEREFORE, Petitioner/Husband requests that this Motion be denied. Respondent/Wife is abusing the process in looking for different forums in which to alienate Petitioner/Father from his children and he should not be made to pay for her quest.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 28th day of August 2012 to Ana Morales, Esq., 6910 North Kendall Drive, Second Floor, Miami FL 33156; and Anastasia M. Garcia, Esq., 770 Ponce De Leon Boulevard, Penthouse Suite, Coral Gables, FL 33145.

Respectfully Submitted.



Sabrina Salomon, Esq.
Florida Bar No.: 690171
175 SW 7th Street, Ste 1503
Miami, FL 33130
Tel: (305) 777-7063
Fax: (305) 359-6758
Email: info@ssalomonpa.com

7/22/13

Print

Subject: I am trying to understand
From: Mario Jimenez (marioaj01@yahoo.com)
To: info@ssalomonpa.com;
Bcc: Rapizzagiorgelina@yahoo.com; mjime81497@yahoo.com; maximo.jimenez@reintergroup.com;
Date: Friday, December 7, 2012 11:43 PM

Hi Sabrina,

I am trying to understand how come the judge read Dr. Archer's report in its entirety but this was not even part of the hearing? Why did not he take the GAL's opinion? Where was the GAL in all of this?

Please, request a copy of the report from Karen Sanchez.

Please, look for a way to contest the judge's decision based on religious freedom, and all the inconsistencies in Dr. Archer's report.

Thank you.

"Trust in the Lord with all your heart and lean not on your own understanding; in all your ways submit to Him, and He will direct your paths" (Proverbs 3:5-6).

"Rejoice in the Lord always. I will say it again: Rejoice! Let your gentleness be evident to all. The Lord is near. Do not be anxious about anything, but in every situation, by prayer and petition, with thanksgiving, present your requests to God. And the peace of God, which transcends all understanding, will guard your hearts and your minds in Christ Jesus" (Philippians 4:4-7).

Exhibit L

Page 7 of 9

7/22/13

Print

Subject: Re:
 From: Mario Jimenez (marioaj01@yahoo.com)
 To: info@ssalomonpa.com;
 Bcc: joelbellopa@yahoo.com; jbello@bmlawgroup.com;
 Date: Wednesday, December 19, 2012 7:00 PM

Hi Sabrina,

I certainly disagree on the "TEMPORARY RELIEF RELATING TO TIME SHARING AND PARENTAL RESPONSIBILITY" order not only based on Dr. Archer picking what psychologist I will see (we already know that she can not be trusted one bit) but because the order was given without the proper hearing notice to give us the opportunity to present our case. Up to this point, Judge Echarte has not given us a chance to present our side of the story. How can he give an order without hearing our arguments/hearing from our witnesses? He basically read Dr. Archer's report, gave this order, and then forced us to pay for Karen's attorneys. You know very well that this is a complete injustice, and accepting this would be a crime not only against me but against my kids who have been crudely manipulated by their mom. I assure you one thing, God has given me the strength to persevere, and I will be triumphant. I will see you tomorrow noon, please take everything that we so far, including the recording of the conversation where my kids where prompted to say inappropriate things over the phone. Thank you.

Regards,

Mario

"Trust in the Lord with all your heart and lean not on your own understanding; in all your ways submit to Him, and He will direct your paths" (Proverbs 3:5-6).

"Rejoice in the Lord always. I will say it again: Rejoice! Let your gentleness be evident to all. The Lord is near. Do not be anxious about anything, but in every situation, by prayer and petition, with thanksgiving, present your requests to God. And the peace of God, which transcends all understanding, will guard your hearts and your minds in Christ Jesus" (Philippians 4:4-7).

From: "info@ssalomonpa.com" <info@ssalomonpa.com>
 To: Mario Jimenez <marioaj01@yahoo.com>
 Sent: Wednesday, December 19, 2012 2:03 PM
 Subject:

Attached please find the propose order from opposing counsel. The one issue I find so far is that the order did not specify as requested that psychologist be in your insurance. Please review and let me know.

Thank you!

Sabrina Salomon

Exhibit L

Page 8 of 9

7/22/13

Print

Sabrina Salomon, P.A.
5827 Sheridan Street
Hollywood, FL 33021
Ph: 305-394-9663
Fx: 305-394-9563

This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use, or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone (305) 394-9663 or by return e-mail and delete the message, along with any attachments

Exhibit L

Page 9 of 9

4/6/13

Print

Subject: Re: Hi Miss. Cintron
From: Mario Jimenez (marioaj01@yahoo.com)
To: bcintron@charterschoolatwaterstone.com;
Cc: rvaldes@charterschoolatwaterstone.com; smanjarrez@charterschoolatwaterstone.com;
jessica@scanziani.com; Denise@scanziani.com;
Date: Thursday, March 7, 2013 8:15 PM

Thank you Mrs. Cintron. That was a great recap of our meeting. I really appreciate your and Ms. Manjarrez' effort to help my son.

Regards,

Mario Jimenez, M.D.

=====

From: Barbara Cintron <bcintron@charterschoolatwaterstone.com>
To: Mario Jimenez <marioaj01@yahoo.com>
Cc: Rebecca Valdes <rvaldes@charterschoolatwaterstone.com>; Sherrie Manjarrez <smanjarrez@charterschoolatwaterstone.com>; "jessica@scanziani.com" <jessica@scanziani.com>; Denise Martinez-scanziani <Denise@scanziani.com>
Sent: Thursday, March 7, 2013 3:09 PM
Subject: RE: Hi Miss. Cintron

Recap of March 7, 2013 meeting with Mr. Jimenez:

- 1.) Printout of Mario's grades were printed and discussed.
- 2.) His behavior, use of inappropriate language, and seat relocation in both classes.
- 3.) Issues with homework has improved with checking of agenda from both teachers and mom.
- 4.) Dad requested counseling from school; however, such services are not provided here. Mr. Jimenez was instructed to go to the main office for a list of local resources in the area.
 - a. Teachers agreed with Mr. Jimenez that given Mario's situation that he may benefit from counseling.
- 5.) Mr. Jimenez voiced his desire of all members of the family involved in the current situation should seek counseling.
- 6.) Mr. Jimenez briefed both Ms. Manjarres and Mrs. Cintron of Mario's strong resentment to the paternal family due to ideas put into Mario's head.
- 7.) Mr. Jimenez also informed the teachers a bit of his battle with mom for shared custody.
- 8.) Mr. Jimenez told the teachers that there was a year which he had Mario. During that year Mario improved academically, behaviorally, and that Mario became student of the month.
- 9.) Mr. Jimenez requested to continue updating him about Mario's academics and behavior.

From: Mario Jimenez [mailto:marioaj01@yahoo.com]
Sent: Thursday, March 07, 2013 1:30 PM
To: Barbara Cintron

Exhibit M

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4/6/13

Print

Cc: Rebecca Valdes; Sherrie Manjarrez; jessica@scanziani.com; Denise Martinez-scanziani
Subject: Re: Hi Miss. Cintron

Thank you Ms. Manjarrez and Mrs. Cintron,

It was a pleasure talking to both of you this morning. I totally agree with you that Mario needs counseling. I used to take him to counseling on a weekly basis and his behavior and grades reflected his improvement.

Unfortunately, unless I am able to recover at least shared custody of the kids, I am unable to ensure that this will take place. Not only that, since his anger comes from false ideas he has about me and my side of the family, I believe that it is important that the counseling happens with us included as well.

I would greatly appreciate your comments and suggestions on this matter. Thank you very much for your time and attention.

Regards,

Mario Jimenez, M.D.

From: Mario Jimenez <marloal01@yahoo.com>
To: Barbara Cintron <bcintron@charterschoolatwaterstone.com>
Cc: Rebecca Valdes <rvaldes@charterschoolatwaterstone.com>; Sherrie Manjarrez <smanjarrez@charterschoolatwaterstone.com>
Sent: Tuesday, February 12, 2013 7:46 PM
Subject: Re: Hi Miss. Cintron

Thank you Ms. Manjarres and Mrs. Cintron,

As you mentioned, Mario scored 75% in his reading winter assessment demonstrating that he is at proficient mastery level and that he should be performing much better on his assignments. This was achieved in great part with the effort of his grandparents, my new wife and me because we believe in the importance of education and that our kids have great potential to serve in this life. After their mother took them from me for two years against a judge's order in Nicaragua, I was finally able to get shared custody of him and his sister for a year, we worked very hard with his teachers and school counselor at his previous school, and he went from failing third grade, to being named student of the month, and an A and B student.

After my son was separated from his extended family and myself, his academic performance and conduct in all social settings have deteriorated dramatically. My whole family and I fear for his mental well-being and development, especially after it was proven without a shadow of a doubt how well he was doing during the year that he and his sister returned to a shared custody arrangement. As a doctor, I have had the opportunity to speak with psychologists about this topic, and they have manifested their concerns that this might very well be a direct consequence of the parental alienation he has been forced to experience, a manifestation of a syndrome known in the medical field as Parental Alienation Syndrome (PAS). Please, see here for more details:

<http://www.parentalalienation.org/articles/parental-alienation-defined.html>

My family and I are currently working within the legal system to help bring these facts to light to make

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Print

sure we act in the best interest of our children and stop the parental alienation they have been forced to sustain. I would love to have the opportunity to meet with both of you and go over a plan to help my son through this very difficult time. In the mean time, if there is anything within my limits that I can do to assist the children, please do not hesitate to let me know. I would also like to ask if the children can see the school counselor to help them cope with the ordeal they are currently facing.

I would like to thank you in advance for your time and attention to this matter.

Best regards,

Mario Jimenez, M.D.

"Trust in the Lord with all your heart and lean not on your own understanding; in all your ways submit to Him, and He will direct your paths" (Proverbs 3:5-6).

"Rejoice in the Lord always. I will say it again: Rejoice! Let your gentleness be evident to all. The Lord is near. Do not be anxious about anything, but in every situation, by prayer and petition, with thanksgiving, present your requests to God. And the peace of God, which transcends all understanding, will guard your hearts and your minds in Christ Jesus" (Philippians 4:4-7).

From: Barbara Cintron <bcintron@charterschoolatwaterstone.com>
To: M. Jimenez <marioaj01@yahoo.com>
Cc: Rebecca Valdes <rvaldes@charterschoolatwaterstone.com>; Sherrie Manjarrez <smanjarrez@charterschoolatwaterstone.com>
Sent: Monday, February 4, 2013 3:42 PM
Subject: RE: Hi Miss. Cintron

Thank you for contacting us regarding Mario's grades, I can see your concerns. Mario scored a 75% in his reading winter assessment - this demonstrates that he is at proficient mastery level and it also tells me that Mario could be performing much better on his assignments. However, Mario's behavior is not only concerning, but most importantly has negatively impacted his grades. In both classes, Mario needs constant redirection, work is not completed with 100% effort, and he lacks participation. The times Mario does participate it mostly is when he is called on. During that time he is most of the time clueless as to what to say because he was not paying attention. Also, Mario has often been excluded from being part of a group or carrying conversations with other peers because he constantly either uses profane language or inappropriate comments that a child his age should not say.

Again, Mario has great potential and is well rounded in all academic areas; however, what was mentioned above is definitely hindering his academic success.

Thank you again and please feel free to contact us with any further questions,

Ms. Manjarres and Mrs. Cintron

-----Original Message-----

From: M. Jimenez [<mailto:sender@cdline.net>]

Exhibit M

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4/6/13

Print

Sent: Friday, February 01, 2013 7:40 PM
To: Barbara Cintron
Subject: Hi Miss. Cintron

Hi Miss. Cintron,

This is Mario Simon Jimenez-wizel's dad, Mario Jimenez. I just noticed that my son's grades have been steadily deteriorating since their mom, under false pretenses, took temporary custody of the kids. He obtained an "F" in your class this last term, and has an overall grade of "D" in your class. He basically went from an A and B student to failing, and this is very concerning. I would like to offer all the help that I can give to help my son improve his grades. Please, feel to contact me at 786-253-8158 if I can be of any help to help my son.

Regards

Mario Jimenez, MD.

You have received this e-mail because this address was registered at www.edline.net.
If you do not wish to receive any more emails, this link will unsubscribe you:
[http://www.edline.net/Un.page?
uid=31a10YXRlenN0b25jLmNvbWJjaW50cm9uQGNoYXJ0ZXIzY2hvb2xhdHc](http://www.edline.net/Un.page?uid=31a10YXRlenN0b25jLmNvbWJjaW50cm9uQGNoYXJ0ZXIzY2hvb2xhdHc)

-Edline

Exhibit M

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305-285-1212
305-285-1213

Maria Del Sol MD PA
2150 Coral Way Suite # 5D
Miami, FL 33145

2/13/2013

**Complete Evaluation / OutPatient
Child Psychiatrist**

JIMENEZ, MARIO

ID: 3005025935

DOB: 8/20/2002

HISTORY: MARIO is a Hispanic or Latino 10 year old boy. This evaluation was requested because " my son has been behaving poorly."

Pt and mother explains pt has had decreased grades, increased aggressive, and impulsive behaviors over the last several months. Pt is reported to have hx. of anxiety and much trauma, but in the last few months since the father has been having supervised communication with his children 1-2 hours a week, pt has escalated behaviors. Pt explains he is very angry with his father. Pt avoids eye contact, and states he is fearful of his father. The judge involved in their case has limited what the father can and can not say to children during visits. Pt's grades have decreased in the last few months. There is a questionable ADHD diagnosis in that he makes careless mistakes, forgetful, impulsive, talks out of turn, and has difficulty with concentration and other symptoms consistent with ADHD. The amount of trauma he has experienced would equally result in a similar presentation based on severe anxiety and not simply ADHD. Child reports ruminating thoughts, fear of things going back to how they were before. Mother describes many drawings that are concerning. Some include cemetery drawings, and drawing of soldiers who he explains will be the ones who will take away his father and make him feel safe.

The following information was received from MARIO. A friend also provide information. Accompanying documents also provided information.

MARIO has symptoms of anxiety. MARIO reports that apprehensiveness occurs. He experience avoidance when feeling anxious. MARIO becomes confused when feeling anxious or under stress. He has the uncomfortable feeling that his surroundings are not real. Difficulty concentrating occurs. He feels embarrassed when anxious or under stress. When anxious, MARIO reports fears of losing control or of dying. When anxious MARIO has symptoms referable to the heart. MARIO describes feelings of hypervigilance. MARIO has been having feelings of irritability. Sensations of excessive muscular tension are described. Paraesthesias are described. Feelings of restlessness are described. Difficulty sleeping is occurring. There is difficulty falling asleep. There is difficulty staying asleep. MARIO describes an exaggerated startle response. When anxious MARIO reports that trembling or shaking occurs. Excessive worrying is reported by <<name>.

MARIO has symptoms of PTSD. He experienced a traumatic event that involved actual or threatened death or serious injury. Feelings of intense fear and helplessness were experienced. His symptoms have been present less than three months.

MARIO's symptoms include the following:

- Recurrent and intrusive and distressing recollections of the incident
- Recurrent distressing dreams of the event
- Flashbacks
- Intense distress when reminded of the trauma
- Efforts to avoid reminders of the traumatic event
- Diminished interest in important affairs
- Feelings of detachment or estrangement
- Restricted Affect

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page 2

JIMENEZ, MARIO

2/13/2013

ID: 3005025935

DOB: 8/20/2002

Complete Evaluation: Continued

Alt. Patient ID:

Pessimism about the future

Sleep difficulty

Irritability or Anger

Difficulty Concentrating

Hyper vigilance

Exaggerated Startle Response

MARIO has symptoms of separation anxiety. He worries excessively that some event will cause separation. He worries excessively that a separation will occur. He is excessively fearful of being alone, without his object of attachment.

MARIO has symptoms of a depressive disorder.

Current Symptoms: MARIO reports having less energy. Anger and angry outbursts have been occurring. Angry verbal outburst have been occurring. Angry ruminations are reported by MARIO. Temper tantrums are occurring. Previously enjoyed activities are no longer enjoyed, he reports. He reports less enjoyment in hobbies and leisure activities. He describes concentration difficulty associated with his depression. MARIO reports that his mind often wanders. Difficulty concentrating is causing memory problems. Fatigue has been present. MARIO reports that irritability has been present since depression started. He reports increased arguments with others. Outbursts of anger have increased in frequency. He describes feelings of sadness. School misconduct is described. He has been aggressive toward peers. He has been oppositional and defiant toward adult authority figures. He exhibits signs of both hyperactive and attentional problems. Hyperactive behaviors are evident. He is argumentative. He reports increased worrying. Minor problems or stresses worry MARIO. Feelings of worthlessness are present.

MARIO convincingly denies suicidal ideas or intent.

Based on the risk of morbidity without treatment and MARIO's description of interference with functioning, severity is estimated to be high.

Current Psychiatric Complaint: MARIO has anger problems. He occasionally loses control of his anger. He hits and throws objects when angry. MARIO becomes aggressive when upset. Anger management problems have interfered with his social functioning. Friendships have been lost. Anger management problems have interfered with his behavior in school.

Based on the risk of morbidity without treatment and description of interference with function, severity is estimated to be moderate. MARIO exhibits hyperactive and attentional difficulties both in school and at home. Careless mistakes are typical of MARIO's behavior. MARIO has difficulty sustaining attention. He describes "zoning out" when he should be attentive. His mind wanders or he forgets what he was doing. He often appears to not be listening when spoken to directly. He is felt to have poor listening skills. Directions need to be repeated. Tasks or projects are often not finished. He is disorganized. Tasks that require sustained mental effort are difficult for MARIO. MARIO tends to lose things. He is easily distracted. MARIO is often forgetful. MARIO exhibits poor attention to details. Work is often left incomplete. His work is messy. MARIO needs supervision or frequent redirection to the task at hand. He has a short attention span. MARIO also exhibits signs of hyperactivity. MARIO is fidgety or restless. MARIO is often out of his seat. MARIO is always "on the go" or acts as if "driven by a motor." He is a risk taker. His behavior is characterized by excessive movement. He describes feelings of inner restlessness.

MARIO is also impulsive. Waiting his turn is a problem for MARIO. He interrupts. He often acts in a reckless manner. The attentional difficulties described cause moderate impairment in MARIO's academic functioning.

PAST PSYCHIATRIC HISTORY:

Out Patient Treatment: he is being seen weekly by an individual therapist. He has never been on medication thus far.

Suicidal / Self Injurious: MARIO has no history of suicidal or self injurious behavior.

Assault History: MARIO has been assaultive. He has been in fights but has never seriously injured anyone.

Addiction / Use History: MARIO denies any history of substance abuse.

Medication Compliance: There is no history of medication non compliance.

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page 3

JIMENEZ, MARIO

2/13/2013

ID: 3005025935

DOB: 8/20/2002

Complete Evaluation: Continued

Alt. Patient ID:

Psychotropic Medication History: Psychotropic medications have never been prescribed for MARIO.

SOCIAL/DEVELOPMENTAL HISTORY:

MARIO was the product of a full term and uncomplicated pregnancy, labor and delivery. There were no post-partum complications. Birth weight was in the normal range.

MARIO passed the various developmental milestones at age appropriate times.

FAMILY HISTORY: father with questionable level of impulsivity, and magical thinking. Father's side of the family also has questionable level of impulsivity. Persons of his family have been removed from court on occasion by judge order

MEDICAL HISTORY:

Adverse Drug Reactions:

There is no known history of adverse drug reactions.

Allergies:

There are no known allergies.

Past Surgical History: Past surgical history is entirely negative.

Cardiac: There is no family history of early death due to cardiac arrhythmia or conduction defect or other related cardiac issues.

MENTAL STATUS: MARIO is glum, sad looking, wary, distractible, minimally communicative, casually groomed, but appears unhappy. His speech is slow and soft. There is no difficulty naming objects or repeating phrases. Signs of moderate to severe depression are present. Thought content is depressed. Slowness of physical movement helps reveal depressed mood. Speech and thinking appear slowed by depressed mood. His affect is flat. Psychotic or borderline psychotic process is present. Mildly disorganized behavior has been observed. Thinking is tangential, but organized. Suicidal ideas are convincingly denied. Homicidal ideas or intentions are convincingly denied. Cognitive functioning and fund of knowledge is intact and age appropriate. Short and long term memory are intact, as is ability to abstract and do arithmetic calculations. This patient is fully oriented. Vocabulary and fund of knowledge indicate cognitive functioning in the normal range. Insight into illness is fair. Social judgment is fair. There are signs of anxiety. He is easily distracted. No signs of withdrawal are in evidence. No signs of intoxication are present. His appearance is alert, gait is good, and speech is clear.

AIMS Exam performed today:

Facial and Oral Movements:

1. Facial expression muscles

(movements of forehead, eyebrows, periorbital area, cheeks, including frowning, blinking, smiling, grimacing)

None

2. Perioral area (puckering, pouting, smacking)

None

3. Jaw (clenching, chewing, opening, lateral mvmts)

None

4. Tongue (rate only increase in movement both in and out of mouth, not inability to sustain movement)

None

Extremity Movements:

5. Upper (arms, wrists, hands, fingers).

Include the following movements:

- Choreic (rapid, purposeless, irregular, spontaneous)

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JIMENEZ, MARIO

2/13/2013

ID: 3005025935

DOB: 8/20/2002

Complete Evaluation: Continued

Alt. Patient ID:

- Athetoid (slow, irregular complex, serpentine)
- Do not include tremor (repetitive, regular, rhythmic)

None

- 6. Lower including legs, knees, ankles, toes
- (lateral knee movement, foot tapping, heel dropping, foot squirming, inversion & eversion of foot)

None

Trunk Movements:

- 7. Neck, shldr, hips (rocking, squirming, pelvic mvmts)

None

Global Judgement:

- 8. Severity of abnormal movements

None

- 9. Incapacitation due to abnormal movements

None

- 10. Patient's awareness of abnormal movements

None

Dental Status:

- 11. Current problems with teeth &/or dentures?

None

- 12. Does patient usually wear dentures?

No

DIAGNOSES: The following Diagnoses are based on currently available information and may change as additional information becomes available.

- Axis I: **Post Traumatic Stress Disorder, 309.81 (Active)**
R/O Major Depressive Disorder, Recurrent, Severe w/o Psychotic Features , 296.33 (Active)
R/O Attention Deficit Hyperactivity Disorder, Combined Type, 314.01 (Active)

- Axis II: **Deferred Diagnosis 799.99**

Axis III: MEDICAL HISTORY:

Adverse Drug Reactions:

There is no known history of adverse drug reactions.

Allergies :

There are no known allergies.

Past Surgical History: Past surgical history is entirely negative.

Cardiac: There is no family history of early death due to cardiac arrhythmia or conduction defect or other related cardiac issues.

Axis IV:

FAMILY HISTORY: father with questionable level of impulsivity, and magical thinking.

Housing
Economic
Educational

- Axis V: 55

INSTRUCTIONS / RECOMMENDATIONS / PLAN:

Patient was educated about risks, side effects, adverse reactions, benefits of current psychotropic medications. Alternative treatment options, including no treatment, were discussed.

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JIMENEZ, MARIO

2/13/2013

ID: 3005025935

DOB: 8/20/2002

Complete Evaluation: Continued

Alt. Patient ID:

-continue to see individual therapist

-recommend limited contact with father, and no unsupervised contact unless another psychological evaluation of father were to show he has improved dramatically from last evaluation.

No Active Medications

Return 4 weeks, or earlier if needed.

NOTES & RISK FACTORS:

Has hit people

Aggressive when upset

Has been assaultive

No known history of adverse drug reactions

Time spent counseling and coordinating care: 53-67 min

Maria J. Del Sol, MD, PA

Exhibit N

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IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY,
FLORIDA

IN THE INTERESTS OF:
M. J.-W.
DOB: 08/20/2002
K. J.-W.
DOB: 09/06/2005
Minor Children/

JUVENILE DIVISION
D13-15193A-B (D048)

ORIGINAL
FILED
MAY 08 2013
HARVEY RUVIN
CLERK CIRCUIT COURT
DART CO. FLA

AMENDED VERIFIED PETITION FOR DEPENDENCY

COMES NOW, the Petitioner, MARIO JIMENEZ, by and through the undersigned counsel, and files this Amended Verified Petition for Dependency pursuant to Section 39.501, Florida Statutes and Fla. R. Juv. P.8.310(a), and petitions this court to adjudicate the above-named child to be dependent within the meaning and intent of section 39.01, Florida Statutes, and the Florida Rules of Juvenile Procedure. As grounds therefore, Petitioner alleges the following:

1. This court has jurisdiction over the minor children:

<u>Name</u>	<u>Birthdate</u>	<u>Gender</u>	<u>Person who has custody</u>
M.J.W.	08/20/2002	Male	Mother
K.J.W.	09/06/2005	Female	Mother

2. The natural mother of the minor children is Karen Wizel, whose address is 12817 SW 252 Street, Apt 304, Homestead, FL 33032.

3. The legal father of the minor children is Mario Jimenez who was married to the Mother at the time of birth and conception of the child and whose address is 5700 SW 127 Avenue, Apt 1316, Miami, FL 33183.

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4. The UCCJEA Affidavit was filed with the Court on April 14, 2009 and is incorporated by reference.

5. Mediation has not been offered.

6. The Amended Verified Petition for Dependency is upon the following:

7. The children are dependent within the meaning and intent of Chapter 39.01 (14) Florida Statutes, in that the mother has abused the minor children. The acts constituting the abuse include the following:

8. The Mother, KAREN WIZEL abused the minor children, as defined in Florida Statute 39.01(44), in that the Mother has become mentally unstable and has psychologically harmed the minor children through the following actions: 1) repeatedly filing false reports of abuse against the Father, MARIO JIMENEZ; 2) brainwashing and coaching the children into believing the false allegations of abuse by Father towards them; 3) and deliberately obstructing the Father-children relationship by curtailing visitations, minimizing telephonic and email contact, and insinuating that timesharing with Father is harmful for the children.

9. Mother's actions have not only psychologically injured the minor children, but have also resulted in the manifestation of Parental Alienation Syndrome in the minor children.

Count 1

A. Mother's Actions Constituting Abuse

(i) Mother's Repeated False Reports of Abuse against Father

10. The Mother has been repeatedly making unfounded allegations that the Father has physically abused the Mother and the minor children, particularly the minor child, M.J.W.

11. The Mother has been accusing the Father of abuse since 2008, when both parties lived in Nicaragua with their children.

Exhibit O

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12. In Nicaragua, the Mother brought several complaints against the Father accusing him of violence towards her and the children. These matters were investigated by the court in Nicaragua.

13. The parties were given joint custody and Father had liberal visitation with the children.

14. However, Mother absconded with the children, beginning her campaign to separate the children from their Father.

15. Soon after, Father left Nicaragua for Miami to pursue his medical residency training.

16. Mother, despite all allegations of abuse by Father, left her country and out of all the cities in the world, moved to Miami, where Father resides.

17. To date, the Mother continues to accuse the Father of physical and psychological abuse against her and the minor children, in an apparent attempt to relitigate matters already addressed by the Nicaraguan court.

18. Mother came to Miami with the children where, upon information and belief, she filed three DCF abuse reports against the Father.

19. Specifically, Mother referred to an alleged, yet nonexistent and unproven history of abuse that Father had purportedly instigated against her and M.J.W.

20. The first two investigations by the Department of Children and Families (DCF) have been closed with a designation of "No Indicators."

21. The Child Protection Team (CPT) also investigated the third DCF report filed by the Mother and it ultimately closed the investigation with a designation of "Not Substantiated" with respect to the allegations of physical abuse but "verified" for the allegations of mental injury.

22. Notably, this "verification" of mental injury came after several attempts by Mother to have the children tell investigative authorities that Father had abused them.

23. Upon information and belief, Mother succeeded in coaching the children to the extent where ultimately the minor children came to believe that Father was abusive towards them, instilling in them fear and animosity towards their Father.

24. However, these investigations demonstrate that there have been no findings that the Father has physically abused the children, as claimed by Mother.

25. Although there is evidence of substantial psychological injury, particularly with the youngest child, M.J.W., such has been caused by Mother's actions, not by abuse on the part of Father, as alleged by Mother.

26. Even in Nicaragua, law enforcement officials investigated the Mother's complaints and determined that they were unfounded, ultimately closing the case.

27. Despite numerous investigations by various officials in both Nicaragua and Miami, the Mother continued to go to different individuals or organizations with her allegations.

28. Mother's history of making false accusations and resorting to different legal and investigative authorities to perpetrate fraud is extensive.

29. In fact, evidence will show that Mother approached Father's sister-in-law to assist her in bringing a false claim of abuse against sister-in-law's husband. Specifically, Mother advised her as to the methods and means by which to initiate and prove the fraudulent claim, including the use of body makeup and photographs to demonstrate nonexistent physical abuse.

30. Additionally, evidence in the form of sworn testimony by the parties' nanny while they lived in Nicaragua, will also show that the Mother is the abusive parent and not the Father as has been so vehemently claimed by Mother.

30. The present case is just one more example of Mother's fraudulent schemes.

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31. In her unrelenting pursuit of fraudulently accusing Father of abuse, Mother has psychologically injured the minor children and effectively disrupted the Father-children relationship resulting in the manifestation of Parental Alienation Syndrome.

(ii) *Mother's Brainwashing and Coaching the Minor Children against Father*

32. Mother's actions in brainwashing and coaching the minor children in her attempt to indict Father, have psychologically harmed the minor children and led to a "verification" of allegations of mental injury in the CPT report.

33. As part of a vicious campaign to sever the Father-children relationship, Mother has successfully brainwashed and coached the children into believing Father is abusive towards them.

34. Over the period of almost a year, the children were exclusively under Mother's care and had no contact whatsoever with Father since the Mother had kept the children hidden away from the Father.

35. Over a period of many months, Mother was able to coach and brainwash the minor children against the Father.

36. Ultimately, the minor children could not help but share the Mother's false allegations of abuse, especially in light of the fact that the children were approximately three and six years of age at the time therefore particularly susceptible to Mother's manipulations.

37. As such, the minor children have not only come to believe that Father is abusive towards them, but have also repeated Mother's false claims of abuse to the authorities.

38. In fact, the children have even accused Father and his current partner of "burning" their infant child. This allegation was investigated by the authorities and proven unfounded.

39. Additionally, the minor children have grown increasingly and inexplicably fearful and resentful of Father.

Exhibit O

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40. As expected, this situation has seriously deteriorated the mental health of the minor children, particularly the youngest child, M.J.W.

41. The minor children exhibit a number of psychological issues, particularly M.J.W., whose psychological evaluations have diagnosed him with an adjustment disorder, combined with depression and anxiety, as well as multiple behavioral issues including aggression and inability to interact with peers at school.

42. Plus, by coaching and brainwashing the minor children against Father, Mother has effectively alienated the minor children from Father.

43. This constitutes a form of mental abuse that needs to be addressed; Mother's actions in teaching the minor children to hate and fear their Father constitute child abuse, even if not in its usual form.

44. As such, the only remedy is to remove the minor children from Mother's care and such an abusive environment.

(iii) Mother's Deliberate Obstruction of Father-Children Relationship

45. Over the past few years, Mother has prevented the children from visiting Father and has made every effort to sabotage the relationship between the Father and his children.

46. In Nicaragua, the mother absconded with the children and kept them hidden from the Father, even before the parties divorced.

47. After their divorce, Mother violated the terms of the foreign divorce decree by denying the Father his visitation rights.

48. Moreover, in her unrelenting attempt to impede the Father-children relationship, Mother has continued making false allegations of abuse by Father, even after the parties divorced and even after Father moved away to Miami.

Exhibit O

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49. In fact, Mother followed Father to Miami, where she continued filing false reports of abuse against them, all of which have been uncorroborated after multiple investigations.

50. Additionally, Mother has engaged in brainwashing and coaching of her minor children in order to antagonize the children and alienate them from the Father, further straining the relationship between them.

51. Mother's incessant efforts have culminated in the suspension of Father's timesharing rights.

52. As of July 2012, pursuant to a motion with unsubstantiated claims submitted by the Mother's attorney here in Miami, Father's contact with the children was suspended. The basis was a DCF report that was ultimately closed.

53. The Court ordered that the Father be allowed only supervised visitation and that daily telephonic contact with the children was to be recorded. This was done after the Court reviewed the psychological report prepared by Dr. Vanessa Archer, the court-appointed psychologist, and without providing Father the benefit of an evidentiary hearing and opportunity to cross-examine Dr. Archer.

54. As such, Mother has accomplished her objectives of disrupting the Father-children relationship and antagonizing the children against their own Father.

55. In the process, Mother has psychologically injured the children and prompted the manifestation of Parental Alienation Syndrome.

56. In sum, Mother's conduct establishes a number of factors for imminent risk of harm including: repeated false allegations of abuse; developmental and psychological stifling of the children by Mother; venue shopping and manipulation of reporters, investigative, and therapeutic professionals; coaching and brainwashing of the minor children; and sabotaging contact with the children's Father. Through the aforementioned actions, Mother harmed the

Exhibit O

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minor children as defined in Florida Statutes 39.01(32) and/or caused the children's physical, mental or emotional health to be significantly impaired.

57. Due to the concerns already expressed, as well as Mother's manipulation of the child abuse investigative process and her history of abuse, Father seeks court intervention to determine the stability of the children under the Mother's care.

58. As such, Father is not pursuing this action as a means to engage in forum shopping, but rather because he has legitimate concerns regarding his children's safety and psychological health while under the care of their Mother.

59. Father is pursuing an action for which he has a statutory right and an arguable basis in law or fact. Therefore, the fact that the case was transferred to another court should not be grounds for dismissing an otherwise meritorious claim for which there is substantial factual support.

B. Psychological Harm and Parental Alienation Syndrome

60. Mother's actions, as discussed above, threaten harm and place the children at risk or prospective risk of harm to the children as defined in Florida Statutes 39.01(32) cause and likely to cause the children's mental or emotional health to be significantly impaired or to be in danger of being significantly impaired.

61. Mother's conduct, through her actions, has psychologically injured the children, especially M.J.W.

62. To date, the child has had four psychological evaluations, with the first two psychological evaluations taking place in Nicaragua and the latter two in Miami.

63. The first psychological evaluation dated May of 2008 originated as a result of Mother's allegations that Father was sexually abusing the minor child. After being examined by both a

Exhibit O

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psychologist and forensic physician, it was established that, although the minor child exhibited minor symptoms of anxiety, there was no physical evidence of sexual abuse.

64. The second psychological evaluation dated in June of 2009, established that M.J.W. presented an episode of anxiety and considerable psychological damage, which could potentially lead to rapid and significant psychological erosion.

65. The psychological report also stressed that the child's emotional needs were not being met, and that this could interfere with the child's psychological growth and development.

66. The third psychological assessment, which takes place after numerous treatment sessions in Miami from August of 2011 through May of 2012, diagnosed the child with an adjustment disorder, combined with depression and anxiety.

67. Additionally, the evaluation reports that M.J.W. exhibits defiant and aggressive behavior in school towards teachers and his classmates.

68. The child is unable to interact with teachers and classmates in an appropriate manner and does not complete his homework. Notably, this has been the situation while mother has had exclusive de facto custody of the child.

69. However, the therapist for M.J.W. while he was under Father's care and away from Mother's influence, Dr. Alicia Vidal-Zas, discloses in her clinical notes that during that period of time M.J.W.'s behavior improved significantly; his aggression at school subsided considerably, and his academic performance improved, even obtaining an Honor Roll diploma in school.

70. Additionally, while under close contact with Father, the Father-children relationship drastically improved. In fact, during a psychological session, M.J.W. expressed how he was no

longer afraid of Father, now that he did not reside with Mother. M.J.W. also denied Father being abusive towards him.

71. Nevertheless, once contact with Father was suspended by the Court based on a hearsay report by Dr. Archer, M.J.W.'s mental health began to rapidly deteriorate; the last psychiatric evaluation, dated February 2013, indicated that the minor child exhibits a myriad of symptoms including, but not limited to: anxiety, depressive disorder, Post Traumatic Stress Disorder, difficulty sleeping, feelings of intense fear and helplessness, Attention Deficit Hyperactivity Disorder, as well as behavioral issues, such as anger and aggression.

72. Notably, this has been while under Mother's exclusive custody and with severely limited and supervised contact with Father.

73. Psychological studies have proven that children exhibit a number of negative behaviors as a response to the effects of parental alienation which has occurred in this case.

74. Parental alienation has been defined to be a set of strategies that parents use to undermine and interfere with the relationship that a child has with another parent.

75. These strategies include but are not limited to bad-mouthing the other parent, limiting contact with that parent, forcing children to reject the other parent, creating the impression that the other parent is dangerous, forcing the child to choose and belittling and limiting contact with the extended family for the targeted parent.

76. All of the above have been present in this case; through her actions, Mother has caused a rift in the Father-children relationship by limiting Father's visitation with the minor children and

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by coaching the children to believe that the Father is dangerous and abusive towards them. The alienation has progressed to include not only Father, but also Father's extended family.

77. Psychological research has proven that exposing children to such alienation represents a form of emotional abuse.

78. Children who suffer from Parental Alienation Syndrome have been shown to develop the concept that one parent is that loving parent, while the other is the hated parent who has done "evil" or "wickedness" not only towards the alienating parent but towards the child.

79. Additionally, studies have proven that all good memories have been destroyed and there has been brainwashing in order to make the child fearful of the alienated parent.¹

80. Therefore, the child loses support from not only the parent but also the grandparents and extended family of that alienated parent.

81. The paternal grandfather and grandmother have great concerns regarding the children's psychological well-being. The paternal grandfather has reported to be currently scared of being around the children due to the false allegations that the mother might employ in the children's mind and therefore possibly falsely incriminating him. Grandfather has serious concerns regarding the deterioration of the relationship with the children.²

82. Undoubtedly, there are psychological effects that occur in children that are suffering this syndrome such as: anger, loss or lack of impulse control in conduct, developing fears and phobias, sleep disorders, poor peer relationship and educational problems.

¹ Ludwig. F. Lowenstein, Ph.D, Problems suffered by children due to the effects of Parental Alienation Syndrome, (Justice of the Peace, Vol. 166 No. 24, 2002) PG 464-466.

² Amy J. L. Baker, Ph.D, Parental Alienation is Emotional Abuse of Children, (Psychology Today) 2011

83. All of the major symptoms are exhibited by M.J.W. Prior psychological evaluation and his teacher's reports confirm that the child exhibits these symptoms.³

84. The child exhibits anger issues and poor peer relationships, as evident by his negative interaction with his peers.

85. Reports have shown that M.J.W. has used profane words around his peer members and has been in several altercations with his peers.

86. The youngest child has shown symptoms associated with sleep disturbances to the extent that the child has been reported to have slept with a knife underneath his bed.

87. Additionally, the minor child exhibits anxious behaviors and has continuously communicated to the father his resentment for allegedly abounding the family.

88. Notably, typical symptoms or behaviors related to children who have experienced what Mother alleged M.J.W. experienced are trauma-specific dreams, running away from home, dissociation, derealization, depersonalization and preoccupation with the trauma, none of which are exhibited by the minor child.

89. Moreover, the mother's extensive history of false reports of abuse against the father evidences a pattern of attention seeking behavior and dependency which demonstrates a lack of care for the children's emotional and psychological health and wellbeing.

90. Through her actions, Mother has harmed the children's relationship with his father and significantly impaired the child's emotional and psychological health, as detailed above.

³ Ludwig, F. Lowenstein, Ph.D, Problems suffered by children due to the effects of Parental Alienation Syndrome, (Justice of the Peace, Vol. 166 No. 24, 2002) PG 464-466.

91. Mother has caused and/is likely to continue to cause the children's physical, mental, or emotional health to be significantly impaired, as defined in Florida Statutes 39.01 (32).

Under Chapter 39, Florida Statutes, the clerk of the court is required to issue a summons to the following parents or custodians:

The natural mother of the minor children, Karen Wizej, whose address is 12817 SW 252 Street, Apt 304, Homestead, FL 33032. The legal father of the minor children, Mario Jimenez, whose address is 5700 SW 127 Avenue, Apt 1316, Miami, FL 33183.

WHEREFORE, the Petitioner asks that process may issue in due course to bring the above-named parties before the court to be dealt with according to the law and to adjudicate the above-named minor children to be dependent.

This Petition is filed in good faith.

Date this 1st day of May, 2013.

PETITIONER, MARIO JIMENEZ

By: _____

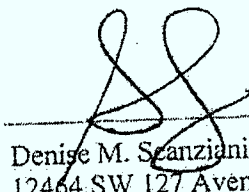
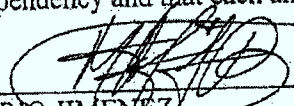

Denise M. Scanziani, Esq.
12464 SW 127 Avenue
Miami, FL 33186

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VERIFICATION

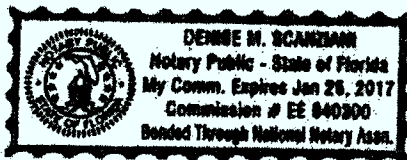
I, MARIO JIMENEZ, do hereby solemnly swear that I have carefully read each and every statement contained in this my Amended Petition for Dependency and that each and every statement contained herein is true and correct.


MARIO JIMENEZ

State of Florida
County of Miami-Dade

The forgoing instrument was acknowledged before me this 1st day of May 2013, MARIO JIMENEZ, who [] is personally known or [] has produced a driver's license as identification.

[Notary Seal]




Notary Public
Printed Name: Denise M. Scanziani
My Commission Expires: 1/26/2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this document was e-mailed and personally served to the person listed below on May 1st, 2013: Ana Morales, Esq., 6910 North Kendall Drive, Second Floor, Miami, FL 33156, amorales@reyesmiller.com and Anastasia Garcia, Esq. Guardian Ad Litem for the parties, 770 Ponce De Leon Blvd., Coral Gables, FL.

Respectfully submitted,

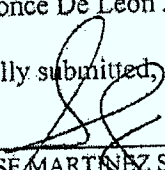
By: 
DENISE MARTINEZ SCANZIANI, Esq.
Florida Bar No.: 248990
Denise@scanziani.com
MARIE L. BAEZ LORENZO, Esq.
Florida Bar No.: 93713
Marie@scanziani.com
TRINETTE ZARRAN, Esq.
Florida Bar No.: 85612
Trinette@scanziani.com
PAUL JOHN SCANZIANI, Esq.,
Florida Bar No.: 90041
Paul@scanziani.com
DENISE M. SCANZIANI, ESQ., P.A.
12464 S.W. 127th Avenue
Miami, Florida 33186
E-service: paul@scanziani.com
(T) (305) 274-9033 (F) (305) 274-9034

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