

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

CASE NO.: 45-2019-DR-974
DIVISION: A

IN RE: The Marriage of

ERIN N. DUFAULT,
Petitioner/Wife,

and

DUSTIN M. DUFAULT,
Respondent/Husband.

**MOTION TO SUSPEND OVERNIGHT TIMESHARING, MOTION FOR MENTAL
HEALTH INTERVENTION FOR PARTIES' CHILDREN, MOTION FOR CONTEMPT,
AND RENEWED MOTION TO APPOINT ATTORNEY AD LITEM FOR THE MINOR
CHILDREN AND/OR OTHER RELIEF**

COMES NOW the Petitioner/Former Wife, **ERIN SCHREIBER, F/K/A ERIN
DUFAULT**, by and through the undersigned attorney, and files this her Motion to Suspend
Overnight Timesharing, Motion for Immediate Mental Health Intervention for Parties' Children,
Renewed Motion to Appoint Attorney Ad Litem for the Minor Children and/or Other Relief, and
says in support thereof:

1. The Former Wife filed a Supplemental Petition for Modification on June 20, 2024
(Docket 258). After a default was issued and subsequently set aside by agreement, the Former
Husband filed an Answer and Supplemental Counter-Petition for Modification on October 12,
2024 (Docket 299). Both Petitions remain outstanding.

2. The parties have since engaged in various hearings and litigation since that time,
which is well-documented in previous pleadings filed by the Former Wife. The latest hearing
involved the Former Husband's Motion for Civil Contempt (Docket 448), the Former Wife's

Response to that Motion and her Motion for Civil Contempt (Docket 454), the Respondent/Former Husband's Emergency Motion for Child Pickup Order and for Perpetual Injunction Against Exploitation and Parental Alienation (Docket 458), and the Former Wife's response to that Motion along with her Amended Motion To Strike, Motion To Appoint Alternative Social Investigator, Motion To Appoint Attorney Ad Litem For The Minor Children, Motion To Appoint Parent Coordinator, Motion For Child's Psychological Evaluation and/or Other Relief (Docket 466) as well as the Former Wife's Renewed Motion to Allow the Minor Child to Testify (Docket 452) and the Former Husband's Response thereto (Docket 455).

3. A hearing on those issues was conducted by this Court on August 25, 2026. No Order has been issued as of the date of the filing of this Motion, however, this Court essentially made the following relevant findings, in summary:

a. The Court agreed with both parties' assertion that the appointment of a parent coordinator was appropriate. The Former Wife provided the names of three possible coordinators during the hearing;

b. The Court determined that the child, Lucy, would be required to write a letter to the Former Husband, to be delivered by the Former Wife, and through communications thereafter, established guidelines surrounding this action, including when the letter would be written, that it would be delivered by the Former Wife to the Former Husband without any input or review of said letter, and established that the child should see her father overnight thereafter. The Court also required the child's timesharing with the Former Husband to resume, as the child had thus far refused to return to the Former Husband;

c. The Court deferred ruling on the appointment of an Attorney Ad Litem for the children, as well as the Former Wife's request for a new social investigator or other expert to review the investigation of Dr. Hartley, and stated that the Court disfavored granting such relief;

d. The Court denied permission for the minor child, Lucy, to testify;

e. The Court recognized the need for Lucy to be evaluated properly for her mental health and required the parties to provide the other with qualified providers (with a Psy.D. or Ph.D.) who could evaluate the minor child, Lucy, as soon as possible, considering the child's insurance coverage and cost of evaluation as well;

f. The Court did not rule on the issue of contempt for either party or other outstanding issue raised in the pleadings.

4. Since the hearing, and indeed since the previous judge was disqualified, the Former Husband appears to be emboldened to commit unbridled acts of physical abuse of the parties' younger minor child, Sam. These actions include the following:

a. While it was briefly mentioned during the August 25th hearing, it had just occurred and the evidence had not yet been gathered to present it in a meaningful way, a bystander called law enforcement to intervene when the Former Husband was observed inappropriately and physically forcing the parties' minor child, Sam, along the sidewalk and eventually into a vehicle. While law enforcement ultimately did not choose to elevate it to a criminal action, it was not permitted to be properly presented to this Court for consideration. As a result, the Former Husband felt empowered to physically abuse the child, Sam, the weekend following the hearing during his timesharing (September 3rd weekend), sufficient to leave bruises

upon the child. Upon seeing these injuries, the Former Wife would have contacted the authorities but is now reticent to do so given how she has been admonished for such actions in the past. Nevertheless, it is clear the child Sam is becoming more and more fearful of the Former Husband's volatility, and does not feel confident enough to call authorities to stop such behavior, as the Former Husband is experiencing no consequences for his behavior. This is not a one-off occurrence, as the Former Husband has become physically aggressive to the children before, and has allowed his mother to batter the children before as well. The Former Husband's physical intimidation and aggression has lasting and harmful effects upon not just the child, Sam, but also the other children, as they share information and they are collectively and increasingly becoming more and more afraid of the Former Husband as a result;

b. The Former Husband's history of physical aggression and intimidation with the minor children includes incidences where the Former Husband has screamed in the children's faces, and has destroyed and/or harmed their personal possessions. The Court has not heard the totality of these circumstances, and it is incumbent upon the Court to fully vet these issues to determine how the children have been harmed by the Former Husband;

c. The Former Husband has engaged in threatening and coercive behaviors with the children, including recording them while demeaning them, and declaring he will use their reactions as evidence in court.

5. The Former Husband has willfully and deliberately failed to comply with this Court's directives in both the Final Judgment and in subsequent hearings to refrain from disparaging the Former Wife in the presence of the children and involving the children in adult matters. He has engaged in this pattern for years, and these words harm the children significantly. Most recently,

the Former Husband has violated these terms of shared parental responsibility as follows:

a. He stated in the presence of the children that he has ultimate decision-making authority over their medical care (which he does not), undermining the Former Wife and claiming he has this because the Former Wife is making irresponsible choices and doing “crazy stuff,”

b. He told the parties’ two younger children that the Former Wife prevented him from picking up Lucy, and enlisted her mother to prevent him from doing so as well.

6. The child, Lucy, did exercise one overnight timesharing after the letter was sent, that the Former Wife facilitated, however, it was an ultimate failure. The Former Husband failed to acknowledge Lucy’s letter, which was this Court’s stated intention for the Former Husband to acknowledge and hear the child’s concerns, mocked the child, and discussed the disciplinary actions he had taken against Sam (who was not present during this timesharing); this made the child even less confident and more uncomfortable than before this Court’s directive to write the letter. She is fearful for her brothers’ safety, and by association, she fears for her own. She feels wholly despondent and powerless, and this Court should strongly consider how the Former Husband’s words and actions, even if they are not directly physically abusive, are emotionally abusive and exacerbate the child’s mental health concerns and undermine his relationship with the child. These behaviors have supercharged the child Lucy’s nervous system, as she remains in a heightened state of walking on eggshells, constantly attempting to read the Former Husband’s moods and facial expressions so she can act to avoid disfavor; she has seen and heard of the physical abuse upon her siblings, and this level of vigilance has taken a permanent toll on the child’s health. This is categorically not the Former Wife’s fault, and the Former Husband bears

responsibility for his failing relationship with Lucy, and now with the child, Sam. His unchecked behavior continues to cause harm to all the children, and unless this Court intervenes, it will continue.

7. Despite levying accusations against the Former Wife that she is responsible for ensuring the children go for timesharing at his home, the Former Husband fails to acknowledge he does not appear to be able to control the children in this regard. Specifically, on September 10, 2026, the children, Sam and Lucy, had a rehearsal on his timesharing in the evening. While he was able to pick up Sam, Lucy refused to go to the pickup spot, and instead, walked to the Former Wife's home. The Former Husband then informed the Former Wife that she had to lock the doors to her home and disallow Lucy to enter, then blamed the Former Wife when Lucy refused again to return to his home. The next day, September 11, 2026, on his timesharing, the same thing occurred; rather than accepting responsibility for his inability to get Lucy to his car on his time at a wholly independent location outside of the Former Wife's control, the Former Husband continued to blame the Former Wife.

8. The Former Wife continues to believe the appointment of an Attorney Ad Litem is appropriate in this cause as to all of the children, in light of the issues and facts set forth herein as well as in other pleadings filed with this Court. Pursuant to Fla. Statute § 61.401 and Florida Family Law Rule 12.210, this Court has broad discretionary authority to appoint legal counsel for the children to serve their best interests. The appointment is particularly appropriate when, as in this case: 1) the children have independent legal rights or privileges requiring advocacy; 2) the children are of sufficient age and maturity to express preferences; or 3) the parents' competing interests in the litigation create a conflict that prevents them from adequately representing the

children's interests. In this case, particularly given Lucy's capacity to express preferences and assert privacy protection concerns, the issue of Lucy's allegations of mental health issues involved therein as well as the advocacy for initiation of treatment upon which the parents cannot agree, the circumstances gives rise to the need for such appointment, and certainly Lucy in particular is of sufficient age and maturity to express her concerns. Given the recent developments, the two minor children are also similarly situated. Moreover, it is abundantly clear that the parties lack of agreement on most things warrant intervention in this regard. These factors, coupled with the potential for differing interests among the three children, dictate that it would be appropriate to appoint an Attorney Ad Litem.

9. Given all of the recent actions by the Former Husband, it is imperative that all of the children seek mental health services. The parties cannot seem to agree on this point, and are still attempting to choose a provider. The Former Wife is well-equipped to ensure they receive the mental health care to which they are entitled, and she continues to assert that the Former Husband creates barriers to this care. The Former Wife should be permitted to seek mental health services for the children independently from the Former Husband, as the current parenting plans dictate in this Circuit.

10. Due to the concerns cited throughout this Motion, the Former Wife believes it is in the best interest of the children to suspend the Former Husband's overnight timesharing with them, otherwise, they will experience irreparable harm. It is abusive to continue to speak to them in the ways he chooses, as it is emotionally damaging to them and is persistent and continuing without ceasing, just as it is abusive to become physically aggressive with any of the children. It is an expected consequence that all the children fear the Former Husband even if he

does not levy the same punishment upon each of them. This Court must intervene for the children's well-being.

11. The Former Wife has incurred attorney's fees and costs in defending against the Former Husband's invalid, salacious, and frivolous pleadings, as he has done consistently throughout this cause. She is unable to pay those fees, while the Former Husband has the ability to earn significantly more than the Former Wife, having recently sold a property for approximately \$535,000.00, although he willfully chooses not to work otherwise, and he is well able to contribute to the costs and fees she has incurred herein.

WHEREFORE, the Former Wife/Petitioner respectfully requests this Court enter an Order:

A. Finding the Former Husband in contempt of this Court and applying such sanctions as are permitted by the laws of the State of Florida;

B. Requiring the Former Husband to comply with the terms of shared parental responsibility;

C. Appointing an Attorney Ad Litem for the protection of the minor children's interest in this cause;

D. Allowing the Former Wife to obtain mental health services for the children independently from the Former Husband;

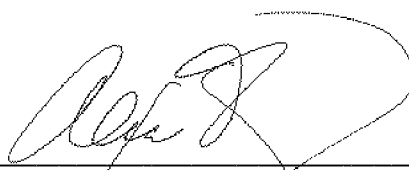
E. Suspending the Former Husband's overnight timesharing;

F. Awarding the Former Wife her attorney's fees and costs;

G. Granting such other and general relief as justice may require.

Respectfully submitted,

ALEXA K. ALVAREZ, P.A.

BY: 
ALEXA K. ALVAREZ, ESQ.
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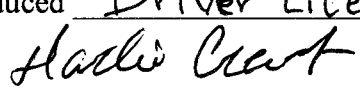
I HEREBY SWEAR or affirm to the truthfulness of the claims set forth in the foregoing petition and am aware of the punishment for knowingly making a false statement, which includes fines and/or imprisonment.

Dated this 19 day of September, 2026.

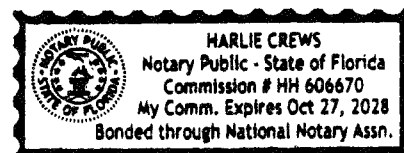

ERIN SCHREIBER
Former Wife

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me, by means of ☒ physical presence or _____ online notarization by the Former Wife, **ERIN SCHREIBER**, who is personally known to me or who has produced Driver License as identification.



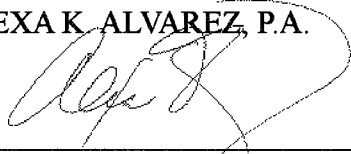
CERTIFICATE OF SERVICE



I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Tim Armstrong, 10245 Centurion Parkway North, Suite 100, Jacksonville, FL 32256, and Aislynn Thomas-McDonald, Esq., 220 Alhambra Circle, Suite 410, Coral Gables, FL 33134, via Florida Courts E-filing Portal at athomasmcdonald@kelleykronenberg.com, bmiller@kelleykronenberg.com, mvanheusen@kelleykronenberg.com, tarmstrong@kelleybronenberg.com, and ngreen@kelleykronenberg.com this 20th day of

September, 2026.

ALEXA K. ALVAREZ, P.A.

BY: 

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