

2015 WL 5836107

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District Court of Appeal of Florida,
Fourth District.

Michael BUSH, Appellant,
v.
Wendy HENNEY, Appellee.

No. 4D14-3557. | Oct. 7, 2015.

Appeal from the Circuit Court for the Seventeenth
Judicial Circuit, Broward County; Laura M. Watson,
Judge; L.T. Case No. 98-13782(42)(91) FMCE.

Attorneys and Law Firms

Troy W. Klein of Law Office of Troy W. Klein, West
Palm Beach, for appellant.

No brief filed for appellee.

Opinion

GROSS, J.

*1 We reverse the denial of appellant's motion to dissolve
a permanent domestic violence injunction after a hearing.

The injunction was entered in 2000 and addressed
appellant's contact with appellee and their child.
Appellant moved to dissolve the injunction in 2014. In the
14 years the injunction remained in effect, appellant never
violated it and never tried to contact appellee. Appellant
testified that he has no desire or intention of contacting
appellee. The child is now 20 years old. As a result of the
injunction, appellant has been detained in airports when
traveling overseas.

A party to a domestic violence injunction "may move at
any time to modify or dissolve the injunction. No specific
allegations are required." § 741.30, Fla. Stat. (2014). The
events which gave rise to this injunction arose during an
exchange of the parties' minor child. "[T]he scenario
underlying the injunction no longer exists so that the
continuation of the injunction would serve no valid
purpose." *Alkhoury v. Alkhoury*, 54 So.3d 641, 642 (Fla.
1st DCA 2011); *see also Colarusso v. Lupetin*, 28 So.3d
238, 239 (Fla. 4th DCA 2010).

The case is remanded to the circuit court for the entry of
an order dissolving the injunction.

TAYLOR, J., and SHEPHERD, CAROLINE, Associate
Judge, concur.

All Citations

--- So.3d ----, 2015 WL 5836107 (Mem)

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