

FLORIDA THIRD DISTRICT COURT OF APPEAL

Diana De Los Angeles Salazar v. Andre Ramon Blanco

No. 3D24-1588 · No. 3D24-1588 · Decided June 4, 2025

SUMMARY

The Florida Third District Court of Appeal reversed a final judgment of paternity, timesharing, and parenting plan because the trial court did not demonstrate consideration of the statutory best-interest factors under section 61.13, Florida Statutes, and did not create or approve a legally sufficient parenting plan. The court also reversed the child-support award requiring the mother to pay support to the father for periods when the child was in her custody. The case was remanded for required findings, a proper parenting plan, and reconsideration of child support.

CASE DETAILS

COURT	Florida Third District Court of Appeal
WRITING FOR THE COURT	Fernandez, J.; Lindsey, J.; Miller, J.
JURISDICTION	Florida Third District Court of Appeal
DECIDED	June 4, 2025
DOCKET	3D24-1588
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Mother appealed a final judgment of paternity, parental responsibility, timesharing, parenting plan, and child support entered by the Miami-Dade County Circuit Court after a nonjury trial.
STANDARD OF REVIEW	Errors in the application of law are reviewed de novo. Timesharing and parenting-plan determinations are reviewed for abuse of discretion, and the trial court's findings concerning the statutory factors must be supported by competent substantial evidence. In the absence of a transcript, appellate review is limited to errors of law apparent on the face of the judgment.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Diana De Los Angeles Salazar v. Andre Ramon Blanco

TOPICS

- child custody
- child support
- family law procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

family law

appellate procedure

child custody

child support

QUESTIONS PRESENTED

1. Whether the final judgment was legally sufficient where it failed to demonstrate consideration of the best-interests factors required by section 61.13, Florida Statutes.
2. Whether the trial court was required to create or approve and incorporate a parenting plan addressing parental responsibilities, decision-making, timesharing, and related matters.
3. Whether the trial court erred by ordering the Mother to pay child support to the Father for periods during which the child was in the Mother's custody.

HOLDINGS

1. A final judgment determining parental responsibility and timesharing is legally insufficient when neither the judgment nor the record demonstrates that the trial court considered the statutory best-interests factors in section 61.13.
2. The trial court must create or approve a parenting plan and attach it to or incorporate it into the final judgment; failure to do so violates section 61.13(2)(b).
3. The trial court erred by ordering the Mother to pay child support to the Father for any period during which the minor child was in the Mother's custody.

KEY QUOTATIONS

“The Court finds that it is in the best interest of the minor child that the parties have shared parental responsibility.” (at 2)

“Although section 61.13(3) does not require written findings justifying a custody award, the record must at a minimum demonstrate that section 61.13 factors were considered in making the award.” (at 5)

“Reversed and remanded with instructions.” (at 7)

FACTUAL BACKGROUND

The parties were unmarried and had a three-year-old son. The Father sought paternity, shared parental responsibility, equal timesharing, and child support, while the Mother alleged that the Father had been absent from the child's life and sought supervised visitation, temporary sole parental responsibility, and support. The trial court awarded shared parental responsibility, alternating-week timesharing, and retroactive and ongoing child support payable by the Mother, but made only a general best-interests finding and omitted required parenting-plan provisions.

PROCEDURAL HISTORY

The Father filed a petition to determine paternity, parental responsibility, parenting plan, timesharing, and child support. After mediation failed, the circuit court conducted a nonjury trial and entered a final judgment awarding

shared parental responsibility, a 50-50 timesharing schedule, and child support payable by the Mother. The Mother appealed; the appellate record contained no transcript of the trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must address the statutory factors in section 61.13, make the required findings, establish the requisite parenting plan, and eliminate the portion of the child-support award requiring the Mother to pay the Father for periods during which the child was in the Mother's custody.

CASES CITED

- Wade v. Hirschman, 903 So. 2d 928, 932 (Fla. 2005)
- Wade v. Wade, 159 So. 3d 1006, 1009 (Fla. 3d DCA 2015)
- Ford v. Ford, 700 So. 2d 191, 195-196 (Fla. 4th DCA 1997)
- Adair v. Adair, 720 So. 2d 316, 317 (Fla. 4th DCA 1998)
- Silverman v. Silverman, 940 So. 2d 615, 616 (Fla. 2d DCA 2006)
- A.L.G. v. J.F.D., 85 So. 3d 527, 529 (Fla. 2d DCA 2012)
- Cobo v. Sierralta, 13 So. 3d 493, 501 (Fla. 3d DCA 2009)
- Velasquez v. Millan, 963 So. 2d 852, 854 (Fla. 3d DCA 2007)
- Peacock v. Peacock, 973 So. 2d 501, 502 (Fla. 3d DCA 2007)
- Decker v. Lyle, 848 So. 2d 501, 502-03 (Fla. 2d DCA 2003)
- Munroe v. Olibrice, 83 So. 3d 985, 987 (Fla. 4th DCA 2012)
- Williams v. Williams, 845 So. 2d 246, 249 (Fla. 2d DCA 2003)
- In re Amendments to the Fla. Family Law Rules, 955 So. 2d 445, 445 (Fla. 2008)
- Magdziak v. Sullivan, 185 So. 3d 1292, 1293 (Fla. 5th DCA 2016)
- Velasquez v. Millan, 963 So. 2d 852, 855 (Fla. 3d DCA 2007)