

SIXTH DISTRICT COURT OF APPEAL OF FLORIDA

Jennifer J. Edwards v. Jeremy Kyle Williams

Edwards v. Williams · No. 6D2023-3077 · Decided December 23, 2025

SUMMARY

The Sixth District Court of Appeal of Florida reverses and remands an amended supplemental final judgment modifying a long-distance parenting plan. The court held that the trial court failed to make findings that the change in circumstances was substantial, material, and unanticipated as required under the applicable version of section 61.13(3), Florida Statutes. The court affirmed on all other grounds and instructed the trial court to determine whether the existing record supports the required findings or whether further proceedings are necessary.

CASE DETAILS

|                       |                                                                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Sixth District Court of Appeal of Florida                                                                                                                                                                                   |
| WRITING FOR THE COURT | Stargel, J.; Wozniak, J.; Brownlee, J.                                                                                                                                                                                      |
| JURISDICTION          | Florida Sixth District Court of Appeal                                                                                                                                                                                      |
| DECIDED               | December 23, 2025                                                                                                                                                                                                           |
| DOCKET                | 6D2023-3077                                                                                                                                                                                                                 |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | The mother appealed an amended supplemental final judgment modifying the parties' long-distance parenting plan and awarding the father ultimate decision-making authority regarding the child's education and medical care. |
| STANDARD OF REVIEW    | De novo review applies to the trial court's failure to consider and include requisite statutory findings.                                                                                                                   |
| PRECEDENTIAL VALUE    | published and precedential                                                                                                                                                                                                  |
| PARTIES               | Jennifer J. Edwards v. Jeremy Kyle Williams                                                                                                                                                                                 |

TOPICS

- child custody
- family law procedure
- appellate procedure
- standard of review
- statutory interpretation

PRACTICE AREAS

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

## QUESTIONS PRESENTED

1. Whether the trial court was required to make findings that the circumstances had undergone a substantial, material, and unanticipated change before modifying the parenting plan.
2. Whether the appellate court could make the omitted factual findings in the first instance.
3. Whether the amended supplemental final judgment should be reversed and remanded.

## HOLDINGS

1. Before modifying a parenting plan under section 61.13(3), Florida Statutes (2022), the trial court must make findings addressing a substantial, material, and unanticipated change in circumstances and determine that the modification is in the child's best interests.
2. An appellate court may not make the omitted factual findings in the first instance.

## KEY QUOTATIONS

*“A determination of parental responsibility, a parenting plan, or a time-sharing schedule may not be modified without a showing of a substantial, material, and unanticipated change in circumstances and a determination that the modification is in the best interests of the child.” (at 2)*

*“And “we, as an appellate court, are not in a position to make that initial determination.”” (at 3)*

## FACTUAL BACKGROUND

The parties had an August 2021 parenting plan governing long-distance timesharing for their minor child. After a hearing on the father's supplemental petition, the trial court modified the plan, awarded shared parental responsibility, and gave the father ultimate decision-making authority regarding education and medical care. The amended judgment found a substantial change in circumstances and that modification was in the child's best interest, but did not find that the change was material and unanticipated.

## PROCEDURAL HISTORY

The circuit court entered a supplemental final judgment modifying the parties' August 2021 parenting plan after a hearing on the father's supplemental petition. The mother moved for rehearing, arguing that the court had failed to make the findings required by section 61.13(3), Florida Statutes (2022). The trial court entered an amended supplemental final judgment adding that it declined to address the statutory factors because doing so was not in the child's best interest. The Sixth District Court of Appeal reversed and remanded for appropriate factual findings, while affirming on all other grounds raised.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The trial court must make appropriate findings of fact regarding the required change in circumstances. On remand, the trial court should determine whether the current record contains sufficient evidence to resolve the issue or whether further proceedings are necessary.

#### CASES CITED

- Hull v. Hull, 273 So. 3d 1135, 1139 (Fla. 5th DCA 2019)
- Romeo v. Romeo, 310 So. 3d 1064, 1065 (Fla. 2d DCA 2020)
- Davis v. Davis, 363 So. 3d 1213, 1214 (Fla. 6th DCA 2023)
- Douglass v. Buford, 9 So. 3d 636, 637 (Fla. 1st DCA 2009)

#### OPINION

Jennifer J. Edwards v. Jeremy Kyle Williams

PER CURIAM.

SIXTH DISTRICT COURT OF APPEAL

STATE OF FLORIDA

\_\_\_\_\_ Case No. 6D2023-3077 Lower Tribunal No. 21-213DR

\_\_\_\_\_  
JENNIFER J. EDWARDS,

Appellant, v.

JEREMY KYLE WILLIAMS,

Appellee. \_\_\_\_\_ Appeal from the Circuit Court for Charlotte County. Mary C. Evans, Judge. December 23, 2025 STARGEL, J. The mother, Jennifer Edwards, appeals the Amended Supplemental Final Judgment (ASFJ) modifying a long-distance parenting plan for the parties' minor child. The father, Jeremy Williams, did not file an answer brief or otherwise participate in this appeal. The mother argues, among other things, that the trial court failed to make necessary factual findings of a material and unanticipated change in circumstances that would warrant a modification of the parties' prior timesharing plan. We agree. After conducting a hearing on the father's supplemental petition to modify parenting plan, the trial court entered a supplemental final judgment that modified the parties' August 2021 parenting plan by awarding shared parental responsibility with the father having ultimate decision-making authority on issues related to the child's education and medical care. The mother filed a motion for rehearing arguing, among other things, that the trial court did not make requisite findings under section 61.13(3), Florida Statutes (2022). Ultimately, the trial court granted, in part, the motion for rehearing and entered the ASFJ at issue here, which essentially added a paragraph to the supplemental final judgment clarifying that it declined to address the factors in section 61.13(3) because it was not in the child's best interest to do so. The remainder of the motion for rehearing was denied. The failure to consider and include requisite statutory findings is reviewed by this Court de novo. See Hull v. Hull, 273 So. 3d 1135, 1139 (Fla. 5th DCA 2019). Florida courts have held that a failure to include the requisite finding of a substantial, material, and unanticipated

change in circumstances will typically require a reversal of a modification to a parenting plan. *Romeo v. Romeo*, 310 So. 3d 1064, 1065 (Fla. 2d DCA 2020). Section 61.13(3), Florida Statutes (2022), provides, in pertinent part: A determination of parental responsibility, a parenting plan, or a time- sharing schedule may not be modified without a showing of a substantial, material, and unanticipated change in circumstances and a determination that the modification is in the best interests of the child. 2 Determination of the best interests of the child shall be made by evaluating all of the factors affecting the welfare and interests of the particular minor child and the circumstances of that family, including, but not limited to: [factors (a) through (t)]. Id. 1 While the trial court made findings under section 61.13(3), the ASFJ only stated that the father met his burden to prove a substantial change in circumstances and that modifying the parties' long distance parenting plan was in the child's best interest. But section 61.13(3) requires a "substantial, material, and unanticipated change in circumstances and a determination that the modification is in the best interests of the child." The trial court failed to make any finding that the substantial change in circumstances was "material" or "unanticipated." See *Davis v. Davis*, 363 So. 3d 1213, 1214 (Fla. 6th DCA 2023); § 61.13(3), Fla. Stat. 2 And "we, as an appellate court, are not in a position to make that initial determination." *Romeo*, 310 So. 3d at 1065 (citing *Douglass v. Buford*, 9 So. 3d 636, 637 (Fla. 1st DCA 2009) ("Sitting as an appellate court, we are precluded from making factual findings 1 Section 61.13 was substantially revised effective July 1, 2023, and no longer includes the requirement that the change be "unanticipated"; however, the previous version of the statute applies to this case. 2 The statute does not appear to expressly require the trial court to make findings as to a "substantial, material, and unanticipated change in circumstances." See § 61.13(3), Fla. Stat. (2022) (providing that a modification should not occur "without a showing of a substantial, material and unanticipated change in circumstances" (emphasis added)). However, we are bound by this Court's decision in *Davis*, which, upon considering the same language, held that the trial court was required to make such findings. *Davis*, 363 So. 3d at 1214. 3 ourselves in the first instance.")). Consequently, we reverse and remand for the trial court to make appropriate findings of fact. Upon remand, the trial court should determine whether the current record contains sufficient evidence to resolve this issue or whether further proceedings are necessary. As to all other grounds raised, we affirm. REVERSED and REMANDED with instructions. WOZNIAK and BROWNLEE, JJ., concur. Stacy L. Haverfield, of Stacy L. Haverfield, P.A., Fort Myers, for Appellant. No Appearance for Appellee.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING

AND DISPOSITION THEREOF IF FILED

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