

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

IN RE: THE MARRIAGE OF:

JOHN JOSEPH CASCONI,
Petitioner/Husband,
and

CASE NO.: 2019 DR 001036
DIVISION: 47

TAMARA ASHLEY CASCONI,
Respondent/Wife.

**PETITION FOR DISSOLUTION OF MARRIAGE
WITH MINOR CHILDREN AND OTHER RELIEF**

COMES NOW, Petitioner/Husband, **JOHN JOSEPH CASCONI**, by and through the undersigned attorney, files this Petition for Dissolution of Marriage and states as follows:

1. **Action for Dissolution of Marriage:**

This is an action for dissolution of the bonds of marriage between the parties in the above-styled cause, specifically Petitioner, JOHN JOSEPH CASCONI, hereinafter called "Husband," and Respondent, TAMARA ASHLEY CASCONI, hereinafter called "Wife." A completed Notice of Social Security Number will be filed with this Court.

2. **Jurisdiction and Venue:**

The Husband has been a resident of Florida for more than six (6) months prior to the filing of this Petition.

3. **Marriage Statistic:**

The parties were duly married to each other on March 20, 2015 in Thomas County, Georgia.

4. **Date of Separation:**

The parties cohabited together as Husband and Wife until their final separation on or about August 3, 2019.

5. **Grounds:**

The marriage of the parties is irretrievably broken.

6. **Military Status:**

Both parties are over the age of eighteen (18) years and neither is, nor within a period of thirty (30) days immediately prior to this date has been, enlisted in the military service of the United States as defined by the Servicemembers Civil Relief Act of 2003.

7. **Children of the Marriage:**

The minor child common to both parties is:

Name: Isabella Rose Cascone

Birth date: December 26, 2013

No other children are expected, none have been adopted and the parties do not have physical custody of any other minor children.

8. **Financial Affidavit:**

A completed Family Law Financial Affidavit, Florida Family Law Rules of Procedure Form 12.902(b) or (c) will be timely filed.

9. **Uniform Child Custody Jurisdiction and Enforcement Act:**

A completed Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) Affidavit is or will be filed.

10. **Parental Responsibility Care for the Minor Child:**

Parental responsibility for the minor child of the parties should be shared by both Husband and Wife, pursuant to the applicable Florida Statutes. However, it is in the best interest of the parties' minor child for the parties to develop a Parenting and Time-Sharing Plan for the minor child.

The Mother's mental health is at issue. The Mother has a documented psychological disorder which affects her ability to independently parent the minor child. Therefore, the Husband requests that the court enter an order requiring the Parties submit to an evaluation by a licensed mental health professional for a psychological evaluation and counseling for the Parties' minor child as the Father has been alienated from the minor child for the past several months.

11. **Parenting and Time-Sharing Plan:**

It is in the best interest of the parties' minor child for the parties to develop a Parenting and Time-Sharing Plan for the minor child. If the parties are unable to agree on the elements of said plan, the

Court should develop a Parenting and Time-Sharing Plan in the best interest of the minor child, with the Husband enjoying no less than equal time-sharing with the child.

12. **Support of Children:**

The Court should provide for the support of the minor child of the parties as provided by the applicable Florida Statutes. The Wife is voluntarily unemployed or underemployed. The Wife is capable of obtaining employment sufficient to contribute a greater amount to the support of the minor child. The Court should impute income to the Wife commensurate to her capabilities and qualifications before determining her need for any form of support.

13. **Alimony:**

Husband is not in need of financial assistance from the Wife. The Wife is voluntarily unemployed or underemployed. The Court should impute income to the Wife commensurate to her capabilities and qualifications before determining her need for any form of support.

14. **Equitable Distribution:**

The Husband and Wife have accumulated marital assets, personal, tangible and intangible property, and incurred marital debts and liabilities during the course of the marriage, which are subject to equitable distribution. There is justification for the court to unequally divide these assets and liabilities between the parties so as to achieve equitable distribution of the assets and liabilities and to ensure that the support needs of the parties are furthered. The relevant factors in the applicable Florida Statutes pertaining to such an equitable distribution include:

- a. The economic circumstances of the parties;
- b. The duration of marriage;
- c. The desirability of retaining certain assets intact and free from any claim of interference by the Wife;
- d. The contribution of the Parties regarding the acquisition, enhancement and production of income, or the improvement of marital assets of the parties;
- e. The contribution of the Parties regarding the incurring of the liabilities.

15. **Personal Property:**

The parties possess jointly owned personal property in regard to which the rights of the parties should be adjudicated by this court.

16. **Non-Marital Assets:**

The parties possess non-marital property and assets in regard to which the rights of the parties should be adjudicated by this court.

17. **Real Property:**

The Husband owns real property located at 119 Willow Oak Way, Palm Coast, FL. 32137, in regard to which the rights of the parties should be adjudicated by this court.

18. **Debts.**

The parties have incurred certain debts during the marriage in regard to which the individual and specific obligations of the parties should be adjudicated by the court.

19. **Vehicles:**

The parties have acquired several vehicles during the marriage. The Husband is in possession of the 2016 Jaguar F Type and wishes to maintain temporary exclusive use and possession of the 2016 Jaguar F Type.

20. **Employment Benefits and Rights:**

There has accrued during the marriage as a result of the employment of the parties, rights and funds in the form of retirement, pension, profit sharing, annuity, deferred compensation, death benefit, or insurance programs which should be distributed pursuant to applicable Florida Statutes.

21. **Injunction Against Disposal of Assets.**

Upon information and belief Husband alleges that Wife might hide, remove or dispose of part or all of her assets and funds to the detriment of the Husband if she is not restrained by an Order of this Court. Wife will sustain no damage from entry of an order enjoining disposal or transfer of any assets without consent of Husband or order of court. The great majority of the Wife's assets can be easily encumbered, sold, transferred or disposed of. Husband would be irrevocably injured by these acts of Wife and believes the injury will occur if Wife is not restrained and enjoined without notice from disposing, encumbrance, withdrawal, sale or transfer of her assets, or transfer of any assets, or making any change in her life insurance policies, health insurance and other insurance policies, or employment benefits from that which existed at the time prior to the separation of the parties, until further order of this Court.

22. **Attorney's Fees and Costs of Action:**

The Husband is in need of legal representation. He has engaged the services of Chiumento Dwyer Hertel Grant, P.L. to represent him and has agreed to pay a reasonable fee. He is unable to pay for the service by his own means. He needs the Wife's assistance and she is well able to contribute to same.

23. **Other Relief:**

Grant such other relief as may be appropriate under the circumstances.

WHEREFORE, Petitioner/Husband, JOHN JOSEPH CASCONE, respectfully requests that this Honorable Court:

- A. Award Husband the relief sought herein, and dissolve the marriage of the parties;
- B. Award parental responsibility for the minor child to both Husband and Wife;
- C. Award support of the minor child of the parties as provided by the applicable Florida Statutes;
- D. Set apart to Husband and Wife their non-marital assets and/or liabilities;
- E. Adjudicate the rights of the parties in regard to their jointly owned personal property and debts, and pending such adjudication, restrain Wife from transferring, concealing, removing, dissipating, encumbering, destroying, selling, or in any other way disposing of such assets without written agreement of Husband or order of court;
- F. Unequally divide all marital liabilities incurred by the parties to account for Wife's intentional depletion of marital assets;
- H. Adjudicate The rights of each party to the pension, retirement and other employment benefits accumulated by the parties;
- I. Ratify any Marital Settlement Agreement between the parties and incorporate its terms into any Final Judgment entered herein;
- J. Ratify and Parenting and Time-Sharing Plan between the Parties and incorporate its terms into any Final Judgement entered herein;
- K. The Wife should be required to contribute to the Husband's costs incurred in this action;
- L. Enter an order requiring the Parties to submit to an evaluation by a licensed mental health professional for a psychological evaluation and counseling for the Parties minor child; and
- M. Grant such other relief as may be appropriate under the circumstances.

Dated: November 12, 2019


JOHN JOSEPH CASCONE

STATE OF FLORIDA)
COUNTY OF FLAGLER)

SWORN TO AND SUBSCRIBED before me, this 12th day of November 2019, by JOHN JOSEPH CASCONE, who is personally known to me or who has produced a Florida driver's license as identification.

NOTARY PUBLIC

[Print, type or stamp commissioned name of notary]



CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was electronically filed this 13th day of November 2019 and delivered via service of process to: Respondent/Wife, Tamara Ashley Cascone, 119 Willow Oak Way, Palm Coast, FL. 32137.

**CHIUMENTO DWYER
HERTEL GRANT, P.L.**

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