

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT
IN AND FOR LEE COUNTY, FLORIDA

FAMILY DIVISION

IN RE THE MARRIAGE OF

TAYLOR NICOLE HERTEL,
Petitioner/Wife,

vs.

Case No.: 25-DR-006710

PETER JONATHAN HERTEL,
Respondent/Husband.

/

ORDER ON PASSPORT AND FOR TEMPORARY PARENTING PLAN

THIS CAUSE came before the Court on January 7, 2026, and January 14, 2026, for a Zoom hearing upon the Husband's Verified Emergency Motion for a Temporary Injunction to Prevent Removal of Minor Child and Escrow of Passport and Husband's Verified Expedited Motion to Compel Continuation of Temporary Time-Sharing Schedule. After hearing the testimony of both parties, considering the witnesses' testimony, and reviewing the exhibits, and taking judicial notice of the court file, the Court finds:

1. The parties were married on January 7, 2021, in Naples, Florida.
2. The parties have one minor child, Hayden Kimberly Hertel, born on July 3, 2021.
3. This Court has subject matter and personal jurisdiction over the parties. This Court has jurisdiction under the Uniform Child Custody Jurisdiction Enforcement Act.
4. The Court has taken judicial notice of the court file in this case.
5. The parties entered an interim Temporary Parenting Plan filed on October 1, 2025, which was adopted pursuant to the Order Incorporating and Adopting Temporary Parenting Plan of October 3, 2025. Same addressed time-sharing from September 22, 2025, through January 5, 2025, and transportation. It also provided:

3. The parties agree that starting January 1, 2026 forward until further agreement or court order, the parties' minor child is enrolled in and shall attend school at The Village School in Naples, Florida.

4. This Agreement is without prejudice as to any new parenting time schedule going forward from January 5, 2026 forward.

6. At the time of the hearing, the parties agreed that child's passport will be held in escrow by Attorney Shirk and any travel out of state will be by mutual agreement of the parties.

7. The parties have been unable to agree as to a parenting plan going forward.

8. As required under Florida law for all time-sharing plans wherein there is no agreement, the Court has considered the best interest of the child under the factors in Florida Statute § 61.13. Determination of the best interests of the child must be made by evaluating all of the factors affecting the welfare and interests of each particular minor child and the circumstances of that family, including, but not limited to the following:

(a) The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required.

i. At the time of the hearing, the parties have been separated since October 2024 and were agreeing on time-sharing. Upon the Petitioner's need to temporarily relocate to Chicago, the parties agreed to share time as set forth in the Temporary Parenting Plan.

ii. Both parties have cooperated with the time-sharing pursuant to the Temporary Parenting Plan. It appears they were able to agree on changes such as allowing the child to remain in Inlet Beach for a school performance at her school.

(b) The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties.

i. The Court expects that the Petitioner will provide for the care and support for the child with the assistance of her fiancé, her mother and her stepfather.

ii. The Respondent will also provide care and support for the child during his time.

(c) The demonstrated capacity and disposition of each parent to determine, consider, and act upon the needs of the child as opposed to the needs or desires of the parent.

i. The witnesses testified that both parties are good parents. Both parents are attentive to the child.

- ii. Both parties have entered new relationships. The Petitioner has a fiancé. The Respondent has a girlfriend in Inlet Beach. The Petitioner believes the Respondent is putting the needs of his new relationship over the stability of the child as evidenced by her desire for his to have a place near The Village School and exercise time in Naples.
- (d) The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.
- i. The child resided with both parents until October 2024. Since that time, for the most part the parents have come to agreements as to how to exercise time with their daughter.
 - ii. For a six month period, the parents were exercising equal time-sharing in two week intervals. The child attended a school program at the Ohana Day School in Inlet Beach, Florida and then commenced a program at The Village School in Naples, Florida on the Petitioner's return from Chicago.
 - iii. The Respondent is seeking to continue that equal time-sharing on a temporary basis, which appears to be the stable schedule the child has recently known.
 - iv. The Petitioner is seeking for her home to be the school base for voluntary pre-K3 and school with the Respondent having extended weekend, holiday break, and summer time.
- (e) The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent traveling to effectuate the parenting plan. This factor does not create a presumption for or against relocation of either parent with a child.
- i. The present residences are geographically viable for the child to share time with both parents under the parenting plan due to the availability of air transportation and the financial capacity for same. The child is in voluntary prekindergarten for three year olds and is enrolled at The Village School in Naples, Florida as well as the Ohana Day School in Inlet Beach, Florida.
 - ii. The evidence shows that there are not the financial limitations faced by most families to support transportation and school programs.

- iii. Undoubtedly, when the child reaches kindergarten in the fall of 2027, there will need to be a designated academic parent due to the distance between Naples, Florida and Inlet Beach, Florida.
- (f) The moral fitness of the parents.
 - i. As of the time of the hearing, there is no substantial, competent evidence that there are issues of moral fitness, which affect the parenting plan. Both parties have had new relationships.
- (g) The mental and physical health of the parents.
 - i. There were no issues presented at the time of the hearing.
- (h) The home, school, and community record of the child.
 - i. The child is in voluntary school for three-year-olds during the weekdays. When she is in the care of the Petitioner she attends The Village School. When she is in the care of the Respondent, she attends the Ohana Day School. Both parents speak favorably of her school programs and her success and progress socially in same.
 - ii. The child has two homes with loving parents. She has an infant brother at the Petitioner's house.
- (i) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference.
 - i. The child is too young to participate.
- (j) The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, daily activities, and favorite things.
 - i. Both parties are well informed of the circumstances of their minor daughter. They both have the continued capacity to be informed.
- (k) The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals, and bedtime.
 - i. Both parents have shown their routine and both have the capacity for a routine to care for their young daughter.

- ii. The Petitioner admits that but for the distance and the desire for a stable routine, the Respondent would have no reason not to have equal time-sharing.
- (l) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the minor child, and the willingness of each parent to adopt a unified front on all major issues when dealing with the child.
 - i. The parties have communicated by text. They were able to communicate and work out travel and time-sharing in their child's best interest until the expiration of the Temporary Parenting Plan.
- (m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect or evidence that a parent has or has had reasonable cause to believe that he or she or his or her minor child or children are in imminent danger of becoming victims of an act of domestic violence, regardless of whether a prior or pending action relating to those issues has been brought. If the court accepts evidence of prior or pending actions regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect, the court must specifically acknowledge in writing that such evidence was considered when evaluating the best interests of the child.
 - i. The Petitioner testified to an incident involving a gun during an argument with the parties in the presence of the child. Law enforcement and the Department of Children and Families were involved but no actions were taken. The Court has given this incident limited weight in light of the Petitioner's desire for the Respondent to be an active participant in the child's life and her statements that in the absence of the geographical issues, this would be a fifty-fifty time-sharing case.
- (n) Evidence that either parent has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect.
 - i. No substantial, competent evidence has been considered.

- (o) The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of litigation and during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties.
 - i. The evidence shows that both parties have cared for the child. The Petitioner has support of her fiancé and her family. The Respondent has support with his girlfriend and to a lesser extent his father.
- (p) The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities.
 - i. Both parents have been involved in her three year old school programs and have the capacity to support her.
- (q) The demonstrated capacity and disposition of each parent to maintain an environment for the child which is free from substance abuse.
 - i. No substantial, competent evidence has been considered to show that either parent has any current issues with substance abuse that affect the parenting plan.
- (r) The capacity and disposition of each parent to protect the child from the ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation with the child, and refraining from disparaging comments about the other parent to the child.
 - i. The Court has not considered any specific evidence under this factor. Both parties should be able to shield their young child from this litigation.
- (s) The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs.
 - i. The child is 4 1/2 and attends a voluntary school program for 3 to 4 year olds by agreement of the parties since these are her first school programs and there was a desire for her to be the oldest rather than the youngest given her July birthday.
 - ii. The Petitioner is concerned about her stability. For the last six months the child has gone back and forth and there was no credible evidence that such has affected her developmental needs.

- iii. Both parents have the capacity and disposition to meet Hayden's developmental needs.
- (t) Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.
 - i. The Court has considered the presumption of equal time-sharing and shared parental responsibility in the absence of detriment.

Wherefore it is ORDERED:

1. The Court adopts the parties' agreement that the child's passport will be held in escrow by Attorney Shirk and any travel out of state for the minor child will be by mutual written (including text or email) agreement of the parties
2. The Court adopts the Temporary Parenting Plan attached as Exhibit A. The Court finds that same is in the best interest of the child.

DONE AND ORDERED, in Chambers at Fort Myers, Lee County, Florida on this 15th day of January, 2026.

Carolyn D. Swift
01/15/2026 10:57:36
25-DR-006710

Carolyn D. Swift, Circuit Court Judge xHMcJA+
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Carolyn D. Swift, Circuit Court Judge

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EXHIBIT A

TEMPORARY PARENTING PLAN

This parenting plan is a Temporary Parenting Plan prepared by the Court following the hearing on January 7, 2026, and January 14, 2025.

I. PARENTS.

Mother

Name: TAYLOR NICOLE HERTEL

Father

Name: PETER JONATHAN HERTEL

II. CHILD: This parenting plan is for the following child born to the parties:

Name	Date of Birth	Sex
H.K.H.	July 3, 2021	Female

III. JURISDICTION

The United States is the country of habitual residence of the child.

The State of Florida maintains the most significant contacts with the child and is the most appropriate forum for addressing parenting contact and time-sharing.

The State of Florida is the child's home state for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

This Parenting Plan is a child custody determination for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act, the International Child Abduction Remedies Act, 42 U.S.C. ss 11601 et seq., the Parental Kidnapping Prevention Act, and the Convention on the Civil Aspects of International Child Abduction enacted at The Hague on October 25, 1980.

IV. PARENTAL RESPONSIBILITY AND DECISION MAKING

1. Shared Parental Responsibility.

The parties shall have shared parental responsibility to make major decisions affecting the welfare of the child.

2. Day-to-Day Decisions

Each parent shall make decisions regarding day-to-day care and control of the child while the child is residing with the parent. Regardless of the allocation of decision making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child when the child is residing with that parent. A parent who makes an emergency decision shall share the decision with the other parent as soon as reasonably possible.

V. INFORMATION SHARING. Unless otherwise indicated or ordered by the Court:

Both parents shall have access to medical and school records pertaining to the child, and shall be permitted to independently consult with any and all professionals involved with the child. The parents shall cooperate with each other in sharing information related to the health, education, and welfare of the child, and they shall sign any necessary documentation ensuring that both parents have access to said records.

Each parent shall be responsible for obtaining records and reports directly from the school and healthcare providers.

Both parents have equal rights to inspect and receive governmental agency and law enforcement records concerning the child.

Both parents shall have equal and independent authority to confer with the child's schools, day care, health care providers, and other programs with regard to the child's educational, emotional, and social progress.

Both parents shall be listed as "emergency contacts" for the child.

Each parent has a continuing responsibility to provide a residential, mailing, or contact address and contact telephone number to the other parent. Each parent shall notify the other parent in writing within 48 hours of any changes. Each parent shall notify the court in writing within seven (7) days of any changes.

VI. TIME-SHARING SCHEDULE: Each parent should have time-sharing with the minor child in accordance with the following schedule.

1. **Regular Time-Sharing:** The parties will immediately have time-sharing with the child as follows:
 - a. The Father shall have the parties' minor child from January 19, 2026 to February 1, 2026.
 - b. The Mother shall have the parties' minor child from February 1, 2026 through February 15, 2026.
 - c. Commencing February 15, 2026, and until further agreement of the parties and/or order of the court, they shall rotate on a two week schedule for regular parenting time with the Father having the two weeks as of February 15, 2026, and the Mother having the two weeks as of March 1, 2026, and continuing thereafter.
2. **Holidays, Breaks, Significant Days:** The parties agree to work together with one another to make the schedule in accordance with the best interest of the child. Holiday time-sharing takes priority over regular time-sharing. In the event they are unable to agree, then the following schedule shall apply.
 - a. **Spring Break.** The parties shall follow the regular schedule for Spring Break for 2026 since the rotation is just recently resuming. Starting in 2027, the Mother

shall have the Spring Break odd years and the Father shall have the Spring Break in even years.

- b. **Mother's Day/Father's Day.** The Mother shall have time-sharing every year for Mother's Day. Since the exchange for regular time-sharing would be on May 10, 2026, for 2026, it shall be on May 11, 2026. The Father shall have time-sharing every year for Father's Day. Since the exchange for regular time-sharing would be on June 21 2026, for 2026 it shall be on June 22, 2026.
 - c. **Thanksgiving Break.** In even years, the Father shall have the Thanksgiving break and in odd years, the Mother shall have the Thanksgiving break.
 - d. **Winter Break/Christmas Eve/Christmas Day/ New Year's Eve/New Year's Day.** In even years, the Father shall have the first half of winter break to include Christmas Eve and Christmas Day and the Mother shall have the second half of winter break to include New Year's Eve and New Year's Day. This shall be rotated in odd years so that the Mother shall have the first half of winter break to include Christmas Eve and Christmas Day and the Father shall have the second half of winter break to include New Year's Eve and New Year's Day in odd years.
 - e. **Impact on Regular Schedule: THE HOLIDAY SUPERSEDES AND HAS PRIORITY OVER THE REGULARLY SCHEDULED PARENTING TIME.**
3. **Transportation and Exchange:** For the initial travel from January 19, 2026 to February 1, 2026, the Father will provide transportation to pick up and return the child. Commencing, February 15, 2026, the parent to commence his or her timesharing (acquiring parent) shall be responsible for transportation of the minor child. There shall be no reasonable objection to use of family members or Lexi Koger, Katie Beth Smith, and Tamara Koger to assist with transportation.
- a. Both parents should use mature judgment towards the goal of encouraging and assisting the child in having meaningful and frequent contact with both parents.
 - b. During all exchanges neither parent nor any third party shall display anger, sarcasm or profanity in the presence of the child.
 - c. Each parent shall ensure the child has adequate clothing and personal effects for the duration of parenting time.
 - d. **Accompanied Information:** All necessary information and items shall accompany the child including medicine and dosage in its original packaging, social and extracurricular activities with uniforms and equipment, appointments,

sleep and meal schedules. All information and items provided with the minor child shall be returned with the minor child.

VII. EDUCATIONAL PROGRAMS

At this time the child is enrolled in and shall attend The Village School in Naples when she is in the care of the Mother and the Ohana Day School in Inlet Beach when she is in the care of the Father. Both parties shall share important dates and activities related to her program with the other parent.

VIII. TRAVEL AND PASSPORT

The child's passport will be held in escrow by Attorney Shirk and any travel out of state for the minor child will be by mutual written (including text or email) agreement of the parties. The parent traveling with the child shall provide the other parent with a detailed itinerary, including locations and telephone numbers where the child and parent can be reached at least 10 days before traveling. Travel outside Florida shall require the written consent of both parents, which shall not be unreasonably withheld.

IX. RELOCATION OF THE CHILD

Any relocation of the child and/or either parent is subject to and must be sought in compliance with Section 61.13001, Florida Statutes.