

**IN THE CIRCUIT COURT OF THE FIFTEENTH CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

DENNIS NEBUS,
Petitioner/Father,

CASE NO.: 50 2010 DR 13957SB
DIVISION: FZ

v.

HEATHER HIRONIMUS,
Respondent/Mother.

_____ /

**ORDER
ENFORCING JANUARY 6, 2012 FINAL JUDGMENT**

THIS MATTER came before the Court on the March 25, 2014 Renewed Urgent Motion for Contempt and to compel Medical Treatment filed by DENNIS NEBUS [hereinafter, "Father"]. For the reasons set forth below, Father's motion is denied in part and granted in part.

The Court conducted an evidentiary hearing which took place over several days. The last portion of the hearing took place on May 7, 2014. During the last portion of the hearing, the Court heard testimony of HEATHER HIRONIMUS [hereinafter, "Mother"], Father, Susan Jacobson and Pediatric Urologist Charles Flack. Dr. Flack testified by telephone upon agreement of the parties' lawyers even though no notary was present with him to verify the Court's administration of the oath. The Court is confident in its assessment of the credibility of the witnesses who testified in Court as well as Dr. Flack. Based on the Court's careful

observation and consideration of the witnesses' testimony, the Court makes these fact findings.

The child, C.R.H., was born October 31, 2010. Though they were never married, Father is the biological and legal father of the child and Mother is the biological and legal mother of the child. On December 22, 2011 Mother signed and on January 3, 2012 Father signed the parties' agreed parenting plan, the plain language of which, clearly and unambiguously provides:

5.13 Circumcision of Minor Child. The Father is responsible for scheduling and taking the minor child to the procedure. The Mother can accompany the minor child if she chooses. The Father will also bear any and all cost associated with the minor child's circumcision. Mother agrees to and shall timely execute any and all documents reasonably necessary to effectuate the circumcision of the minor child.

By order rendered January 6, 2012, the Court found in pertinent part:

The parties have entered into an Agreed Parenting Plan...and have requested the Court adopt the terms and conditions of same into a Final Judgment.

During her testimony, Mother asserted, in essence, that circumcision was not medically necessary and she did not want to have the parties' son undergo requisite general anesthesia for fear of death. She expressed no other reason for now objecting to the procedure to which she'd already agreed in the parenting plan. While Dr. Flack did opine that the procedure was not medically necessary, significantly, he advised the Court and the parties that penile cancer occurs only in uncircumcised males and uncircumcised males have a higher risk of HIV infection

than circumcised males. He further testified that the procedure lasts only 17 minutes and patients experience little post-operative discomfort and few recovery problems. Finally, he testified that performing the procedure on boys up to 10 years of age is medically acceptable, the concern being that with older boys who have reached puberty, an erection could cause tears in the sutures.

The Court finds that there is no reason why the parties should not be held to the terms of their Agreed Parenting Plan as mandated by this Court's January 6, 2012 final judgment.

Accordingly, it is **ORDERED**:

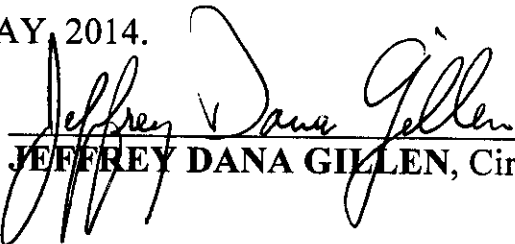
- (1) Mother shall execute any and all documents reasonably necessary to effectuate the circumcision of C.R.H.;
- (2) In the event Mother fails or refuses to execute any consent or other requisite documents, Father's consent alone shall be legally sufficient to authorize the circumcision to be performed on C.R.H.;
- (3) Mother shall not in any way lead C.R.H. to believe that she is or was opposed to his being circumcised, whether or not she accompanies C.R.H. to the procedure;
- (4) Apart from and in addition to any other timesharing to which he is entitled under the Agreed Parenting Plan, the Father shall enjoy timesharing with

C.R.H. for fourteen consecutive days to begin two days before the procedure and end twelve days following the procedure;

(5) The Court does not find the Mother in contempt at this time; if, however, she fails to comply with this order she will be subject to contempt adjudication; and

(6) The Father is entitled to costs and attorney fees and the Court directs the parties' lawyers to confer in an effort reach agreement on the amount of the fees and costs. In the unlikely event they fail, the Court shall conduct a hearing to determine them.

DONE AND ORDERED in Chambers, at Delray Beach, Palm Beach County, Florida, on this 9th day of MAY, 2014.



JEFFREY DANA GILLEN, Circuit Judge

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