IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

FAMILY DIVISION

case no. 81- 1766 FC

IN RE: The Marriage of

K. M. ADORNO,

Petitioner,

and

H. N. ADORNO,

Respondent.

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PETITION FOR DISSOLUTION OF MARRIAGE

The Petition of K. M. ADORNO shows:

- 1. That this is an action for dissolution of the bonds of marriage between Petitioner and Respondent.
- 2. That Petitioner herein is now and for more than six (6) months next before the filing of this petition has been a sui juris citizen and resident of the State of Florida.
 - √3. That Respondent is not in the Armed Forces of this country.
- 4. That Petitioner and Respondent were lawfully married on September 8, 1978, in Miami, Florida, and cohabited as husband and wife until November, 1980.
- 5. One (1) child was born of this marriage. The name, place of birth, birthdate and sex of said child, the present address, periods of residence and places where said child has lived within the past five (5) years, and name, present address and relationship to the child of each person with whom the child has lived during that time are:

KELLY SUZANNE ADORNO Born: April 2, 1979 in Miami, Florida Female

From the child's birth until June, 1979, the minor child resided at 9329 S.W. 6 Terrace, Miami, Dade County, Florida, with her natural mother, K. M. ADORNO, and her natural father, H. N. ADORNO.

From June, 1979 until November, 1980, the minor child resided at 1340 S.W. 65 Avenue, Miami, Dade County, Florida, with her natural mother, K. M. ADORNO, and her natural father, H. N. ADORNO.

From November, 1980, to and including the present date the minor child has resided at 1340 S.W. 65 Avenue, with her natural mother, K. M. ADORNO.

The present residence address of the Respondent, II. N. ADORNO, is unknown to the Petitioner.

- a. The Petitioner has not participated as a party, witness, or in any other capacity in any other litigation or custody proceeding in this or any other state, concerning custody of the child who is subject to this proceeding.
- b. The Petitioner has no information of any custody proceeding pending in a court of this or any other state concerning the minor child who is subject to this proceeding, other than that set out in paragraph a. above.
- c. The Petitioner does not know of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights with respect to any child who is subject to this proceeding.
- 6. That Petitioner is the proper person to have custody of the minor child of this marriage.
 - 7. That the marriage between the parties is irretrievably broken.
- 8. That Petitioner is without sufficient means of support and is also without means by which to pay the suit money and counsel fees in this action.

WHEREFORE, Petitioner prays:

- a. That this Court will take jurisdiction of the parties and subject matter;
 - b. That this Court will dissolve her marriage to Respondent;
- c. That this Court will award Petitioner temporary and permanent alimony;
- d. That this Court will grant child custody to Petitioner and an allowance for her support;
- e. That this Court will award Petitioner lump-sum and rehabilitative alimony;
- f. That as a result of the Wife's special services and contributions above and beyond her normal spousal duties, Petitioner prays that this Court will award to her a special equity in the real and personal property of the parties and Respondent's interest in the marital home of the parties;
- g. That this Court will grant temporary and final attorneys' fees, costs and suit money to Petitioner;

- That this Court will make reasonable distribution of the real and personal property owned by the parties herein;
- That this Court will grant such temporary and permanent injunction as may be necessary; and
- That this Court will grant such other relief as equity may require and retain jurisdiction of this matter for the entry of said subsequent orders as equity may require.

Petitioner Adams

SWORN TO and subscribed before me this 5th day of February, 1981.

Notary Fublic, State of Florida at Large

- My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE MI COMMISSION EIPIRES NOV. 14 1982 BONDED INRU GEHERAL INS. UNDERLYRITERS

LAW OFFICES OF A. J. BARRANCO, JR., P.A. Attorneys for Petitioner Suite 310, Concord Building 66 West Flagler Street Miami, Florida 33130 Telephone: 371-8575

J. BARRANCO, JR.

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

FAMILY DIVISION

CASE NO. 81-1766 FC02

IN RE: The Marriage of

K. M. ADORNO,

Petitioner/Wife,

and

H.N. ADORNO,

Respondent/Husband.

PETITION FOR EMERGENCY RESTRAINING ORDER WITHOUT NOTICE

COMES NOW the Respondent/Husband, H. N. ADORNO, (hereinafter referred to as the Father), and moves this Honorable Court to grant temporary restraining Order without notice and as grounds would state the following:

- 1. The Father and Petitioner/Wife, K.M. ADORNO, (hereinafter referred to as the Mother), terminated their marriage pursuant to a Final Judgment of this Court dated May 15, 1981.
- 2. Pursuant to the provisions of a settlement agreement that accompanied the Final Judgment, the Mother received primary physical custody of the minor child, KELLY ADORNO, now aged $3\frac{1}{2}$ years.
- 3. For a substantial period of time following the Final Judgment the Father and the Mother shared parental responsibilities harmoniously and there was little cause for concern about the welfare of the child.

Within the past few months, the Father began to notice substantial changes in the attitude of the Mother towards visitation which she herself attributed to the influence of her new boyfriend known at that time to the Father only as "Wayne".

4. Until this past week, the parties appeared to be working to resolve those problems and were working together towards the common purpose of the child's welfare.

Page Two

5. Within the past month, the Father has observed certain behavioral changes in the minor child, KELLY, which gave rise to some concerns about her well-being: specifically, the child has started to become secretive in her manner and to lie about things which had not been her pattern in the past. In addition, the child has made comments such as "Wayne doesn't like you and Wayne doesn't like Kathy (the Father's new wife)". The child has also started to become tearful with very little provocation.

Within the past forty-eight (48) hours, the Father has learned the following:

A. On November 14, 1982, Wayne became involved in an altercation with the Mother which involved physical violence and damage to the Mother's apartment (see attached Police Report) and which involved his physically striking the Mother. Furthermore, the Father has learned that during the course of this altercation, Wayne (now known as Wayne Startari) called the Mother vile epithets and on other occasions did this in the presence of the minor child. The Father has further learned that the Mother was terrorized and as a result of this incident she changed her telephone numbers and unlisted them, changed the locks on her apartment door, and actually stayed with a friend in fear of Wayne for herself as well as fear that he would attempt to get KELLY in some manner. All of these facts were confirmed to the Father by various confidants of the Mother. The Father further learned that two(2) days after the Petitioner/Wife stopped staying with the friend, the Mother left on a trip out of town (pursuant to her employment as a flight attendant) and left the minor child in the care of Wayne Startari. It has been reported to the Father that the Mother is very much under the domination of this person and is not in her normal frame of mind.

Page Three

B.Within the past forty-eight (48) hours, the Father has learned (and before the Father learned any of the facts involving the altercation set forth previously) that the Mother called to inform the Father that she and Wayne are about to be married. The Father has also learned that this person has the reputation for being an irrational individual among his co-workers and that he uses drugs and particularly cocaine. The Father has learned within the past forty-eight (48) hours that Wayne reportedly "freebases".

All of the previously set forth information, most of which has reportedly come indirectly from the Mother, (see attached Affidavits), causes the Father great fear for the safety and mental well-being of the minor child, KELLY ADORNO.

WHEREFORE, the Father requests the following relief on an emergency basis:

- 1. A Restraining Order be issued preventing the Mother from leaving KELLY ADORNO in the care of Wayne Startari, from permitting Wayne Startari to come into the same house or vehicle as KELLY ADORNO or from picking up KELLY ADORNO and trying to remove her from her school.
- 2. A second Restraining Order be issued restraining Wayne Startari from coming about or being in the same room or vehicle as KELLY ADORNO.
- 3. Pending a hearing on these matters, the following steps be taken on a temporary basis:
 - a. That temporary custody be awarded to the Father.
- b. That the Conciliation Unit of the Circuit Court be ordered to do an immediate investigation to determine what arrangements would be in the best interest of KELLY ADORNO and whether as the Father is suggesting, Wayne Startari is an unsuitable individual to be permitted contact with the minor, KELLY ADORNO.

Page Four

- 4. That pending further Order of this Court, a further Restraining Order be issued preventing the school attended by KELLY ADORNO to release her to anybody other than the Father or someone he authorizes in writing to pick up the child following attendance at her school.
- 5. That this Court issue a Restraining Order preventing anybody from removing the minor child from the jurisdiction of this Court.
- 6. That the Mother be permitted supervised visitation with the child pending further Order of this Court.

DATED: December

,1982.

IRA L. DUBITSKY, PA. Suite 1200 Roberts Building 28 West Flagler Street

Miami, FL 33130 (305) 374-7155

/ Attorney for Respondent/Husband

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF DADE

SS:

BEFORE ME, the undersigned authority duly authorized to administer oaths and take acknowledgements in Florida, personally appeared, H.N. ADORNO, who, after being first duly sworn, deposes and says that the foregoing information is true and correct to the best of his knowledge and that he is executing the same freely and voluntarily only for the uses and purposes therein expressed.

H. N. ADORNO, Respondent/Husband

SWORN TO AND SUBSCRIBED before me this 2007 day of December, 1982.

NOTARY PUBLIC, State of Florida

My Commission Expires:

Notary Public, State of Rorids at Large My Commission Expires November 1, 1985 Bonded thru Moynard Bonding Agency

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AFFIDAVIT

STATE OF FLORIDA COUNTY OF DADE

Before me this day personally appeared Gene Owens, who being first duly sworn, deposes and says:

- 1. I am 32 years old and reside in Dade County, Florida.
- 2. I have known Kay Adorno for approximately 7 years. I have been a close friend during this period. I consider her daughter, Kelly, as if she were my own child.
- 3. During the last 3 months I have had numerous conversations with Kay regarding her relationship with Wayne Startari. These conversations normally occurred after Kay has had a fight with Wayne or he had done something which greatly upset Kay.
- 4. During these conversations Kay has related the following:
- (a) When Wayne found out about an old boyfriend of Kay's, he "went crazy, ripped up the house, turned over furniture, ripped curtains and tore up several video cassette tapes." Kay was so scared that she called the police who ordered Wayne to leave after the police confiscated his gun. Kay further stated that she was afraid because Wayne still had another gun which Kay had bought him as a present. Kay told me that she and Kelly were staying at a friend's house (Joan Keenan) because she was afraid of what Wayne might do.
- (b) A few days later Kay called, extremely upset stating that she was afraid to go home since she had had another argument with Wayne. She feared that Wayne was waiting for her at her apartment with the other gun. I advised her to call the police which she did. Afterwards, Kay called me and informed me that Wayne had left the apartment. Kay further stated that Wayne

was "bad news", feared for she and Kelly's safety, felt Wayne was crazy, was trying to keep her from all her friends, and was concerned that Wayne would continue to destroy the apartment.

- (c) During another conversation Kay informed me that Wayne was using cocaine in the apartment and during an argument had yelled at Kelly "your mother is a whore." Kay attributed other bizarre behavior by Wayne, such as hiding in the bathroom for over three hours at a time, to his use of cocaine.
- 5. Based on my conversations with Kay I do not feel that Kelly should be exposed to this type of situation until both Kay and Wayne receive psychiatric help.

Gene Owens

Sworn to and subscribed before me this 2nd day of December, 1982.

Notary Public, State of Florida

At Lange

My Commission Expires:
Notary Public, State of Florida at Large
My Commission Expires Aug. 30, 1983
Bonded By American fire & Casualty Company

AFFIDAVIT

STATE OF FLORIDA COUNTY OF DADE

Before me this day personally appeared Joan Keenan, who, being first duly sworn, deposes and says:

- 1. I am 39 years old and reside with my husband and 3 children at 10313 S.W. 129 Place.
- 2. I have known Kay Adorno for approximately 13 years. I have always had a very close friendship with Kay and I consider her as a sister. Kay's daughter, Kelly, has spent a substantial amount of time in our household and is considered by all as a part of our family.
 - 3. I have known Wayne Startari since September, 1982.
- 4. To my knowledge Kay and Wayne have been living together, along with Kelly, at Kay's apartment located at 13340 S.W. 91 Terrace, Apt. G.
- 5. On November 17, 1982, Kay and Kelly moved in with us for several days as a result of an incident wherein Wayne, after learning about an old boyfriend of Kay's, became enraged, struck and threatened Kay and destroyed parts of the apartment. The police were called and Wayne was ordered to leave the apartment. The police confiscated Wayne's gun.
- 6. Kay was so afraid of Wayne after this incident that fearing for her emotional stability I sent her to the Crisis Center for counseling.
- 7. Kay and Kelly did not return to their home for four days. During that time we had all the locks changed at the apartment.

- 8. I only agreed to let Kay and Kelly go home after Kay swore that she would not let Wayne back into the apartment until Wayne and her got psychiatric help and that under no circumstances would Kay leave Kelly alone with Wayne.
- 9. A couple of days later I called Kay and Wayne answered the phone and advised that Kay was on a trip (Kay is a flight attendant). I reached Kay in New York and found out that she had left Kelly with Wayne. I told Kay that she should never have done that, especially in light of what had recently happened.
- 10. From my contact with Wayne, I feel that Wayne should not be around Kelly until such time as Wayne and Kay receive psychiatric help as was promised by Kay. To my knowledge neither Kay or Wayne have received such help.

Joan Keenan Joan Keenan

Sworn to and subscribed before me this day of December, 1982.

At-Large

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE MY COMMISSION EXPIRES DEC 16 1985 BONDED THRU GENERAL INS , UNDERWRITERS

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY, FLORIDA

FAMILY DIVISION CASE NO.81-1766 FC02

IN RE: The Marriage of

K. M. STARTARI, formerly known as K. M. ADORNO,

Petitioner/Wife,

and

H. N. ADORNO,

Respondent/Husband.

_____/

COMES NOW the Respondent/Husband, H.N. ADORNO and moves this Honorable Court to modify the Final Judgment previously entered in this case and as grounds would state the following:

PETITION FOR MODIFICATION

- 1. The Respondent would adopt and incorporate by reference each and every allegation asserted in the Emergency Restraining Order Without Notice dated December 2, 1982.
- 2. That Petition was filed and a hearing held before this Honorable Court on December 2, 1982, resulting in the Agreed Order this Court signed on December 3, 1982.
- A verbal agreement was subsequently entered into by the parties and their attorneys in which Wayne Startari would submit himself to a psychological examination to be conducted by Dr. Irwin Lesser. Pursuant to such stipulation, Mr. Startari was examined by Dr. Lesser, who submitted a report which is attached as Exhibit A.
- 4. On December 8, 1982, K. M. ADORNO married Wayne Startari.
- 5. Both the report of the Conciliation Unit (Exhibit B) and of Dr. Lesser recommend that custody be changed from the Mother to the Father because of very real concerns for the child's emotional and/or physical safety if left in regular

contact with Wayne Startari without other adult supervision.

- over the conditions and circumstances at the time of the original Dissolution of Marriage in this case, and have created in the Father a well-founded fear for his child's emotional and physical safety absent a custody change.
- 7. Since the beginning of December 1982 the child has been living with the Father and his new wife (along with her children from a prior marriage) and has adjusted well to this environment.
- 8. Any further changes in her custodial arrangement would be disruptive to her and would be detrimental to her best interests.

WHEREFORE, the Respondent/Husband moves this Court for the following relief:

- 1. To change custody from the Mother to a shared parental responsibility, primary residence being with the Father;
- 2. To order that the Restraining Order and visitation arrangements set forth in this court's Order of December 3, 1982, be continued in effect until further order of Court.
- 3. To terminate child support payments from the Father to the Mother.

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition for Modification was furnished this jar day of January, 1983, to Paul R. Marcus, Esquire, 9200 Dadeland Boulevard, Suite 520 Dadeland Towers, Miami, FL.

IRA L. DUBITSKY, P.A.
SUITE 1200 Roberts Building
28 West Flagler Street
Miami, FL 33130
(305) 374-7155

Attorney for Respondent/Husband

ERWIN LESSER, PH.D., P.A. 6601 S.W. 80th Street South Miami, Florida 33143

(305) 666-2394

Diplomate in Clinical Psychology, American Board of Professional Psychology

PSYCHOLOGICAL EVALUATION

Name: STARTARI, Wayne

Dates of evaluation: Dec. 6,

10, 21, 1982 Date of birth: 9/8/52

Referred by: Ira Dubitsky, Esq.

Age: 30

Education: 12

Occupation: Flight Attendant

Tests administered: Bender-Gestalt Shipley-Institute of Living Scale Minnesota Multiphasic Personality Inventory Rorschach _ _ - - - - -

Mr. Startari was referred for psychological evaluation in connection with a restraining order preventing him from being in the presence of Kelly Adorno, age 3.5. Kelly is his wife's daughter from a previous marriage. Kelly's father charges that Mr. Startari is an unsuitable person for Kelly to be in contact with in that he represents a threat to her "safety and mental well-being."

Attached to the petition for the restraining order was a police report subsequent to an altercation between Kelly's mother and Mr. Startari on 11/14/82. The police reported extensive damage in the house and impounded a revolver owned by Mr. Startari. Also attached to the petition were affidavits from Mr. Gene Owens and Mrs. Joan Keenan. Mr. Owens swears as to the violence from Mr. Startari, as told to him by Kelly's mother. He adds that she told him about Mr. Startari's use of cocaine and the bizarre behavior resulting from it. Mrs. Keenan swears to witnessing the fears shown by Mrs. Startari (Kelly's mother, then Mrs. Adorno) and as a result sent her to the Crisis Center for counseling.

Mr. Startari and Kay Adorno were briefly interviewed on 12/6/82 and were again interviewed on 12/10/82. They had gotten married on 12/8/82. Mr. Startari was tested alone on 12/10 and on 12/21. At all times he was cooperative, speaking readily and volubly. He admitted the use of drugs, including "freebasing" cocaine, but said that religion had become much more important to him during the previous month. He said he went to the Lord and prayed and asked for "this lady" to come back. (This was after the fight and before the

Re: Startari, Wayne

Page 2

marriage.) He had also asked his parents to pray and said he had promised to make "concessions" if she came back. When asked what they were, he said he would use no more drugs. He said his goal was to make his wife and child (Kelly) happy and he added that he and his wife were planning children of their own.

His ideas on child discipline seem to be a combination of excessive rigidity, excessive permissiveness, and psychological threats which would cause a child (Kelly) to become fearful and insecure. Thus, to cope with picky eating by Kelly, he would keep her at the table till she finished eating, even till she fell asleep. On the other hand, he believes in total sexual openness. He explained that his wife had "built in to Kelly" that it was not nice for a man to touch her. He elaborated that they agreed that it was not all right to touch other than when they shower or when they hug and kiss, other than with their clothes on. He would allow Kelly to sleep with them the whole night and has done so once or twice. As for misbehavior, he has created a mythical child named "Cindy", a sort of rival for his affection, and threatens to go see Cindy when Kelly misbehaves.

On the Shipley-Institute of Living Scale, Mr. Startari's score suggested an estimated Verbal IQ of 114. This is at about the 85th percentile of the general population and suggests that his intelligence is adequate for virtually all the tasks he is likely to face. No intellectual problem was indicated so it did not seem necessary to go into more extensive testing on this aspect of his life. It might be mentioned, however, that on the recall section of the Bender-Gestalt test, he remembered 5 out of the 9 designs, suggesting that his non-verbal intelligence is at least average.

The personality tests give a somewhat contradictory picture. On a highly structured test (the MMPI) the pattern on the commonly used clinical scales indicated an absence of severe pathology. On the additional research scales, his scores indicated a relative absence of anxiety; a feeling of confidence; a tolerant, flexible outlook on life; and a psychological make up similar to that of persons who abuse drugs and/or alcohol. The latter does not necessarily mean that he engages in such abuse, but only that the psychological potential is there.

On the two less structured instruments (Bender-Gestalt and Rorschach), the results were not so benign. He showed an impulsive lack of planning. His low frustration tolerance could lead to acting out behavior. Ordinarily his anxiety and behavior would be under tight control. As he gets more on his own, with fewer environmental guides, and particularly when he is dealing with stimuli that to him are emotionally charged, his controls may weaken so that socially unacceptable, even explosive behavior may occur. Ordinarily, however, he would be under tight, perhaps rigid control. Thus he might have difficulty with new environmental situations and instead of adjusting his perceptions to the new situation, he might try to adjust the situation to his perception.

This situation of a relatively good picture on structured personality tests and a relatively poor picture on less structured tests, is not uncommon. It suggests that under some situations the

Re: Startari, Wayne 🚗

Page 3

person is able to maintain control and present a normal well-adjusted appearance. Without the structure, however, the person's defenses fall apart and he or she may act in illogical and perhaps explosive ways.

Under these circumstances, it would seem 'est for Mr. Startari not to have contact with Kelly unless someone—her than Mrs. Startari is present. This in turn means that custody would have to be given to Mr. Adorno. Kelly should not be allowed to visit with her mother overnight unless there are clear assurances that Mr. Startari will not be there.

Mr. Startari appeared to be sincere in his desire to provide a suitable home for his wife and her daughter. Unfortunately, his personality at this time is not suitable for Kelly. Perhaps he would be willing to have psychotherapy for himself so that he could learn better controls over his impulsiveness and explosiveness. If so, then retesting after a year would be appropriate. He should always keep in mind that his personality carries with it the danger of drug and/or alcohol abuse. Thus, while another person might be able to use them from time to time with no strong aftereffects, he would always have to watch out for possible drug dependence. In his case, total abstinence may be the best route. Finally, his ideas on child discipline, while sincere, are almost certain to cause long term problems for any child he raises, whether Kelly or the product of his current marriage. Since he does seem sincere, he may be willing to do some reading on child discipline so that he can learn better ways of helping children grow up. This writer, and probably most clinical child psychologists, would be glad to guide him on these readings.

Emi Lesser M.D.

Erwin Lesser, Ph.D., ABPP

CIRCUIT COURT ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

CUSTODY INVESTIGATIVE UNIT

GERALD T. WETHERINGTON
CHIEF JUDGE
PHILLIP W. KNIGHT
ASSOC ADMINISTRATIVE JUDGE
FAMILY DIVISION
ELLIS D. PETTIGREW

JUVENILE JUSTICE CENTER
3300 N.W. 27th Avenue #219
Miami, Florida 33142

INVESTIGATORS:

ARTHUR CONNOLLY
EUGENE GONZALEZ
PEDRO MONTEAGUDO

TELEPHONE 638-6865

January 7, 1983

HOME STUDY - CUSTODY

RE: Adorno, K.M. & H.N. Case No. 81-1766

Child: Kelly Adorno d.o.b. 4-2-79

CASE STATUS

COURT EXECUTIVE OFFICER

By Order of Judge Donald E. Stone, subject matter was referred to this Unit for a home study.

The parents were divorced on May 15, 1981 and at that time, per their Property Settlement Agreement, custody of Kelly was given to the mother. As a result of the Pestraining Order issued by the Court on December 3, 1982 and the mother's remarriage, temporary custody of Kelly is presently with the father.

THE FATHER:

The father, Henry Adorno, age 35, is an attorney in private practice.

He resides in a 5 bedroom, 3 bath, private house located in a residential area at 12251 S.W. 60th Court. He has lived there about two years.

llis present wife, Kathy, and her three children from a previous murriage, Sean (age 11), Joshua (age 9) and Rachel (age 7), reside there with him. A live-in housekeeper, Janet Bucault, who has been Kathy's housekeeper for many years, also lives in the home.

Kathy Adorno is in real estate sales work and works flexible hours that enable her to be at home when the children are at home usually. Mrs. Bucault, the housekeeper, is always at home to care for the children also.

Since early December Kelly Adorno (age three and a half) has also lived in this home. She attends Rivera School (private - pre-school) in the day as she did while living with her mother.

The father states that after the divorce he and the mother had a good relationship as concerns their daughter Kelly. He had Kelly with him almost every weekend (the mother, a flight attendant, was usually out on flight on weekends). Additionally, he often had Kelly with him or at the paternal grandmother's home many weekdays while the mother was on flite duty. All this visitation was on an open, liberal and flexible basis. The father adds that all this time he, basically, considered the mother to be a good, loving parent and custodian for their child, Kelly.

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About October of 1982, the father states, the mother decided to restrict and set a schedule regarding visitation, basically alternate weekends. At the same time he became aware that a Wayne Startari, a co-worker of the mother's whom he did not know, had become an important part of the mother's life and might in fact be living with her and Kelly. He also noted a change in Kelly's personality while on visitation (less open and more secretive).

He states that he decided to contest this change in visitation arrangements but shortly thereafter, through friends of the mother, became aware of events that caused him to have very serious concerns about Kelly's safety and the environment in the mother's home.

These are as stated in his "Petition for Emergency Restraining Order etc" dated December 2, 1982. They include a violent incident in the mother's apartment (Police Report in file), Mr. Startari's alleged use of cocaine, the mother's alleged great fear of Mr. Startari and then her apparent "domination" by Mr. Startari and sudden decision to marry him.

The father also learned of an earlier violent episode involving Wayne Startari and a previous girlfriend which also required police intervention. He also noted that Kelly would spend little time with her nother even when the nother was off flite duty and at home all day. (Kelly would still attend a full day at Riviera pre-school during those times). He also became aware of alleged odd behavior by Wayne toward Kelly (showering with said child, etc).

Basically, the father states, he is very concerned about his daughter's safety and welfare and feels that if his concerns are well founded that Kelly would be better off in his custody. He notes affidavits regarding recent behavior by the mother and Wayne sworn to by Gene Owens and Joan Keenan, both of whom are said to be long time friends and confidants of the mother.

The father adds that except for attending the mother's wedding (December 8, 1982) the mother has not had or asked for any "normal" visitation with Kelly. He understands that the mother has seen Kelly at her school on a few occasions.

THE MOTHER:

The mother, Kay (Adorno) Startari, age 33, is employed as a flight attendant with Pan Am. She has been so employed for about 6 years with extended leaves for maternity (Kelly) and to work as a teacher in the Dade County School's second language program for about 6 months.

She resides in a 2 bedroom, 2 bath, rented townhouse located in a residential area at 13340 S.W. 91st Terrace.

Her present husband, Wayne Startari, (married 12-8-82) resides there with her. Previous to December, 1982, her daughter, Kelly, lived there with her and had her own bedroom.

This is the mother's third marriage. Mr. Startari is also employed as a flight attendant by Pan Am. This is his first marriage and he has no children of his own.

Both Mr. & Mrs. Startari are licensed real estate salespeople also and do this type of work on a limited part-time basis.

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If Kelly is returned to her custody, the mother would use the following care arrangements for Kelly when she (the mother) is out on flite. In the day Kelly would still attend pre-school at Riviera. At other hours said child could be cared for by her husband or most generally by an older lady who lives nearby and cares for a friend's child when that friend is at work.

The mother states that she would not want to return to the "open" visitation arrangement of the past when Kelly spent so much time with the father and/or paternal grandmother for several reasons. First it "blurs" the family unit and tends to confuse Kelly as to her real home. More importantly, she feels, the father has in that arrangement attempted to continue to control the lives of both her self and Kelly and to manipulate them as if, despite the divorce of 2 years, he is still head of this "2nd family" including herself and Kelly. She suggests alternate weekends plus Wednesday overnight as reasonable schedule for the father.

She says that her new husband, Wayne, loves Kelly very much and has a good relationship with said child. Conversely, in her previous marriage, the father never even wanted a child and never really paid that much attention to Kelly before the divorce.

She denies that Wayne is a violent person or has ever behaved improperly toward Kelly.

She does admit that Wayne has used cocaine a few times in the past but states that he doe not use it anymore nor does he use any other drug, even alcohol.

The mother admits the episode at her apartment on November 14, 1982, but feels that it was her fault in that she lied to Wayne even though she knew how much he prizes honesty and faithfulness. She said that the previous "violent" incident between Wayne and a previous girlfriend (over a year ago) also occurred for the same reasons.

The mother's position is basically that she has always been and still is a good mother and custodian for Kelly and that Wayne is a positive not negative factor for both herself and Kelly. She adds that she does not try to meddle in the father's new family but that he and his present wife are more interested in going out and enjoying themselves rather than staying home with their three children, while she and Wayne are essentially homebodies.

She has not been able to have Kelly visit with her during the past month, she notes, because of the restraining order against Wayne's presence. Wayne is part of her family unit and should be present, she feels.

SUMMARY AND EVALUATION:

I had an opportunity to observe little <u>Kelly</u> at the father's home and she seemed a bright, healthy, active child.

The police report (Case No. 394543-L) regarding the violent incident at the mother's home was reviewed.

The affidavits of two past friends of the mother, Gene Owens and Joan Keenan were also studied and both of them had discussions with myself about this matter.

I met very briefly with Wayne Startari when I visited the mother's home and asked that the mother or Wayne contact me in the next few days if they wished me to meet and speak with Mr. Startari at length. Additionally, I called the mother back to remind them again that they were supposed to contact me if Wayne wished to talk with me. However, I found that for a reason unknown to me, their phone had been disconnected after my visit to the home.

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From reviewing the facts of this matter, from my meeting with the principals and the other interested parties noted earlier, it became quite clear to me that there are very real and well founded concerns which prevent me from recommending that Kelly be returned to the custody of the mother. This is despite the fact that the mother impressed me as a loving mother and a very open and sensitive individual. However, my concerns must be with the well being and best interests of little Kelly and it does seem that the present environment in the mother's home may be detrimental to them.

After having already reached this conclusion I met and spoke with Dr. Erwin Lesser, who had met with all the principal parties and conducted a psychological evaluation of Wayne Startari. Certainly, Dr. Lesser's evaluation results and conclusions therefrom greatly reinforced the concerns which I already had.

Respectfully submitted,

Eugene Gonzalez

Custody Investigative Unit

Lugana Honzale

EG:rc

cc: Paul Marcus, Esquire Ira L. Dubitsky, Esquire