

DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

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JEREMY GREEN,

Appellant,

v.

SUSAN RAE BORDIUK,

Appellee.

No. 2D21-2592

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August 24, 2022

Appeal from the Circuit Court for Lee County; John S. Carlin,  
Judge.

Robert P. Harris of Robert P. Harris Law Firm, Fort Myers, for  
Appellant.

No appearance for Appellee.

KELLY, Judge.

Jeremy Green appeals from an order denying a motion, filed  
by Susan Rae Bordiuk, to dissolve a domestic violence injunction  
entered on behalf of Bordiuk and against him six years ago.

Because the record shows that the circumstances underlying the injunction no longer exist and that continuing the injunction no longer serves a valid purpose, we reverse the denial of Bordiuk's motion and remand with instructions to dissolve the injunction.

Generally, after an injunction has been entered, "either party to the injunction may move to modify or dissolve the injunction at any time." *See Hobbs v. Hobbs*, 290 So. 3d 1092, 1094 (Fla. 1st DCA 2020) (citing § 741.30(6)(c), Fla. Stat. (2018)). A party moving to dissolve the injunction "must 'show changed circumstances.' " *Id.* (quoting *Alkhoury v. Alkhoury*, 54 So. 3d 641, 642 (Fla. 1st DCA 2011)). To establish a change in circumstances, "the movant must 'demonstrate that the scenario underlying the injunction no longer exists so that continuation of the injunction would serve no valid purpose.' " *Id.* (quoting *Alkhoury*, 54 So. 3d at 642). A trial court considers, when determining whether the injunction continues to serve a valid purpose, "whether the victim 'reasonably maintain[s] a continuing fear of becoming a victim of domestic violence.' " *Id.* (alteration in original).

It is undisputed that neither party bound by this injunction wants it to continue. This was Bordiuk's fifth attempt over the

course of six years to modify or dissolve the injunction. Bordiuk testified that her attempts to dissolve the injunction were voluntary, that she and Green had matured during the six years since the injunction was entered, that both had completed domestic violence counseling and anger management courses, and that she had completed counseling. She explained she no longer feared becoming a victim of domestic violence and had not feared violence from Green for years. We conclude that under these circumstances the trial court erred in denying Bordiuk's motion to dissolve the injunction. *See Labrake v. Labrake*, 335 So. 3d 214, 218 (Fla. 1st DCA 2022) (reversing the denial of a motion to dissolve injunction where the former husband demonstrated that circumstances had changed since the injunction was issued and that the former wife no longer had an objective fear of becoming a victim of domestic violence).

Reversed and remanded with instructions to dissolve the injunction.

SILBERMAN and BLACK, JJ., Concur.

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Opinion subject to revision prior to official publication.