

FIFTH DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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Case No. 5D2023-3276  
LT Case Nos. 2022-10081-FMDL  
2022-10676-FMDL

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AMANDA C. WATSON,

Appellant,

v.

CHAD SPENCER and MICHAEL J.  
HEATHER,

Appellees.

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On appeal from the Circuit Court for Volusia County.  
Christopher Kelly, Judge.

Katherine F. Woodard and David L. Ferguson, of Woodard &  
Ferguson, P.A., for Appellant.

Martin Pedata, of Law Office of Martin A. Pedata, Deland, for  
Appellee, Michael J. Heather.

No Appearance for Remaining Appellee.

November 15, 2024

PER CURIAM.

Amanda C. Watson timely appeals the trial court's Order of Paternity finding Chad Spencer was the natural parent and father of her minor child, C.H.S., based on presumptive paternity under

section 742.10(1), Florida Statutes (2023). The mother asserts the trial court erred in finding that the voluntary acknowledgement of paternity was the product of her undisputed fraud while simultaneously holding there was no conclusive evidence to rebut the presumption of paternity in accordance with section 742.10(4), Florida Statutes. We agree. *See A.D.A. v. D.M.F.*, 204 So. 3d 523, 528 (Fla. 4th DCA 2016) (finding a mother could support a challenge to presumptive paternity based on fraud where the challenge was brought by a putative father).

Based upon the trial court's explicit finding of fraud, the presumption of paternity was rebutted by the child's putative father. *See id.* at 527 ("A presumption of paternity cannot rest on a false affidavit."). Once the presumption was rebutted, further proceedings were necessary to determine legal paternity. We therefore reverse and remand for further proceedings consistent with this opinion and this Court's opinion in *Heather v. Spencer*, 49 Fla. L. Weekly D2129b (Fla. 5th DCA Oct. 18, 2024), the concurrent appeal by the child's putative father.

REVERSED and REMANDED with instructions.

LAMBERT, JAY, and KILBANE, JJ., concur.

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*Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.*

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