

# Third District Court of Appeal

## State of Florida

Opinion filed July 15, 2020.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-1303  
Lower Tribunal No. 03-18633

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**Alberonick Valsaint,**  
Appellant,

vs.

**Marie Carmelle Alphonse,**  
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Arthur L. Rothenberg, Senior Judge.

Alberonick Valsaint, in proper person.

Appellee precluded from filing an answer brief and from oral argument.

Before EMAS, C.J., and SALTER and SCALES, JJ.

PER CURIAM.

Alberonick Valsaint appeals a final order of the trial court, rendered May 24, 2019, that both (i) denied Valsaint's request for a continuance of a hearing on the

State of Florida Department of Revenue Child Support Program's motion to dismiss Valsaint's March 9, 2018 Petition to Disestablish Paternity and/or Terminate Child Support Obligation, and (ii) dismissed Valsaint's petition. We affirm because the trial court did not abuse its discretion<sup>1</sup> in denying Valsaint's request for a continuance of the hearing; nor did the trial court err in dismissing Valsaint's petition for failure to effect service of his petition on the minor child's mother. § 742.18(1), Fla. Stat. (2018) ("To disestablish paternity or terminate a child support obligation, the male must file a petition in the circuit court having jurisdiction over the child support obligation. The petition must be served on the mother or other legal guardian or custodian of the child.").

Affirmed.

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<sup>1</sup> See Bryan v. Bryan, 824 So. 2d 920, 923 (Fla. 3d DCA 2002) ("In determining whether the trial court abused its discretion in denying a motion for continuance several factors to consider include: whether the denial creates an injustice for the moving party; whether the cause of the request for continuance was unforeseeable by the moving party and not the result of dilatory practices; and whether the opposing party would suffer prejudice or inconvenience as a result of a continuance.")