

FIFTH DISTRICT COURT OF APPEAL OF FLORIDA

Alexander L. Bauer v. Jordin Carlson and Taylor A. Butler

Case No. 5D2024-0447 · No. 5D2024-0447 · Decided April 4, 2025

SUMMARY

The Fifth District Court of Appeal of Florida reviewed an order denying Alexander Bauer’s motion to intervene and dismissing his petition to disestablish paternity. The court held that Bauer lacked standing to disestablish Butler’s legally established paternity because he was not the legal father and had not alleged fraud, duress, or material mistake of fact concerning the voluntary acknowledgment of paternity. The court affirmed the dismissal and denial of intervention, but reversed the denial with prejudice because it conflicted with the trial court’s oral pronouncement, remanding for the written order to conform.

CASE DETAILS

COURT	Fifth District Court of Appeal of Florida
WRITING FOR THE COURT	Harris, J.; Makar, J.; Kilbane, J.
JURISDICTION	Florida Fifth District Court of Appeal
DECIDED	April 4, 2025
DOCKET	5D2024-0447
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Bauer appealed an order denying his motion to intervene and dismissing his petition to disestablish paternity.
STANDARD OF REVIEW	Not expressly stated.
PRECEDENTIAL VALUE	published
PARTIES	Alexander L. Bauer v. Jordin Carlson, Taylor A. Butler

TOPICS

- paternity
- parental rights
- intervention
- appellate procedure
- statutory interpretation

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether Bauer had standing to intervene and challenge Butler's established paternity without alleging fraud, duress, or material mistake of fact in the execution of the voluntary acknowledgment of paternity.
2. Whether Bauer, as the alleged biological father, could petition to disestablish Butler's paternity under section 742.18, Florida Statutes.
3. Whether the written order denying intervention with prejudice had to be reversed because it differed from the trial court's oral pronouncement denying intervention without prejudice.
4. Whether Bauer could bring an action to establish paternity when paternity had already been established by law.

HOLDINGS

1. Bauer lacked standing to challenge Butler's established paternity because he failed to allege fraud, duress, or material mistake of fact concerning the execution of the voluntary acknowledgment of paternity.
2. The written order denying intervention with prejudice had to be reversed because it differed from the trial court's oral pronouncement denying intervention without prejudice; the oral pronouncement controls.
3. Bauer could not petition to disestablish Butler's paternity because section 742.18 authorizes only the male determined to be the legal father to seek disestablishment.
4. Bauer could not bring an action to determine paternity under section 742.011 because paternity had already been established by law.

KEY QUOTATIONS

“Thus, pursuant to Bronner, if duress, fraud, or mistake of fact as to the acknowledgment of paternity is raised, the trial court must hold a hearing and may set aside the acknowledgment if the challenger meets their burden.” (at 5)

“When a trial court’s written order is inconsistent with its earlier oral pronouncement, the oral pronouncement generally controls and the written order must be reversed.” (at 5)

FACTUAL BACKGROUND

Jordin Carlson and Taylor Butler signed a voluntary acknowledgment of paternity shortly after the child's birth, and Butler's name was placed on the child's birth certificate. The acknowledgment was not rescinded within sixty days, and the trial court determined that Butler was the child's legal father. Subsequent DNA testing indicated a 99.99% probability that Alexander Bauer was the biological father, but neither Carlson nor Bauer alleged fraud, duress, or material mistake of fact in the execution of the acknowledgment.

PROCEDURAL HISTORY

Taylor Butler filed a petition to determine paternity and for related relief, and the trial court determined that Butler was the child's legal father based on a voluntary acknowledgment of paternity and the child's birth certificate. After DNA testing indicated that Bauer was likely the biological father, Bauer moved to intervene and

petitioned to disestablish paternity. The trial court denied intervention, later entering a written order denying it with prejudice, and dismissed Bauer's disestablishment petition. The appellate court affirmed the dismissal and denial of intervention but reversed the with-prejudice designation and remanded for the written order to conform to the oral pronouncement.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the portion of the order denying Bauer's motion to intervene with prejudice and remand for the written order to conform to the trial court's oral pronouncement denying intervention without prejudice. Bauer may raise facts necessary to support a finding that the acknowledgment of paternity was executed under fraud, duress, or mistake of fact.

CASES CITED

- J.A.I. v. B.R., 160 So. 3d 473, 475 (Fla. 2d DCA 2015)
- I.A. v. H.H., 710 So. 2d 162, 164 (Fla. 2d DCA 1998)
- Van Weelde v. Van Weelde, 110 So. 3d 918, 921 (Fla. 2d DCA 2013)
- Flores v. Sanchez, 137 So. 3d 1104, 1108-09 (Fla. 3d DCA 2014)
- Bronner v. Longden, 398 So. 3d 1015, 1016-19 (Fla. 4th DCA 2024)
- Johansson v. Johansson, 348 So. 3d 1153, 1155 (Fla. 4th DCA 2022)
- In Interest of Y.R-P., 228 So. 3d 628, 632 (Fla. 2d DCA 2017)