

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY,
FLORIDA

CASE NO: 50-2024DR-002411 - XXXA
SB

KENSON HENRY

Div. FZ

PETITIONER/FATHER

Vs.

JOSETTE PREMILUS

RESPONDENT/MOTHER

RESPONDENT'S ANSWER AND AFFIRMATIVE DEFENSES

Comes now, respondent Josette Premilus, the mother of the minor child Kendley Josecardo Kenderlson Henry Premilus files this answer on this lawsuit received from the father. As the mother of the child, respondent made the following allegations. 1) The father is an abandon father and he abandoned the child since the child was living in Chile. 2) The father FAILED to pay any child support for many months while he was living in child. The Court in Chile granted the mother full custody of the child and the father deem as an unfit father. 3) The child cannot live well because he is afraid and crying whenever he sees his father. The Court in Chile already made a decision on this case and the father lost rights of visitation because he placed the mother's life in danger in Chile. Moreover, the father failed to even exercise his visitation rights when the court granted him the opportunity. The evidence is clear and the father is not a good father and does not care about the child. The court in Chile made the right decision and that decision is in the best interest of the child. The Government or the state has to look for the best interest of the child and the best interest of the child is that mother has full custody. It is evident, the child is not love by his father because as the father there are certain obligations you should have toward your children. First you should love your child, second you should provide for your child, third, you should help your child with safety and you should be part of the child education. However, the father neglected all these requirements and did not provide any support for the child. Therefore, the mother Josette Premilus, asked the Court from Chile the right to travel with the child and that request was granted. The mother as a concern parent had to do what was the right thing for her child safety. The father is a person of bad moral character and someone who does not care about the right of human beings. Granted the father any visitation rights will place the child in harm's way and the Court from Chile already seen the evidence and made the decision. The father is an unfit father and the Court made the right decision to protect the child. The evidence from from the Chile's Court is enclosed and overwhelming.



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At the service of all people

I.-That, the protective request filed by the parent in favor of the child Kendley Josenardo Kenderlson Henry Premilus, RUN 25.458.401-0, is rejected because his rights have not been seriously violated in accordance with what has been considered in this hearing trial and this ruling.

II.-Any type of precautionary measure or diligence decreed in favor of the child on the occasion of this case is void.

III.-The conservatorship is relieved of continuing to represent the child based on what has already been resolved

IV.-It is suggested that the parent join a program to be able to enhance his or her parenting skills, solely as a guideline to be able to carry out a communication regime of direct and regular nutritional relationship with his or her child, taking into account that it is already regulated by the child. San Miguel Family Court in case C-687-2020, a communication regime.

V.-The child Kendley Josenardo Kenderlson Henry Premilus, RUN 25.458.401-0, is kept in the PASMI program of Cesfam Raul Branes, the mother is guided to keep him in said program.

The parties are informed that with the entry into force of Law 2. 886, which establishes the digital processing of judicial procedures, ALL their requests can be made directly from the Virtual Judicial Office, which is accessed from the portal def judicial power www.poderjudicial.cl, making use of the Unique Code that must be obtained from the Civil Registry Service, and more information can be obtained at www.tramitacionelectronica.cl.

The parties are personally notified, to be present at the hearing, in accordance with the provisions of article 23 of Law 19,968.

Notify the requested person by email.

THE HEARING RESOLVED AND CONDUCTED BY DONA ELIANA GARAY HERRERA, PRIMARY JUDGE OF THE FAMILY COURT OF SAN BERNARDO, WHO INDIVIDUALIZES HERSELF THROUGH AN ADVANCED ELECTRONIC SIGNATURE.

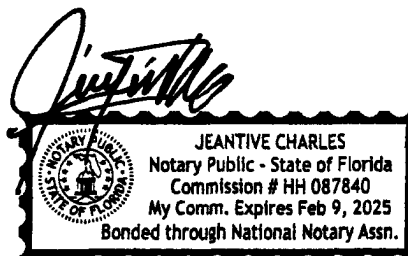
NOTE A: This record only constitutes a summary of what was done and resolved at the hearing. The arguments presented by the parties and the basis for the resolution are found entirely in the audio record.

"In compliance with the provisions of the fourth paragraph of article 60 bis of Law 19,968 and prior to the beginning of this hearing, the identity of the appearing parties identified in the preceding record was verified, and they exhibited their identity cards."

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translated from the original version and done
to the best of my knowledge and my abilities.

Translator



ON THIS 5TH DAY OF
APRIL 2024



JUDICIAL POWER
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RECORD OF HEARING OF PROTECTION MEASURE TRIAL: DICTIONING OF SENTENCE

DATE	October six, two thousand twenty-two
R.U.C.	20-2-1791536-9
RIT	P-71-2021
IN-PRESENT MAGISTRATE in Court	ELIANA GARAY HERRERA
TECHNICAL ADVISOR (Via Zoom)	TERESA TORREALBA RIQUELME
MINUTES MANAGER (Via Zoom)	FRANCO FRITIZ VILLAGRA
START TIME	09:05
END TIME	09:29
N AUDIO/ROOM RECORD	2021791536-9-1310/ TEAM ROOM 1
CHILD AND/OR ADOLESCENT	KENDLEY JOSENARDO KENDERLSON HENRY PREMILUS, RUN 25.458.40100. (29/07/2016)
AD LITEM CURATOR (Via Zoom)	GLORIA VALESKA FUENZALIDA GALLARDO
requesting party In-person in Court	KENSON HENRY PREMELUS, RUN 25.288.879-9, REGISTERED AT AVENIDA AMERICO VESPUCIO NO 3568, CITY OF ESPEJO, PHONE 99279147. Kendykens02@hotmail.com
LAWYER AND ATTORNEY (Via Zoom)	HUGO ANDRES NAVARRO MORENO
REQUIRED PARTY (Mother) Does Not Appear	JOSETTE PREMILUS, RUN 25.342.266-1, DOMICILIED IN EERNESTO RIQUELME N 1051, APT 17, CITY OF SAN BERNARDO, PHONE 996860452. Joesettepremilus50@gmail.com

ACTIONS CARRIED OUT	SI	NO	ORD
WHETHER IT HAS BEEN CARRIED OUT OR NOT	X		1
INDIVIDUALIZATION OF PARTS	X		2
AD-LITEM CURATOR STATEMENT	X		3
INCORPORATE OPD REPORT	X		4
TECHNICAL ADVISOR OPINION	X		5
AD-LITEM CURATOR OPINION	X		6
DICTIONING OF SENTENCE	X		7

San Bernardo, October 6, two thousand twenty-two.

It is noted that in response to the National Health contingency caused by COVID 19, in order to guarantee the right to defense of the parties and ensure adequate administration of justice, this hearing was carried out through video conference, with participants having participated in this way all the interveners.

I.- INCORPORATES OPD REPORT: Technical advisor of the Court incorporates report issued by the San Bernardo OPD.

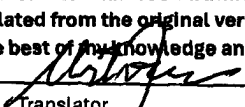
IV.- DICTIONING OF SENTENCE:


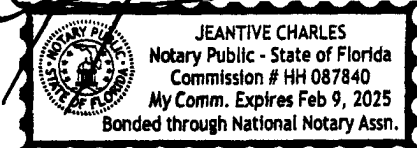
San Bernardo, October 6, two thousand twenty-two

Taking into account the provisions established in article 62 of Minute 71-2016 "Agreed order that regulates the operation of courts that process electronically" issued by Excma. Supreme Court on June 16, 2016, precedes the delivery of an oral sentence ordering the extraction of only its operative part, without prejudice, which appears in full form in the audio record

And in accordance with the relevant legal regulations, Family Court Law and international convention on the rights of the child, **BE IT RESOLVED:**

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 to the best of my knowledge and my abilities.


 Translator

on this 5th Day of Oct



ACTA DE AUDIENCIA DE JUICIO DE MEDIDA DE PROTECCION: DICTACIÓN DE SENTENCIA

FECHA	Seis de octubre del dos mil veintidós		
RUC	20- 2-1791536-9		
RIT	P-71-2021		
MAGISTRADO Presencial en Tribunal.	ELIANA GARAY HERRERA		
CONSEJERO TECNICO (Via Zoom)	TERESA TORREALBA RIQUELME		
ENCARGADO DE ACTA (Via Zoom)	FRANCO FRITIZ VILLAGRA		
HORA DE INICIO	09:05		
HORA DE TERMINO	09:29		
Nº REGISTRO DE AUDIO / SALA	2021791536-9-1310 / EQUIPO SALA 1		
NIÑO Y/O ADOLESCENTE	KENDLEY JOSEVARDO KENDERLSON HENRY PREMILUS, RUN 25.458.401-0. (29/07/2016)		
CURADORA AD-LITEM (Via Zoom)	GLORIA VALESKA FUENZALIDA GALLARDO.		
PARTE REQUIRENTE Presencial en Tribunal.	KENSION HENRY, RUN 25.288.879-9, DOMICILIADO EN AVENIDA AMERICO VESPUCIO N°3568, COMUNA DE LO ESPEJO, FONO 99279147. kendykens02@hotmail.com.		
ABOGADA Y APODERADO (Via Zoom)	HUGO ANDRÉS NAVARRO MORENO.		
PARTE REQUERIDA (Madre) No Comparece.	JOSETTE PREMILUS, RUN 25.342.266-1, DOMICILIADA EN ERNESTO RIQUELME N°1051, DPTO 17, COMUNA DE SAN BERNARDO, FONO 996860452. josettepremilus50@gmail.com		
ACTUACIONES EFECTUADAS:	SI	NO	ORD
(HECHO DE HABERSE EFECTUADO O NO)			
• INDIVIDUALIZACIÓN PARTES	X		1
• DECLARACIÓN CURADORA AD-LITEM	X		2
• DECLARACION APODERADO REQUIRENTE	X		3
• INCORPORA INFORME OPD	X		4
• OPINIÓN CONSEJERA TECNICA	X		5
• OPINION CURADORA AD-LITEM	X		6
• DICTACION DE SENTENCIA	X		7

San Bernardo, seis de octubre de dos mil veintidós.

Se deja constancia que atendida la contingencia de Salud Nacional originada por el COVID 19, a fin de garantizar el derecho a defensa de las partes y propender a una adecuada administración de justicia esta audiencia fue llevada a cabo a través de video conferencia, habiendo participado de tal forma todos los intervinientes.

I.- INCORPORA INFORME OPD: Consejera técnica del Tribunal incorpora informe evacuado por la OPD San Bernardo.

IV.- DICTACION DE SENTENCIA:

San Bernardo, seis de octubre del año dos mil veintidós.

Teniendo presente las disposiciones establecidas en el artículo 62 del Acta 71-2016



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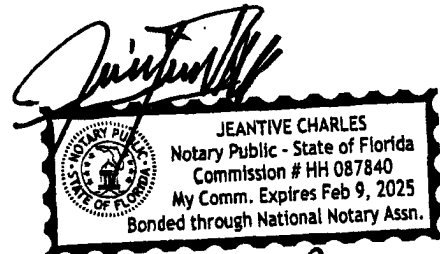
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On this 5th Day of
April 2024

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