

Third District Court of Appeal

State of Florida

Opinion filed July 12, 2017.

No. 3D17-979
Lower Tribunal No. 15-15572

S.C.P., the Mother,
Petitioner,

vs.

Department of Children & Families, et al.,
Respondents.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Maria Sampedro-Iglesia, Judge.

Eugene F. Zenobi, Criminal Conflict and Civil Regional Counsel, Third Region, and Kevin Coyle Colbert, Assistant Regional Counsel, for appellant.

Karla Perkins, for respondent Department of Children and Families; Laura J. Lee (Sanford), for respondent Guardian ad Litem Program.

Before ROTHENBERG, C.J., and EMAS and LOGUE, JJ.

ON CONFESSION OF ERROR

PER CURIAM.

S.C.P., the Mother, petitions this Court for a writ of certiorari quashing the trial court's March 30, 2017 order that changed the goal of her case plan from reunification to permanent guardianship. We grant the petition and quash the order.

The Mother's children were adjudicated dependent on February 10, 2016. On January 4, 2017, the trial court accepted a case plan which set forth the primary goal of reunification. On March 30, 2017, however, the trial court entered the order under review. The order found that the Mother was in compliance with her case plan but nevertheless, it changed the goal from reunification to permanent guardianship. This change could prevent the Mother from eventually reuniting with her children.

The governing rules and statutes contemplate an evidentiary basis to support a case plan amendment. See § 39.621, Fla. Stat. (2016); R.N. v. Dep't of Children & Families, 25 So. 3d 697, 700 (Fla. 5th DCA 2010) ("Rule 8.420 contemplates an evidentiary basis to support a case plan amendment"). The Department properly and commendably concedes that the trial court order lacks an adequate evidentiary basis to support the case plan amendment, and the guardian ad litem also indicated that it has no argument against granting the petition. Based upon our independent review of the record and the Department's confession of error, we grant the petition and quash the order.

Petition granted.