

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

K. S., MOTHER OF : K. H., K.
H., AND L. D., EACH A MINOR
CHILD,

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

Appellant,

CASE NO. 1D13-6161

v.

FLORIDA DEPARTMENT OF
CHILDREN AND FAMILIES,

Appellee.

Opinion filed May 12, 2014.

An appeal from the Circuit Court for Duval County.
David M. Gooding, Judge.

Michael A. Tupper, Jacksonville, for Appellant.

Ward L. Metzger, Appellate Counsel, Department of Children and Families,
Jacksonville; and Kelley Schaeffer, Appellate Counsel, Guardian ad Litem
Program, Sanford, for Appellee.

PER CURIAM.

The appellant, K.S., challenges an order adjudicating her children
dependents of the state. We reverse.

At the arraignment hearing on the Department of Children and Families'

petition for dependency of the appellant's children, the father entered a written consent to the dependency of the children. Although the appellant requested an evidentiary hearing on dependency consistent with the requirements of section 39.507(7)(b), Florida Statutes, the trial court did not conduct a hearing and issued a final order adjudicating the children dependent based only on the consent of the father without providing written findings. The appellees properly concede error in this case.

We hold that the trial court's order of dependency based only on the consent of the father without an evidentiary hearing and without written findings is contrary to the law. See Monteiro v. State, 477 So. 2d 45, 45-46 (Fla. 3d DCA 1985) (holding that "consent to the dependency of a child by one parent does not affect the right of the other parent to continue in his or her parental role"). We, therefore, REVERSE and REMAND.

ROWE, MARSTILLER and SWANSON, JJ., CONCUR.