

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

J.H., FATHER OF A.H., A CHILD,

Appellant/Cross-Appellee,

v.

Case No. 5D14-500

DEPARTMENT OF CHILDREN AND FAMILIES,

Appellee/Cross-Appellant.

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Opinion filed July 21, 2014

Appeal from the Circuit Court
for Citrus County,
Sandy K. Kautz, Judge.

Elliott R. Ambrose, of The Law Office of
Elliott R. Ambrose, Brooksville, for
Appellant/Cross-Appellee.

Beth E. Antrim, Supervising Attorney/
Citrus County/Circuit 5, State of Florida
Department of Children and Families/
Children's Legal Services, Inverness, and
Deborah Anne Schroth, of Department of
Children & Families, Jacksonville, for
Appellee/Cross-Appellant.

EVANDER, J.

We affirm the final judgment entered below. Our affirmance is without prejudice to the Department of Children and Families filing a new petition for termination of parental rights should J.H. be convicted and sentenced to prison on his pending felony charges. A significant prison sentence would not only potentially provide new legal

grounds for termination,¹ it would require the trial court to reexamine the issue of whether termination of parental rights is the least restrictive means to protect the child, A.H. The least restrictive means test is not intended to preserve a parental bond at the cost of a child's future. Rather, it simply requires that "measures short of termination should be utilized if such measures can permit the safe reestablishment of the parent-child bond." *A.J. v. K.A.O.*, 951 So. 2d 30, 33 (Fla. 5th DCA 2007); *Dep't of Children & Families v. B.B.*, 824 So. 2d 1000, 1009 (Fla. 5th DCA 2002). Where there is a lack of a meaningful relationship between a parent and a child, caused in large part by the parent's criminal propensities, this Court has previously concluded that termination of parental rights is not barred by application of the least restrictive means test. See, e.g., *F.L.C. v. G.C.*, 24 So. 3d 669 (Fla. 5th DCA 2009); *A.J.*, 951 So. 2d at 30.

AFFIRMED.

LAWSON and BERGER, JJ., concur.

¹ See § 39.806(1)(d)1. & 2., Fla. Stat. (2013).