

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

DEPARTMENT OF REVENUE O/B/O
CHANDRA BEAN,

Appellant,

v.

Case No. 5D19-1582

KENNETH J. ROBINSON,

Appellee.

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Opinion filed December 20, 2019

Appeal from the Circuit Court
for Lake County,
Mark J. Hill, Judge.

Ashley Moody, Attorney General, and
Toni C. Bernstein, Senior Assistant
Attorney General, Tallahassee, for
Appellant.

No Appearance for Appellee.

PER CURIAM.

The Department of Revenue appeals an order denying a petition for contempt brought against the father, Kenneth J. Robinson, for failure to pay child support arrearages. The trial court denied the petition because the mother, Chandra Bean, was not present at the hearing. Because neither the mother's presence nor her testimony was necessary, the trial court erred. See Dep't of Rev. o/b/o Mathias v. Rogers, 44 Fla. L.

Weekly D2771, D2772 (Fla. 5th DCA Nov. 15, 2019); Dep't of Rev. o/b/o Gaines v. Curtis, 247 So. 3d 715, 717 (Fla. 5th DCA 2018). Consequently, we reverse and remand for further proceedings.

REVERSED and REMANDED.

WALLIS and EISNAUGLE, JJ., and JACOBUS, B.W., Senior Judge, concur.