

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

JANUARY TERM 2013

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

R.S., FATHER OF A.R.S., A CHILD,

Appellant,

v.

Case No. 5D12-4021

DEPARTMENT OF CHILDREN AND FAMILIES,

Appellee.

_____ /

Opinion filed February 11, 2013

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

Ryan Thomas Truskoski, Special Assistant
Regional Counsel, Stephen Teaster,
Assistant Regional Counsel, and Jeffrey
Deen, Office of the Criminal and Civil
Regional Counsel, Casselberry, for
Appellant.

Deborah A. Schroth, Department of Children
& Families, Jacksonville, for Appellee.

Wendie Michelle Cooper, Guardian ad Litem
Office, Tavares.

PER CURIAM.

Appellant, R.S. ["R.S."], appeals the order of adjudication, finding his child,
A.R.S., dependent and entering a case plan with a goal of permanent guardianship.

A.R.S. was sheltered after R.S. was arrested for multiple drug offenses, his third

in two years. The mother is deceased. The Department of Children and Families ["DCF"] subsequently filed a dependency petition that alleged that R.S. engaged in chronic substance abuse and that he was currently incarcerated. R.S. denied the dependency allegations.

Without taking any evidence, the trial court entered an adjudication that DCF had proven by a preponderance of the evidence that the child was dependent. The court then set a disposition hearing, to which R.S. objected in the absence of an adjudicatory hearing. A case plan with a goal of permanent guardianship was nevertheless entered by the lower court.

The Guardian ad Litem and DCF both properly concede that the court erred in failing to hold an adjudicatory hearing. Accordingly, we reverse and remand for that purpose.

REVERSED and REMANDED.

GRIFFIN, SAWAYA and TORPY, JJ., concur.