

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

DEPARTMENT OF CHILDREN
AND FAMILIES,

Petitioner,

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

CASE NO. 1D12-5308

v.

H.B., FATHER OF K.B., K.B.
AND S.B., MINOR CHILDREN,

Respondent.

Opinion filed November 27, 2012.

Petition for Writ of Certiorari -- Original Jurisdiction.

Ward L. Metzger, Appellate Counsel, Department of Children and Families,
Tallahassee, for Petitioner.

No appearance for Respondent.

Kelley Schaeffer, Guardian Ad Litem Program, Tavares.

PER CURIAM.

The Department of Children and Families petitions for certiorari review of an

order that it characterizes as sua sponte reopening an adjudicatory hearing in a dependency matter after a final order was rendered and no appeal of that order was taken. We conclude that petitioner has failed to show that at this point, the order will result in a harm not remediable on appeal, and therefore DENY the petition without reaching the merits. See AVCO Corp. v. Neff, 30 So. 3d 597 (Fla. 1st DCA 2010) (to grant certiorari relief, court is required to first determine whether petitioner has shown an irreparable harm before determining whether the trial court departed from the essential requirements of law).

WOLF, THOMAS, and CLARK, JJ., CONCUR.