

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**YOLANDO V. GREEN,**  
Appellant,

v.

**SHARON FARMER,**  
Appellee.

No. 4D22-2837

[August 30, 2023]

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, St. Lucie County; Laurie E. Buchanan, Judge; L.T. Case No. 562022DR001435.

Christopher V. Butler of Butler Legal P.A., Sanford, for appellant.

No appearance for appellee.

PER CURIAM.

Yolando Green appeals the circuit court's order granting immediate exclusive custody and care of a minor child to Sharon Farmer, the child's maternal grandmother. Because Farmer did not qualify under the statute for temporary custody, we reverse the court's order and remand for entry of a dismissal without prejudice.

Chapter 751 , Florida Statutes (2022), allows extended family members to seek temporary custody of minors. The statute allows proceedings to be brought by "(a) [a]ny extended family member who has the signed, notarized consent of the child's legal parents; or (b) [a]ny extended family member who is caring full time for the child in the role of a substitute parent and with whom the child is presently living." § 751.02(1)(a)-(b), Fla. Stat. (2022).

Farmer filed a petition for temporary custody and was awarded temporary custody. But Farmer was not caring for the minor when she filed the petition. Nor did she have the consent of a parent of the minor. As a result, she did not qualify under the statute to receive temporary custody.

We remand for dismissal without prejudice, as we recognize proceedings pending when this appeal was filed may impact Farmer's entitlement to proceed under the statute.

*Reversed and remanded.*

WARNER, DAMOORGIAN and KUNTZ, JJ., concur.

\* \* \*

***Not final until disposition of timely filed motion for rehearing.***