

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES,
Appellant,

v.

T.R., A CHILD,
Appellee.

No. 4D04-4620

[July 6, 2005]

PER CURIAM.

The trial court ordered the Department of Children and Family Services to place T.R., who was just shy of her eighteenth birthday, “in the Subsidized Independent Living Program & the Road to Independence Scholarship Program.” However, the child did not qualify for the programs because she had refused to be placed in a foster home and only children who have been in foster care qualify for placement in the programs. See § 409.1451(4)(c)2.a. and (5)(b)2.a., Fla. Stat. Therefore, the court erred in ordering the Department to place the child in the programs.

Reversed.

WARNER, KLEIN and TAYLOR, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Moses Baker, Jr., Judge; L.T. Case No. 03-DP-300361.

Jeffrey Dana Gillen, West Palm Beach, for appellant.

Maxine Williams, Michelle Hankey and William W. Booth, West Palm Beach, for appellee.

Bernard P. Perlmutter, Coral Gables, for Amici Curiae Florida's Children First, Inc. and University of Miami School of Law Children & Youth Law Clinic.

Not final until disposition of timely filed motion for rehearing.