

Third District Court of Appeal

State of Florida, January Term, A.D. 2011

Opinion filed April 27, 2011.
Not final until disposition of timely filed motion for rehearing.

No. 3D11-295
Lower Tribunal No. 07-18828

Marylynn Sotero,
Appellant,

vs.

George Sullivan,
Appellee.

An Appeal from a non-final order from the Circuit Court for Miami-Dade County, Bernard S. Shapiro, Judge.

Andrew L. Salvage, for appellant.

Steven A. Nullman, for appellee.

Before WELLS, SALTER, and EMAS, JJ.

EMAS, J.

Appellant Marylynn Sotero appeals from a January 4, 2011, non-final order appointing a co-parenting therapist. Appellant contends that the order improperly, and without Appellant's consent:

1. Delegates to the therapist the authority to make binding decisions regarding the minor child;
2. Delegates to the therapist the authority to impose monetary sanctions upon the parents;
3. Waives the confidentiality of Appellant's communications with the co-parenting therapist; and
4. Waives Appellant's psychotherapist-patient privilege as to communications with her own individual therapist.

Upon Appellee's "Notice of Intent Not to File Answer Brief and Consent to Order Being Vacated" (which we treat as a confession of error), we vacate the order and remand this cause to the trial court for further proceedings, including the entry of an order consistent with sections 61.125 and 90.503, Florida Statutes (2010), and Florida Family Law Rules of Procedure 12.742 and 12.998.

Reversed and remanded.