

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2005

C.H., R.H., GUARDIAN AD LITEM
PROGRAM FOR THE ELEVENTH
JUDICIAL CIRCUIT, and the
FLORIDA DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Petitioners,

vs.

D.H., R.N., and N.N.,

Respondents.

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CASE NO. 3D05-1919

LOWER
TRIBUNAL NO. 98-15399

Opinion filed September 21, 2005.

A Case of Original Jurisdiction - Prohibition.

Alan I. Mishael; Hillary Kambour, Guardian Ad Litem Program;
Veronica Robinson, Florida Dept. of Children and Family Services,
for petitioners.

Sabatino & Spindel, and Sally Spindel; and Karl Hall, for
respondents.

Before GREEN, SHEPHERD and SUAREZ, JJ.

SHEPHERD, J.

Petitioners, R.H. and C.H., temporary custodians of the child, N.N.; representatives of the Guardian Ad Litem Program; and the Florida Department of Children and Family Services, filed an emergency petition for a writ of prohibition. This court issued an order staying any further proceedings in the lower court and for response from any party opposing the relief requested.

Upon careful consideration of the response from D.H. and R.N., we grant the petition for writ of prohibition but withhold issuing the formal writ, being certain that the trial court judge will recuse himself without the necessity of formal issuance of the writ. See Ribera v. C.S., 30 Fla. L. Weekly D1945 (Fla. 3d DCA Aug. 17, 2005).

Writ granted.