

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT
JULY TERM 2006

T.T. MOTHER AND A.M., FATHER
OF A.M. AND T.M. CHILDREN,

Appellant,

v.

Case Nos. 5D06-56 and
5D06-59

DEPARTMENT OF CHILDREN
AND FAMILIES,

Appellee.

_____ /

Opinion filed December 26, 2006

Appeal from the Circuit Court
for Marion County,
S. Sue Robbins, Judge.

Diana K. Simpson of Diana Kilpatrick
Simpson, P.A., Ocala, for Appellant.

Ralph J. McMurphy, of Department Children
and Families, Wildwood, for Appellee.

Patricia M. Propheter, Orlando, for
Guardian ad Litem.

ON MOTION FOR ATTORNEY'S FEES

PER CURIAM.

In these two parental rights termination cases, the Department of Children and Families (DCF) has filed motions seeking awards of appellate attorney's fees, citing to section 57.105 of the Florida Statutes (2005) to support such awards. DCF contends that the obligation to pay such fees should be imposed against the parents and their attorneys in these cases due to the filing of frivolous notices of appeal. Determining that DCF has failed to meet the standard of proof set forth in section 57.105 to justify an award of attorney's fees, we deny the motion.

PALMER and MONACO, JJ., concur.

SAWAYA, dissents with opinion.

SAWAYA, J., dissenting.

Given the very limited discussion the majority chose to include in its very brief opinion, no reply is warranted other than for me to say that I disagree and, therefore, respectfully dissent.