

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

JANUARY TERM 2006

L.M.C. and A.O., PARENTS OF A.E. and T.C., etc.,

Appellants,

v.

Case No. 5D06-713

DEPARTMENT OF CHILDREN AND FAMILIES,

Appellee.

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Opinion filed June 2, 2006

Non Final Appeal from the Circuit Court  
for Orange County,  
James C. Hauser, Judge.

Timothy A. Straus, of Moyer, Straus &  
Patel, Altamonte Springs, for Appellant,  
L.M.C.

Ryan Thomas Truskoski of Ryan Thomas  
Truskoski, P.A., Orlando, for Appellant,  
A.O.

Charles D. Peters, Orlando, for Appellee.

PLEUS, C.J.

The parents appeal a shelter order entered after the trial court denied their request to present evidence on the issue of probable cause. We have previously held that parents have a constitutional due process and statutory right to present evidence contesting probable cause at shelter hearings. See *A.M.T. v. Dep't of Children and Families*, 890 So. 2d 551 (Fla. 5th DCA 2005); *S.M. v. Dep't of Children and Families*,

890 So. 2d 552 (Fla. 5th DCA 2005); *In re J.P.*, 875 So. 2d 715 (Fla. 2d DCA 2004).

While we are sympathetic to the desire of trial courts to conduct shelter hearings in an informal and expeditious manner, those concerns do not outweigh the fundamental right of parents to be heard initially when faced with removal by the State of their children from their home. Accordingly, we reverse.

REVERSED.

SHARP, W. and MONACO, JJ., concur.