

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

E.S., father of J.S., a child,

Appellant,

v.

CASE NO. 1D05-4563

DEPARTMENT OF CHILDREN  
AND FAMILIES,

Appellee.

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Opinion filed May 3, 2006.

An appeal from the Circuit Court for Duval County.  
W. Gregg McCaulie, Judge.

Pro se, for Appellant.

L. Ann Hendricks, Assistant General Counsel, for Appellee.

BROWNING, J.

E.S. (Appellant), who is the incarcerated father of a minor child, J.S., appeals the circuit court's order denying his petition for writ of habeas corpus. The gravamen

of Appellant's petition is that his attorney, who was appointed by the trial court to represent him in the civil proceedings that led to the adjudication of J.S. as dependent and the placement of the child in long-term relative custody, was ineffective. The trial court denied the petition pursuant to S.B. v. Dep't of Children & Families, 851 So. 2d 689 (Fla. 2003). In that decision, the Supreme Court of Florida stated:

We conclude that in civil dependency proceedings which do not involve the possibility of criminal charges against the parent or the permanent termination of parental rights, there is no right to pursue a collateral proceeding questioning the competency of court-appointed counsel.

Id. at 694. Because the civil dependency proceedings relating to J.S. and Appellant did not involve the possibility of criminal charges against Appellant or the permanent termination of his parental rights, Appellant had no right to pursue the collateral attack on his counsel's performance. Accordingly, the order denying the petition for writ of habeas corpus is AFFIRMED.

WOLF and WEBSTER, JJ., CONCUR.