FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D21-1597

A.C., Mother of K.C., N.C., and
N.C., Minor Children,

Appellant,

v.

DEPARTMENT OF CHILDREN AND
FAMILIES,

Appellee.

On appeal from the Circuit Court for Escambia County.
Terry D. Terrell, Judge.

December 9, 2021

PER CURIAM.

A.C. appeals a final judgment terminating her parental rights pursuant to section 39.806(1)(e)1., Florida Statutes (2020), which authorizes termination where a parent fails to "substantially comply with the case plan for a period of 12 months," and section 39.806(1)(e)3., Florida Statutes, which authorizes termination where the "child has been in care for any 12 of the last 22 months and the parent[] [has] not substantially complied with the case plan."

In 2018, A.C.'s children were sheltered and subsequently adjudicated dependent following a domestic violence incident.

A.C. was given an initial case plan concurrent with the dependency adjudication. A.C. attended multiple treatment programs for substance abuse and mental health issues. She was also referred for domestic violence and parenting classes. However, over the course of her case plan, A.C. continued to have positive urinalysis test results for illegal drugs and while she attended some mandated classes, she failed to complete others. The Department amended A.C.'s case plan twice and continued to offer her services. A.C. was able to maintain steady employment but never established a safe living arrangement that would permit reunification with her children.

Despite progress in some areas of the case plan and a loving relationship with her children, A.C. struggled to reach substantial compliance with her case plan. The trial court found that the Department had established by clear and convincing evidence that the children had been out of A.C.'s care for at least twelve of the preceding twenty-two months and that A.C. had not substantially complied with her case plan based on positive urinalysis tests, failure to complete lessons and treatment programs, and failure to address the underlying causes of the children's dependency, namely her alcohol abuse.

"While the trial court must find that the evidence is clear and convincing, this court's review is limited to whether competent, substantial evidence supports the trial court's final judgment, and whether the appellate court 'cannot say that no one could reasonably find such evidence to be clear and convincing.' " *J.P. v. Dep't of Child. and Fams.*, 183 So. 3d 1198, 1203 (Fla. 1st DCA 2016) (quoting *N.L. v. Dep't of Children & Family Servs.*, 843 So. 2d 996, 1000 (Fla. 1st DCA 2003)). "This standard of review is highly deferential." *Id.*

We find that the trial court's findings are supported by competent, substantial evidence. The statutory bases for termination, sections 39.806(1)(e)1. and 39.806(1)(e)3., were supported by the evidence, as were the trial court's findings that termination was in the children's manifest best interests and that termination was the least restrictive means of ensuring the children's safety.

AFFIRMED.

OSTERHAUS, WINOKUR, and LONG, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Kari Jorma Myllynen of The Law Offices of K.J. Myllynen, Esq., Land O' Lakes, for Appellant.

Sara J. Rumph, Appellate Counsel, Children's Legal Services, Tallahassee, for Appellee Department of Children and Families.

Sara Elizabeth Goldfarb, Senior Attorney, Appellate Division, Tallahassee, for Guardian ad Litem o/b/o K.C., N.C., and N.C.