

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

EKATERINA CHIZH, individually,
and on behalf of **A.P.** and **M.C.**,
Appellant,

v.

STANISLAW CHIZH,
Appellee.

No. 4D16-1176

[July 13, 2016]

Appeal of a non-final order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward A. Garrison, Judge; L.T. Case No. 2016DR002492XXXXMB.

Jonathan Mann and Robin Bresky of the Law Offices of Robin Bresky, Boca Raton, for appellant.

No appearance for appellee.

PER CURIAM.

We reverse the trial court's order summarily denying without prejudice appellant's petition for injunction for protection against domestic violence. *See Sanchez v. State*, 785 So. 2d 672 (Fla. 4th DCA 2001).¹ As this Court held fifteen years ago in *Sanchez*, the trial judge's summary denial of the petition without a hearing and without providing any explanation as to how the allegations are insufficient is improper. *Id.* at 677 (explaining that "where the trial court's action is based on a finding that the allegations are insufficient, the trial court must give a specific basis for that finding").

On remand, the trial court shall enter an order specifying how the petition is insufficient or conduct a hearing on the petition as provided for

¹In *Sanchez*, this Court granted certiorari to quash the trial court's orders; however, a non-final order denying an injunction is appealable under Florida Rule of Appellate Procedure 9.130(a)(3)(B), and we recognize that an appeal is generally the appropriate remedy.

in section 741.30, Florida Statutes (2015), and Florida Family Law Rule of Procedure 12.610.

Reversed and remanded.

CIKLIN, C.J., TAYLOR and LEVINE, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.