

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2005

ANTHONY JAMES ALLEN,
Appellant,

v.

TUESDAY DANYELL HALL-ALLEN,
Appellee.

No. 4D04-587

[July 6, 2005]

PER CURIAM.

A father appeals the trial court's order requiring him to pay child support entered after a post-dissolution proceeding in which the father had requested visitation with his child. The order recites that the issue of child support was heard on the court's own motion at the same time it awarded the father visitation. There is no order by which the court set the support issue for hearing or alerted the father that the issue of child support would be addressed. Because his right of due process was violated by the court's failure to give him notice that the issue would be considered, we reverse. See *Mizrahi v. Mizrahi*, 867 So. 2d 1211, 1214 (Fla. 3d DCA 2004); *Fuchs v. Fuchs*, 840 So. 2d 449, 451 (Fla. 4th DCA 2003) ("general rule is that a court cannot determine matters not noticed for hearing and not the subject of appropriate pleadings") (quoting *Hart v. Hart*, 458 So. 2d 815, 816 (Fla. 4th DCA 1984)).

Reversed.

WARNER, KLEIN and TAYLOR, JJ., CONCUR.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Julie Koenig, Judge; L.T. Case No. 01-13856 (38).

Irene Annunziata of The Law Office of Irene Annunziata, P.A., Fort Lauderdale, for appellant.

No brief filed on behalf of appellee.

Not final until disposition of timely filed motion for rehearing.