

DISTRICT COURT OF APPEAL OF FLORIDA  
SECOND DISTRICT

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In the Interest of D.A., A.J., M.M., and L.M., children.

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D.H.,

Appellant,

v.

DEPARTMENT OF CHILDREN AND FAMILIES  
and GUARDIAN AD LITEM PROGRAM,

Appellees.

No. 2D21-1835

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December 10, 2021

Appeal from the Circuit Court for Hardee County; Michael E. Raiden, Judge.

Ryan T. Truskoski of Ryan T. Truskoski, P.A., Orlando, for Appellant.

Meredith K. Hall, Children's Legal Services, Bradenton, for Appellee Department of Children and Families.

Sara Elizabeth Goldfarb, Statewide Director of Appeals, and Laura J. Lee, Senior Attorney, Statewide Guardian ad Litem Office, Tallahassee, for Appellee Guardian ad Litem Program.

PER CURIAM.

D.H. appeals from the order terminating her parental rights to her four children. She asserts, and we agree, that the order is legally insufficient because it does not reflect that the circuit court considered the manifest best interest factors listed in section 39.810, Florida Statutes (2020).<sup>1</sup> We reverse and remand for further proceedings.

Before a court can terminate a parent's rights to his or her child, it must find by clear and convincing evidence one or more of the grounds listed in section 39.806(1); it must evaluate and consider the factors listed in section 39.810 to find that termination is in the manifest best interests of the child; and it must find that termination of parental rights is the least restrictive means to protect the child from serious harm, in order to protect a parent's fundamental right to parent his or her child. *See S.M. v. Dep't of*

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<sup>1</sup> The Department of Children and Families and Guardian ad Litem Program appropriately concede error.

*Child. & Fams.*, 202 So. 3d 769, 776–77 (Fla. 2016). A court must enter a written order with "findings of fact and conclusions of law" that evince these findings. § 39.809(5).

The circuit court wrote in the order on appeal that it "is convinced that termination of parental rights is in the best interests of the children," but the order does not reflect that the court specifically considered and evaluated the eleven factors listed in section 39.810 in reaching this decision. *See S.P. v. Dep't of Child. & Fams.*, 751 So. 2d 667, 669 (Fla. 2d DCA 2000) ("In the absence of written findings, the final judgment does not satisfy the statutory requirement that the trial court consider and evaluate the manifest best interests of the children.").<sup>2</sup>

We therefore reverse the order terminating D.H.'s parental rights and remand for the circuit court to consider each factor listed in section 39.810 and enter a written order evincing its findings.

BLACK, STARGEL, and LABRIT, JJ., Concur.

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Opinion subject to revision prior to official publication.

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<sup>2</sup> Although the statutory numbers have changed since *S.P.* issued, the relevant statutory language has not.