

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

In the Interest of A.M., a child. )  
\_\_\_\_\_  
)  
M.M., )  
)  
Appellant, )  
)  
v. ) Case No. 2D08-1719  
)  
DEPARTMENT OF CHILDREN AND )  
FAMILY SERVICES and GUARDIAN )  
AD LITEM PROGRAM, )  
)  
)  
Appellees. )  
\_\_\_\_\_  
)

Opinion filed April 3, 2009.

Appeal from the Circuit Court for  
Hillsborough County; B. Tracy Sheehan,  
Judge.

Jackson S. Flyte, Regional Counsel,  
and Robert D. Rosen, Assistant  
Regional Counsel, Office of Criminal  
Conflict and Civil Regional Counsel,  
Second District, Bartow, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Kelley R. Schaeffer,  
Assistant Attorney General, Tampa,  
for Appellee Department of Children and  
Family Services.

Jennifer S. Paulin, Orlando, for Appellee  
Guardian ad Litem Program.

GALLEN, THOMAS M., Associate Senior Judge.

M.M., the Father, seeks review of the trial court's order which placed A.M. in a permanent guardianship and terminated protective supervision over the child. The Father argues that the trial court erred in failing to make written findings explaining why reunification was not possible. The Department and the Guardian ad Litem concede error. We find these concessions to be proper because written findings are required by section 39.6221(2)(a), Florida Statutes (2008).

Ordinarily, we would simply reverse and remand for the court to make the necessary written findings in compliance with section 39.6221(2)(a). However, both the Department and the Guardian ad Litem also concede that, even if the court had complied with section 39.6221(2)(a), competent, substantial evidence did not support A.M.'s placement in a permanent guardianship. We find these concessions to be proper because the Department did not meet its burden of proving that reunification would endanger the child. See C.D. v. Dep't of Children & Families, 974 So. 2d 495, 500 (Fla. 1st DCA 2008). Therefore, the order placing the child in a permanent guardianship is reversed. On remand, the trial court should grant the Father's motion for reunification.

Reversed and remanded with directions.

VILLANTI and WALLACE, JJ., Concur.