

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 D.H., a child,)
_____))
B.F.,))
Appellant,))
v.))
DEPARTMENT OF CHILDREN AND))
FAMILY SERVICES, and GUARDIAN))
AD LITEM PROGRAM,))
Appellees.))
_____)

Case No. 2D09-1757

Opinion filed December 16, 2009.

Appeal from the Circuit Court for Manatee
County; Scott M. Brownell, Judge.

Jackson S. Flyte, Regional Counsel,
Second District, and Jeffrey Sullivan,
Assistant Regional Counsel, Office of
Criminal Conflict and Civil Regional
Counsel, Bartow, for Appellant.

Bill McCollum, Attorney General,
Tallahassee, and David J. Lopez,
Assistant Attorney General, Tampa,
for Appellee Department of Children
and Family Services.

Jennifer S. Paullin, Orlando, for Appellee
Guardian Ad Litem Program.

WHATLEY, Judge.

The Mother appeals the order terminating her rights to her daughter, D.H., based on section 39.806(1)(c), Florida Statutes (2008) (continuing involvement of parent threatens child irrespective of provision of services). The Department of Children and Family Services and the Guardian ad Litem concede that termination on this ground was not supported by clear and convincing evidence. Our review of the evidence presented at the termination hearing leads us to concur.

Accordingly, we reverse and remand for further proceedings.

CRENSHAW and MORRIS, JJ., Concur.