

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 R.W., a child. )  
\_\_\_\_\_)  
C.W., )  
 )  
Appellant, )  
 )  
v. )  
 )  
DEPARTMENT OF CHILDREN AND )  
FAMILY SERVICES and GUARDIAN )  
AD LITEM PROGRAM, )  
 )  
Appellees. )  
\_\_\_\_\_)

Case No. 2D09-426

Opinion filed July 8, 2009.

Appeal from the Circuit Court for  
Manatee County; Marc B. Gilner,  
Judge.

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

Bill McCollum, Attorney General,  
Tallahassee, and Kimberly G. Gore,  
Assistant Attorney General, Tampa, for  
Appellee Department of Children and  
Family Services.

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

PER CURIAM.

C.W., the Father, challenges the trial court's final judgment terminating his parental rights to his child, R.W. The Father, who is a prisoner, apparently indicated over the telephone a willingness to surrender his rights if certain conditions were met, but he never executed written surrender forms. The Department of Children and Family Services and the Guardian ad Litem Program concede that it was error to terminate the Father's parental rights on the ground that he voluntarily surrendered his rights when he did not execute the necessary surrender forms. § 39.806(1)(a), Fla. Stat. (2008). Accordingly, we reverse the final judgment and remand for further proceedings.

Reversed and remanded.

CASANUEVA, C.J., and ALTENBERND and VILLANTI, JJ., Concur.