

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 M.M. and G.M., children.)
_____)
S.M.,)
)
Petitioner,)
)
v.)
)
DEPARTMENT OF CHILDREN AND)
FAMILY SERVICES,)
)
Respondent.)
_____)

Case No. 2D11-2511

Opinion filed June 24, 2011.

Petition for Writ of Certiorari to the Circuit
Court for Pasco County; William R. Webb,
Judge.

John E. Hendry, Regional Counsel,
Second District, Office of Criminal Conflict
and Civil Regional Counsel, Bartow; and
Cynthia Cholmondeley, Special Assistant
Regional Counsel, New Port Richey, for
Petitioner.

Bernie McCabe, State Attorney, and
Jennifer Barbookles, Assistant State
Attorney, Clearwater, for Respondent
Department of Children and Family
Services.

ALTENBERND, Judge.

S.M., the father, has filed a petition for writ of certiorari seeking to vacate a nonfinal order entered after a status review hearing in a dependency proceeding. The order suspended his supervised visitation and contact with his children, M.M. and G.M. The Department of Children and Family Services concedes that the trial court departed from the essential requirements of law in suspending visitation without finding that visitation was not in the best interest of the children. Based on this concession of error, we grant the petition for writ of certiorari, vacate the order, and remand for further proceedings as we did recently in V.S. v. Department of Children & Family Services, 35 Fla. L. Weekly D2479 (Fla. 2d DCA Nov. 10, 2010). See also R.P. v. Dep't of Children & Families, 41 So. 3d 432 (Fla. 3d DCA 2010).

Petition granted.

WHATLEY and KELLY, JJ., Concur.