

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 C.D., a child,)
_____))
J.B.,)
Appellant,)
v.)
DEPARTMENT OF CHILDREN AND)
FAMILY SERVICES,)
Appellee.)
_____)

CASE NO. 2D01-4341

Opinion filed February 22, 2002.

Appeal from nonfinal order of the Circuit Court
for Sarasota County; Robert W. McDonald Jr.,
Judge.

C. Michael Kelly of C. Michael Kelly, P.A.,
Sarasota, for Appellant.

Sandra E. Webster of Child Welfare Legal
Services, Sarasota, for Appellee.

GREEN, Judge.

J.B. appeals the trial court's order modifying placement of a child. We
vacate the order pursuant to the Department of Children and Family Services'

confession of error conceding that there was inadequate notice of the hearing on the motion to modify placement of the child. The Department further concedes that the proper remedy is to vacate the trial court's order and remand this case for further proceedings. Accordingly, the trial court's order is vacated, and this matter is remanded for further proceedings.

Vacated and remanded.

DAVIS and SILBERMAN, JJ., Concur.