

# Third District Court of Appeal

## State of Florida

Opinion filed October 3, 2018.

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No. 3D18-1802  
Lower Tribunal No. 18-15441

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**M.K., the Father,**  
Petitioner,

vs.

**Department of Children and Families,**  
Respondent.

A Writ of Certiorari to the Circuit Court for Miami-Dade County, Teresa Pooler, Judge.

Abramowitz and Associates, and Jordan B. Abramowitz, for petitioner.

Karla Perkins, for respondent.

Before LAGOA, LOGUE, and SCALES, JJ.

PER CURIAM.

ON CONFESSION OF ERROR

M.K., the father, appeals from the trial court's August 10, 2018, shelter order. The Department concedes that the trial court's shelter order entered on August 10, 2018, constituted a departure from the essential requirements of the law, as the shelter hearing proceeded without the presence of the Father's counsel. See G.W. v. Dep't of Children & Families, 92 So. 3d 307, 309 (Fla. 3d DCA 2012). The Department therefore requests that this Court remand the matter to the trial court in order to allow a shelter hearing to proceed where both the parents and their respective counsels are present. Based on our review and the Department's proper Confession of Error, we quash the trial court's August 10, 2018, shelter order and remand for further proceedings consistent herewith.