

# Third District Court of Appeal

## State of Florida

Opinion filed November 13, 2019.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D19-1670  
Lower Tribunal No. 03-15580

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**M.L., the mother,**  
Petitioner,

vs.

**Department of Children and Families, et al.,**  
Respondents.

On Petition for Writ of Certiorari from the Circuit Court for Miami-Dade County, Laura Anne Stuzin, Judge.

Eugene F. Zenobi, Criminal Conflict and Civil Regional Counsel, Third Region, and Kevin Coyle Colbert, Assistant Regional Counsel, for petitioner.

Laura J. Lee, and Thomasina F. Moore (Tallahassee); Weinstein Law, PA, and Morgan Lyle Weinstein (Fort Lauderdale), for Guardian ad Litem Program; Karla Perkins, for the Department of Children and Families, for respondents.

Before SALTER, LOGUE and SCALES, JJ.

SCALES, J.

Petitioner, M.L., the mother of two minor children adjudicated dependent and currently in foster care, seeks certiorari review of a non-final order of the trial court that changed the family’s case plan goal from reunification to adoption of the two children. See § 39.6013(4), (6), Fla. Stat. (2019). At the July 25, 2019 Permanency and Judicial Review Hearing, the trial court also made an oral pronouncement that ordered the continuation of reunification services to M.L. As a result, M.L. has not suffered irreparable harm from the entry of the trial court’s order.<sup>1</sup> To establish irreparable harm, M.L. must demonstrate that she suffered “a material injury that cannot be corrected on appeal.” Stockinger v. Zeilberger, 152 So. 3d 71, 73 (Fla. 3d DCA 2014). “The establishment of irreparable harm is a condition precedent to invoking certiorari jurisdiction.” Id. Thus, this Court lacks certiorari jurisdiction to review M.L.’s petition.

Petition dismissed.

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<sup>1</sup> We note that the written order of July 25, 2019, neglects to mention the continued provision of services to M.L. The oral pronouncement controls. R.W. v. Dep’t of Children & Families, 147 So. 3d 631, 632 (Fla. 3d DCA 2014).