

DISTRICT COURT OF APPEAL OF FLORIDA, SECOND DISTRICT

S.T. v. Department of Children and Families and Statewide Guardian
ad Litem Office

S.T. · No. No. 2D2025-2006 · Decided April 8, 2026

SUMMARY

The Florida Second District Court of Appeal reversed the termination of S.T.'s parental rights under section 39.806(1)(f), holding that the Department failed to present competent, substantial evidence of egregious conduct. The court concluded that inadmissible hearsay and speculation could not establish that S.T. continued exposing the children to the abuser, and that the evidence did not show her failure to obtain an X-ray constituted egregious conduct. The case was remanded for the children to remain dependent and for the Department to offer S.T. a reunification case plan.

CASE DETAILS

COURT	District Court of Appeal of Florida, Second District
WRITING FOR THE COURT	Smith, Judge; Silberman, Judge; Sleet, Judge
JURISDICTION	Florida District Court of Appeal, Second District
DECIDED	April 8, 2026
DOCKET	No. 2D2025-2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	S.T. appealed a final judgment terminating her parental rights to K.R. and C.L. under section 39.806(1)(f), Florida Statutes (2024).
STANDARD OF REVIEW	The appellate court reviews the trial court's findings to determine whether they are supported by competent, substantial evidence. The appellate court does not reweigh the evidence or make credibility determinations, but must ensure that competent, substantial evidence supports the termination ruling.
PRECEDENTIAL VALUE	published
PARTIES	S.T. v. Department of Children and Families, Statewide Guardian ad Litem Office

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- hearsay
- appellate procedure

PRACTICE AREAS

family law

termination of parental rights

evidence

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether competent, substantial evidence supported the finding that the mother engaged in egregious conduct or knowingly failed to prevent egregious conduct under section 39.806(1)(f), Florida Statutes.
2. Whether inadmissible hearsay could satisfy the Department's burden to prove the statutory grounds for termination by clear and convincing evidence.
3. Whether the mother's leaving the hospital before C.L. received a recommended X-ray, without expert evidence establishing that C.L.'s injuries were life-threatening or that a reasonable layperson would have recognized the need for immediate additional treatment, constituted egregious conduct.
4. Whether the portion of the final judgment terminating the mother's parental rights should be reversed and the matter remanded for reunification proceedings.

HOLDINGS

1. The Department failed to prove by clear and convincing evidence that the mother continued to expose the children to the boyfriend after the abuse or otherwise engaged in egregious conduct under section 39.806(1)(f).
2. Inadmissible hearsay cannot satisfy the Department's burden to prove the statutory grounds for termination by clear and convincing evidence.
3. On this record, the mother's departure from the hospital before the recommended X-ray did not constitute egregious conduct supporting termination of parental rights.
4. The portion of the final judgment terminating the mother's parental rights must be reversed, and the case must be remanded with instructions that the children remain dependent and that the Department offer the mother a reunification case plan.

KEY QUOTATIONS

"The evidence must be credible; the memories of the witnesses must be clear and without confusion; and the sum total of the evidence must be of sufficient weight to convince the trier of fact without hesitancy." (7)

"But the fact that the trial court did not find the Mother credible does not satisfy the Department's burden of proving egregious conduct." (9)

"This was classic inadmissible hearsay." (10)

"As such, the trial court's finding that the Mother continued to expose the children to the boyfriend after the abuse can be based on nothing but pure speculation." (10)

"Accordingly, the record is devoid of clear and convincing evidence that would support the trial court's termination of the Mother's parental rights." (14)

FACTUAL BACKGROUND

The mother's boyfriend entered the children's room and punched, strangled, and shook twenty-two-month-old C.L. while four-year-old K.R. slept nearby; the mother viewed the abuse on a baby monitor and took the children to a hospital. She left before the recommended X-ray of C.L. was performed and continued living with the boyfriend, but testified that she removed the children from the home and that they had no further contact with him. The Department relied substantially on a detective's testimony about statements allegedly made by the boyfriend and maternal grandmother to establish that the children continued to be exposed to the boyfriend, but neither witness testified and the alleged statements were hearsay.

PROCEDURAL HISTORY

The Department filed an expedited petition to terminate the mother's parental rights based on alleged egregious conduct arising from the mother's boyfriend's abuse of C.L. The circuit court terminated the mother's parental rights, finding that she continued to expose the children to the boyfriend and that her conduct constituted egregious conduct. On appeal, the Second District held that the Department failed to present competent substantial evidence satisfying the clear-and-convincing-evidence standard and reversed the portion of the judgment concerning the mother.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse the portion of the final judgment terminating S.T.'s parental rights; remand with instructions that K.R. and C.L. remain dependent and that the Department offer the mother a case plan with a goal of reunification.

CASES CITED

- R.C. v. Dep't of Child. & Fam. Servs., 33 So. 3d 710, 714 (Fla. 2d DCA 2010)
- E.E.A. v. Dep't of Child. & Fam. Servs., 846 So. 2d 1250, 1251-52 (Fla. 2d DCA 2003)
- M.B. v. Dep't of Child. & Fams., 326 So. 3d 72, 74 (Fla. 4th DCA 2021)
- G.W.B. v. J.S.W., 658 So. 2d 961, 967 (Fla. 1995)
- In re Davey, 645 So. 2d 398, 404 (Fla. 1994)
- T.V. v. Dep't of Child. & Fam. Servs., 905 So. 2d 945, 946 (Fla. 3d DCA 2005)
- K.R. v. Dep't of Child. & Fam. Servs., 843 So. 2d 366, 368 (Fla. 2d DCA 2003)
- P.S. v. Dep't of Child. & Fam. Servs., 863 So. 2d 392, 394 (Fla. 3d DCA 2003)
- T.L. v. Dep't of Child. & Fam. Servs., 990 So. 2d 1267, 1271 (Fla. 2d DCA 2008)
- K.A. v. Dep't of Child. & Fam. Servs., 880 So. 2d 705, 708 (Fla. 2d DCA 2004)
- J.F. v. Dep't of Child. & Fams., 198 So. 3d 706, 708 (Fla. 2d DCA 2016)
- M.C. v. Dep't of Child. & Fams., 186 So. 3d 74, 79-80 (Fla. 3d DCA 2016)
- Johnson v. Dep't of Health & Rehab. Servs., 546 So. 2d 741, 744 (Fla. 1st DCA 1989)
- L.M. v. State, 453 P.3d 651, 653-54 (Utah Ct. App. 2019)

- Weiland v. State, 732 So. 2d 1044, 1054 (Fla. 1999)
- L.C.A. v. Dep't of Child. & Fams., 319 So. 3d 671, 677-78 (Fla. 3d DCA 2021)
- T.B. v. Dep't of Child. & Fams., 299 So. 3d 1073, 1080 (Fla. 4th DCA 2020)
- P.R. v. Dep't of Child. & Fams., 337 So. 3d 456 (Fla. 1st DCA 2022)
- J.R. v. Dep't of Child. & Fams., 28 So. 3d 117 (Fla. 5th DCA 2010)
- P.I. v. Dep't of Child. & Fams., 14 So. 3d 1173 (Fla. 3d DCA 2009)
- T.M. v. Dep't of Child. & Fams., 971 So. 2d 274 (Fla. 4th DCA 2008)
- D.O. v. S.M., 981 So. 2d 11 (Fla. 4th DCA 2007)
- Schaffer v. State, 769 So. 2d 496, 498 (Fla. 4th DCA 2000)
- R.W.W. v. Dep't of Child. & Fams., 788 So. 2d 1020, 1025 (Fla. 2d DCA 2001)

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