

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2008

R.J., FATHER OF D.J., A CHILD, ET AL.,

Appellant,

v.

CASE NO. 5D07-3959

GUARDIAN AD LITEM PROGRAM,

Appellee.

/

Opinion filed October 30, 2008

Non Final Appeal from the Circuit
Court for Marion County,
S. Sue Robbins, Judge.

Carl S. New, Ocala, for Appellant, R.J.

Susan W. Fox, of Fox & Loquasto, P.A.,
Tampa, and Michael H. Hopkins,
Wildwood, for Appellant Department of
Children and Families.

Wendie Michelle Cooper, Orlando, for
Appellee.

PER CURIAM.

R.J. and the Department of Children and Families filed a notice of appeal seeking to challenge a non-final order changing the placement of R.J.'s son. Because there is no rule authorizing the direct appeal of this type of non-final order in a termination of parental rights case, *see Guardian Ad Litem Program v. Department of Children and Families*, 972 So. 2d 871 (Fla. 4th DCA 2007), we treat the matter as a certiorari

proceeding. In this case, the trial court found that the placement would be in the child's best interest, see section 39.522(1), Florida Statutes (2007), and the evidence supports the trial court's factual findings. Accordingly, we deny certiorari.

DENIED.

PALMER, C.J., LAWSON and EVANDER, JJ., concur.