

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

JULY TERM 2008

L.H., MOTHER OF R.H. AND R.H., CHILDREN,
ET AL.,

Appellant,

v.

Case No. 5D08-133 & 5D08-134

DEPARTMENT OF CHILDREN AND FAMILIES,

Appellee.

_____/

Opinion filed November 25, 2008

Appeal from the Circuit Court
for Osceola County,
Margaret Waller, Judge.

Ryan Thomas Truskoski, of Ryan Thomas
Truskoski, P.A., Orlando, for Appellant.

Jeffrey Dana Gillen, Statewide Appeals
Director, West Palm Beach, and Anthony
C. Musto, Hallandale Beach, Department
of Children and Families, for Appellee.

Jennifer S. Paullin, Orlando, for Guardian
ad Litem Program.

ORFINGER, J.

ON MOTIONS FOR REHEARING, CLARIFICATION AND CERTIFICATION

We deny Appellant's Motion for Rehearing. We also deny Appellee's Motion for Rehearing or Clarification. We grant Appellant's Motion for Certification and certify the

following questions to the Florida Supreme Court pursuant to Florida Rule of Appellate Procedure 9.030(a)(2)(B)(i):

1. DOES FLORIDA RECOGNIZE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL ARISING FROM A LAWYER'S REPRESENTATION OF A PARENT(S) IN A PROCEEDING FOR THE TERMINATION OF PARENTAL RIGHTS?

2. IF SO, WHAT PROCEDURE MUST BE FOLLOWED TO PURSUE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL?

QUESTIONS CERTIFIED.

MONACO and LAWSON, JJ., concur.