

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

JULY TERM 2010

J.S., MOTHER OF J.W.,
A CHILD,

Appellant,

v.

Case No. 5D10-607

DEPARTMENT OF CHILDREN
AND FAMILIES,

Appellee.

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Opinion filed September 30, 2010

Appeal from the Circuit Court
for Osceola County,
Charles Prather, Judge.

Ryan Thomas Truskoski and Jeffrey Deen
of the Office of the Criminal and Civil
Regional Counsel, Altamonte Springs,
for Appellant.

Lori Lee Fehr, Pensacola, and Jeffrey
Dana Gillen, West Palm Beach, for
Appellee.

Laura E. Lawson, Tavares, for
Guardian ad Litem

PALMER, J.

J.S., the mother of J.W., appeals the final order entered by the trial court terminating her parental rights to J.W. She concedes that competent, substantial evidence supports the termination of her parental rights (TPR) on two of the statutory grounds alleged by the Department of Children and Families (DCF) in the TPR petition. However, J.S. contends that the trial court violated her due process rights by

terminating her parental rights based upon additional grounds not set forth in the TPR petition. DCF properly concedes that the grounds that were not alleged in its petition should be stricken from the trial court's order; specifically, sections 39.806(1)(f), 39.806(1)(h), 39.806(1)(g) and 39.806(1)(l) of the Florida Statutes (2007). Accordingly, we strike those portions of the trial court's order and otherwise affirm. See R.A. v. Dep't of Children & Families, 878 So.2d 1272 (Fla. 5th DCA 2004).

AFFIRMED as modified.

SAWAYA and ORFINGER, JJ., concur.