

Competent Substantial Evidence-Trial court's determination that child was at substantial risk of imminent harm was not supported by competent substantial evidence.

C.H. v. Department of Children and Families, --- So.3d ---- (2018)

The child was adjudicated dependent upon trial court's finding child was at substantial risk of imminent harm after being placed in the custody of an inappropriate caregiver by the mother. The court found that the caregiver was inappropriate because she had a prior case with the Department and because a gun had been discharged in the child's presence.

The mother appealed and the Third DCA reversed finding that the trial court's determination that the child was at substantial risk of imminent harm was not supported by competent substantial evidence. The DCA explained that a caregiver is not necessarily rendered inappropriate based solely on a prior history with DCF, where the prior case was closed upon successful completion of case plan. Further, the DCA found that in this case, there was not enough evidence to support the court's finding that the gun being discharged in the presence of the child, established that the caregiver was inappropriate.