

**Tolling of Time for Appeal-Adoption following a termination of parental rights is governed by the Florida Rules of Juvenile Procedure where a motion for rehearing does not toll the time for filing a notice of appeal.**

**B.S. v. Department of Children and Families, --- So.3d ---- (2018)**

The issue in this case concerned the appropriate rules of procedure to be used in adoptions that follow a termination of parental right entered pursuant to Chapter 39. Here, the Grandmother sought to appeal the trial court's dismissal of her petition for adoption and denial of her motion for rehearing.

On appeal, the Guardian ad Litem Program argued that the notice of appeal was untimely because it was not filed within thirty days of rendition of the order dismissing the adoption petition as required by Florida Rule of Juvenile Procedure 8.265(b)(3). Conversely, Grandmother argued that her motion for reconsideration tolled rendition of the order dismissing the adoption petition because adoptions are governed by Chapter 63, and therefore the Family Law Rules of Procedure apply.

The First DCA agreed with the Guardian ad Litem, finding that the appeal was untimely pursuant to the Rules of Juvenile Procedure and dismissed it for lack of jurisdiction. Although substantive rights governing post-TPR adoptions remain in Chapter 63, procedures regarding post-TPR adoptions fall within the ambit of Chapter 39 and therefore follow the Rules of Juvenile Procedure.