

Due Process-Parents have a due process right to be present for the manifest best interest and least restrictive means portion of proceeding for the termination of their parental rights.

R.E.B., Jr. v. Department of Children and Families, --- So.3d ---- (2018)

Trial court held two hearings regarding termination of parental rights. The first hearing considered only whether there were statutory grounds to terminate father's parental rights. The second hearing addressed whether termination was in the children's manifest best interest and the least restrictive means to protect them from harm. Although father and his counsel were present at the first hearing, the trial court did not allow either to attend the manifest best interest hearing.

Father appealed arguing his procedural due process rights were violated when the trial court refused to allow him to be present at the MBI hearing. The Fifth DCA agreed and reversed and remanded the case for a de novo hearing on manifest best interest and least restrictive means to allow for father's full participation.