

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT  
JULY TERM 2006

T.T. MOTHER AND A.M., FATHER  
OF A.M. AND T.M. CHILDREN,

Appellant,

v.

Case Nos. 5D06-56 and  
5D06-59

DEPARTMENT OF CHILDREN  
AND FAMILIES,

Appellee.

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Opinion filed December 26, 2006

Appeal from the Circuit Court  
for Marion County,  
S. Sue Robbins, Judge.

Diana K. Simpson of Diana Kilpatrick  
Simpson, P.A., Ocala, for Appellant.

Ralph J. McMurphy, of Department Children  
and Families, Wildwood, for Appellee.

Patricia M. Propheter, Orlando, for  
Guardian ad Litem.

ON MOTION FOR ATTORNEY'S FEES

PER CURIAM.

In these two parental rights termination cases, the Department of Children and Families (DCF) has filed motions seeking awards of appellate attorney's fees, citing to section 57.105 of the Florida Statutes (2005) to support such awards. DCF contends that the obligation to pay such fees should be imposed against the parents and their attorneys in these cases due to the filing of frivolous notices of appeal. Determining that DCF has failed to meet the standard of proof set forth in section 57.105 to justify an award of attorney's fees, we deny the motion.

PALMER and MONACO, JJ., concur.

SAWAYA, dissents with opinion.

SAWAYA, J., dissenting.

Given the very limited discussion the majority chose to include in its very brief opinion, no reply is warranted other than for me to say that I disagree and, therefore, respectfully dissent.