

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**A.C.**,  
Appellant,

v.

**FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES,**  
**R.A.**, minor child, and **ADOPTIVE PARENTS OF R.A.**,  
Appellees.

No. 4D15-4380

[January 6, 2016]

Appeal of non-final order from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Kathleen J. Kroll, Judge; L.T. Case No. 502013DP300061XXXXM.

Ronald L. Bornstein of Ronald L. Bornstein, P.A., Greenacres, for appellant.

Meredith K. Hall, Bradenton, for appellee Florida Department of Children and Families.

Philip M. Burlington of Burlington & Rockenbach, P.A., West Palm Beach, for appellee Adoptive Parents of R.A.

PER CURIAM.

Appellant seeks review of two trial court orders, one denying her emergency motion to stay the adoption of A.R., the other denying her motion to vacate the order terminating her parental rights as to A.R. We affirm the order denying the motion to stay the adoption, without further comment. We reverse the order denying the motion to vacate the order of termination of parental rights “based on lack of standing.” See Fla. R. Juv. P. 8.270; see also *Schleger v. Stebelsky*, 957 So. 2d 71 (Fla. 4th DCA 2007) (“motion for relief from judgment should not be summarily denied without an evidentiary hearing unless its allegations and accompanying affidavits fail to allege ‘colorable entitlement’ to relief”) (quoting *Smith v. Smith*, 903 So. 2d 1044, 1045 (Fla. 5th DCA 2005)). We express no opinion as to whether any colorable entitlement to relief under rule 8.270 is shown.

*Reversed and remanded.*

DAMOORGIAN, CONNER and FORST, JJ., concur.

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***Not final until disposition of timely filed motion for rehearing.***