

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2005

K.H., MOTHER OF A.T. AND K.H., CHILDREN,

Appellant,

v.

Case No. 5D04-2085

DEPARTMENT OF CHILDREN AND FAMILIES,

Appellee.

Opinion filed February 4, 2005

Appeal from the Circuit Court for
Brevard County,
Lisa Davidson, Judge.

Kathleen I. Henretta of Kathleen I. Henretta, P.A.,
Melbourne, for Appellant.

Charles D. Peters, Orlando, for Appellee.

PER CURIAM.

The determination by a trial court that a child is dependent is a mixed question of law and fact. See *In re M.F.*, 770 So. 2d 1189, 1192 (Fla. 2000) (citing *Banks v. State*, 732 So. 2d 1065, 1067 (Fla. 1999)). A ruling determining that a child is dependent will be affirmed if the trial court applied the correct law, and the record reflects that the decision is supported by substantial competent evidence. See *M.N. v. State*, 826 So. 2d 445 (Fla. 5th DCA 2002). In the present case there was substantial competent evidence adduced at the trial to establish that there was a substantial risk of imminent

abuse or neglect by the mother, and the children were properly adjudged to be dependent as to her within the meaning and intent of Chapter 39, Florida Statutes (2004). In addition, the trial court applied the correct law.

AFFIRMED.

PLEUS, MONACO and TORPY, JJ., concur.