

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12256
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_____AD3d_____

Submitted - September 8, 2006

ROBERT W. SCHMIDT, J.P.
FRED T. SANTUCCI
STEVEN W. FISHER
JOSEPH COVELLO, JJ.

2005-08013

DECISION & ORDER

In the Matter of Shea McF. (Anonymous), appellant.

(Docket No. D-20848/05)

Steven Banks, New York, N.Y. (Tamara A. Steckler and Amy Hausknecht of counsel), for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Leonard Koerner and Kristin M. Helmers of counsel), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, the appeal is from an order of disposition of the Family Court, Queens County (Lubow, J.), dated August 2, 2005, which, upon a fact finding order of the same court dated February 7, 2005, made upon the appellant's admission, finding that he had committed an act which, if committed by an adult, would have constituted the crime of grand larceny in the fourth degree, adjudged him to be a juvenile delinquent, and placed him with the Office of Children and Family Services for a period of 18 months.

ORDERED that the order of disposition is affirmed, without costs or disbursements.

The Family Court providently exercised its discretion in placing the appellant with the Office of Children and Family Services for a period of 18 months. The Family Court has broad discretion in entering dispositional orders (*see* Family Ct Act §141).

The court is required to choose the least restrictive available alternative which is consistent with the best needs of the juvenile (*see Matter of Benjamin J.*, 10 AD3d 608; *Matter of Naiquan T.*, 265 AD2d 331; *Matter of Jamil W.*, 184 AD2d 513). The court carefully considered

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the less-restrictive alternatives to placing the appellant in a residential facility, and properly balanced the needs of the juvenile and the need for the protection of the community (*see Matter of Carliph T.*, 26 AD3d 440; *Matter of Jamal J.*, 8 AD3d 382; *Matter of Lloyd L.*, 246 AD2d 651; *Matter of Peter S.*, 241 AD2d 457; *Matter of Jason W.*, 207 AD2d 495; Family Ct Act § 352-2[2]).

SCHMIDT, J.P., SANTUCCI, FISHER and COVELLO, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer
Clerk of the Court