

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

D12560  
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Submitted - September 29, 2006

FRED T. SANTUCCI, J.P.  
WILLIAM F. MASTRO  
STEVEN W. FISHER  
MARK C. DILLON, JJ.

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2006-00567

DECISION & ORDER

In the Matter of Joan Kaiser, appellant, v  
Orange County Department of Social Services,  
et al., respondents.

(Docket No. G-442-05)

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Bloom & Bloom, P.C., New Windsor, N.Y. (Peter E. Bloom of counsel), for appellant.

David L. Darwin, County Attorney, Goshen, N.Y. (Christine Foy Stage of counsel), for respondent Orange County Department of Social Services.

Todd D. Kadish, Brooklyn, N.Y., Law Guardian for the child.

In a guardianship proceeding, the petitioner maternal grandmother appeals from an order of the Family Court, Orange County (Klein, J.), dated November 14, 2005, which dismissed the petition.

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

The petitioner contends that the Family Court erroneously considered certain hearsay testimony at the guardianship hearing. This contention is unpreserved for appellate review since the petitioner did not object to admission of the testimony at any time during the hearing (*see Matter of Diaz v Santiago*, 8 AD3d 562, 563). In any event, even in view of the hearsay nature of the

testimony, the Family Court properly concluded that it was in the child's best interest to deny the petition by the maternal grandmother for guardianship of the child (*see* SCPA 1707). There is a sound and substantial basis in the record for the Family Court's determination.

SANTUCCI, J.P., MASTRO, FISHER and DILLON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court