

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

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Submitted - January 29, 2007

REINALDO E. RIVERA, J.P.
PETER B. SKELOS
MARK C. DILLON
JOSEPH COVELLO, JJ.

2006-00408

DECISION & ORDER

In the Matter of Heather P. (Anonymous).
Suffolk County Department of Social Services,
petitioner-respondent; James P. (Anonymous), et al.,
respondents; J. Gary Waldvogel, Law Guardian for
the child, nonparty-appellant.

(Docket No. N-4280/03)

J. Gary Waldvogel, Smithtown, N.Y., Law Guardian for the child, nonparty-appellant
pro se.

Christine Malafi, County Attorney, Central Islip, N.Y. (Frank Alberti of counsel), for
petitioner-respondent.

In a child neglect proceeding pursuant to Family Court Act article 10, the Law
Guardian for the child appeals from an order of fact-finding and disposition of the Family Court,
Suffolk County (Green, Ct. Atty Ref.), entered December 14, 2005, which, after a permanency
hearing, and upon an order of disposition of the same court dated November 14, 2005, found that
it was in the child's best interest to be adopted by her foster parents, approved a permanency plan of
adoption by her foster parents, and freed the child to be adopted by her foster parents.

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

During the course of the permanency hearing, the Family Court heard testimony from
several witnesses, including the child's pre-adoptive foster parents, a case worker for the petitioner
Suffolk County Department of Social Services, a social worker, the child's treating psychiatrist, and

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the subject child. The Family Court determined that the child's adoption by her foster parents, who had recently adopted the child's two younger siblings, was in the child's best interest. We find no basis in the record to reverse that determination.

The Law Guardian's contention that procedural errors prejudiced the hearing is without merit.

In light of our determination, we need not reach the petitioner's remaining contention.

RIVERA, J.P., SKELOS, DILLON and COVELLO, 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