

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

D14586
X/gts

_____AD3d_____

Argued - March 2, 2007

FRED T. SANTUCCI, J.P.
GABRIEL M. KRAUSMAN
ROBERT A. LIFSON
MARK C. DILLON, JJ.

2006-06039

DECISION & ORDER

In the Matter of Michael M. (Anonymous).
Suffolk County Department of Social Services,
respondent; Michael M. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of James M. (Anonymous).
Suffolk County Department of Social Services,
respondent; Michael M. (Anonymous), appellant.
(Proceeding No. 2)

(Docket No. N-20906-05, N-20907-05)

Feldman and Feldman, Uniondale, N.Y. (Steven A. Feldman and Arza Feldman of counsel), for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Randall J. Ratje of counsel), for respondent.

Robert C. Mitchell, Central Islip, N.Y. (Jane E. Bernstein and Jayne McPartlin of counsel), Law Guardian for the children.

In related proceedings pursuant to Family Court Act article 10, the father appeals from an order of fact-finding and disposition of the Family Court, Suffolk County (Freundlich, J.), dated July 21, 2006, which, after a hearing, inter alia, found that he had neglected the subject children and

April 3, 2007

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MATTER OF M. (ANONYMOUS), MICHAEL
MATTER OF M. (ANONYMOUS), JAMES

placed him under the supervision of the Suffolk County Department of Social Services until May 10, 2007.

ORDERED that on the court's own motion, the notice of appeal from a decision of the same court dated May 14, 2006, is deemed a premature notice of appeal from the order of fact-finding and disposition dated July 21, 2006 (*see* CPLR 5520[c]); and it is further,

ORDERED that the order of fact-finding and disposition is affirmed, without costs or disbursements.

Where the Family Court is confronted primarily with issues of credibility, its factual findings must be accorded great weight on appeal (*Matter of Angel Marie L.*, 5 AD3d 773, 774; *Matter of Commissioner of Social Servs. of City of N.Y. v Ivan G.*, 226 AD2d 529). Here, the findings of neglect were supported by a preponderance of the credible evidence (*see* Family Ct Act § 1046[b][i]; *Matter of Joseph O.*, 28 AD3d 562, 563; *Matter of Sheneika V.*, 20 AD3d 541, 542; *Matter of Dutchess County Dept. of Social Servs. [Noreen K.]*, 242 AD2d 533; *Matter of C. Children*, 207 AD2d 888; *Matter of I. Children*, 191 AD2d 699).

SANTUCCI, J.P., KRAUSMAN, LIFSON and DILLON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court