

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

D14728  
X/gts

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Submitted - March 5, 2007

ROBERT W. SCHMIDT, J.P.  
ROBERT A. SPOLZINO  
ANITA R. FLORIO  
PETER B. SKELOS, JJ.

2006-05248

DECISION & ORDER

In the Matter of Amber L. (Anonymous).  
Orange County Department of Social Services,  
respondent; Debbie L. (Anonymous), appellant.

(Docket No. B-3539-05)

Janet A. Gandolfo, Sleepy Hollow, N.Y., for appellant.

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

Gary E. Eisenberg, New City, N.Y., Law Guardian for the child.

In a proceeding pursuant to Social Services Law § 384-b to terminate parental rights on the ground of permanent neglect, the mother appeals from an order of disposition of the Family Court, Orange County (Klein, J.), entered February 7, 2006, which, after fact-finding and dispositional hearings, inter alia, found that she had permanently neglected the subject child, terminated her parental rights, and transferred custody and guardianship of the child to the Orange County Department of Social Services for the purpose of adoption.

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

The petitioner established by clear and convincing evidence that, despite the petitioner's diligent efforts, the mother failed to end her continuing relationship with a level three sex offender, which was the reason that the child was removed. On this basis, the Family Court correctly found that the mother had permanently neglected the child by failing to plan for her future, as she was

April 10, 2007

Page 1.

MATTER OF L. (ANONYMOUS), AMBER

required to do (*see* Social Services Law § 384-b[7]; *Matter of Nathaniel T.*, 67 NY2d 838, 842; *Matter of Leon RR*, 48 NY2d 117, 125; *Matter of Pleasant Edward G.*, 306 AD2d 409).

The mother's remaining contentions are without merit.

SCHMIDT, J.P., SPOLZINO, FLORIO and SKELOS, JJ., concur.

ENTER:

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

James Edward Pelzer  
Clerk of the Court