

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

D14742
O/gts

_____AD3d_____

Submitted - March 9, 2007

REINALDO E. RIVERA, J.P.
MARK C. DILLON
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2005-08751
2005-08752

DECISION & ORDER

In the Matter of Mya Sherice B. (Anonymous), a/k/a
Mya B. (Anonymous), a/k/a Mya L. (Anonymous).
SCO Family of Services, petitioner-respondent; Bernice
Sherice L. (Anonymous), respondent;
Mark B. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of Eric Edward B. (Anonymous),
a/k/a Eric B. (Anonymous).
SCO Family of Services, petitioner-respondent; Bernice
Sherice L. (Anonymous), respondent;
Mark B. (Anonymous), appellant.
(Proceeding No. 2)

(Docket Nos. B-18218/03, B-22326/03)

Keith D. Grace, New York, N.Y., for appellant.

Carrieri & Carrieri, P.C., Mineola, N.Y. (Ralph R. Carrieri of counsel), for petitioner-
respondent.

April 17, 2007

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MATTER OF B. (ANONYMOUS), MYA SHERICE, a/k/a B. (ANONYMOUS), MYA,
a/k/a L. (ANONYMOUS), MYA
MATTER OF B. (ANONYMOUS), ERIC EDWARD, a/k/a B. (ANONYMOUS), ERIC

Steven Banks, New York, N.Y. (Tamara A. Steckler, Judith Waksberg, and Proskauer Rose, LLP, [Susan D. Friedfel] of counsel), Law Guardian for the children.

In two related proceedings pursuant to Social Services Law § 384-b, inter alia, to terminate the father's parental rights on the ground of mental illness, the father appeals from two orders of fact-finding and disposition (one as to each child) of the Family Court, Queens County (Freeman, J.), both dated August 19, 2005, which, after a fact-finding hearing, found that he is unable to provide proper and adequate care for the subject children by reason of his mental illness, terminated his parental rights, and transferred guardianship and custody of the children to the Commissioner of Social Services of the City of New York and SCO Family of Services for the purpose of adoption.

ORDERED that the orders are affirmed, without costs or disbursements.

Contrary to the father's contention, the Family Court properly found that there was clear and convincing evidence that he is presently and for the foreseeable future unable, by reason of mental illness, to provide proper and adequate care for the subject children (*see* Social Services Law § 384-b[4][c]). In making its determinations, the Family Court properly relied, inter alia, upon the testimony of a qualified psychologist (*see* Social Service Law § 384-b(6)(c); *Matter of Dederia S.C.*, 26 AD3d 375). Additionally, the proceedings that terminated the father's parental rights did not violate due process (*see In re Guardianship of Nereida S.*, 57 NY2d 636, 640).

The father's remaining contentions are without merit.

RIVERA, J.P., DILLON, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court