

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

D16407
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_____AD3d_____

Submitted - September 14, 2007

ROBERT W. SCHMIDT, J.P.
FRED T. SANTUCCI
ANITA R. FLORIO
MARK C. DILLON, JJ.

2007-01827

DECISION & ORDER

In the Matter of Lafvorne B. (Anonymous).
Westchester County Department of Social Services,
respondent; Paul D. Stone, nonparty-appellant.

(Docket No. K-09407-05)

Paul D. Stone, Tarrytown, N.Y., Law Guardian for the child, nonparty-appellant pro se.

Charlene M. Indelicato, County Attorney, White Plains, N.Y. (Stacey Dolgin-Kmetz and Leah Pizer), for respondent.

In a proceeding pursuant to Family Court Act article 10, the appeal is from an order of the Family Court, Westchester County (Schauer, Ct. Atty. Ref.), entered December 18, 2006, which, after a permanency hearing, found that the Westchester County Department of Social Services had made reasonable efforts to make and finalize a permanency plan for the subject child.

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

At the conclusion of a permanency hearing, the Family Court is required to enter an order indicating whether “reasonable efforts have been made to effectuate the child’s permanency plan” (Family Court Act § 1089 [d][2][iii]).

During the course of the hearing, the Family Court heard testimony from witnesses as to the efforts of the Westchester County Department of Social Services (hereinafter the DSS) to address the educational, medical, and behavioral deficits of Lafvorne B., as well as to place him for

October 2, 2007

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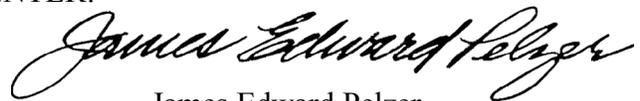
MATTER OF B. (ANONYMOUS), LAFVORNE

adoption with his cousin. We find no basis in the record to reverse the Family Court's finding that the DSS had made reasonable efforts to make and finalize a permanency plan for Lafvorne.

The Law Guardian's contention that Lafvorne's cousin was improperly rejected as a foster parent is not properly before us. A challenge to certification of a foster home must be brought pursuant to CPLR article 78 (*see Matter of Jane D. v Bane*, 192 AD2d 530).

SCHMIDT, J.P., SANTUCCI, FLORIO 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