

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

D16461  
O/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - September 7, 2007

ROBERT W. SCHMIDT, J.P.  
REINALDO E. RIVERA  
GABRIEL M. KRAUSMAN  
ANITA R. FLORIO, JJ.

2007-00139

DECISION & ORDER

In the Matter of Putnam County Department of Social Services, respondent, v Eda G. (Anonymous), et al., appellants.

(Docket Nos. N-246/05, N-247/05)

George D. Rosenbaum, New York, N.Y. (Jay Massaro of counsel), for appellants.

Vincent Gelardi, Rye Brook, N.Y., for respondent.

Margaret A. Clark, Katonah, N.Y., Law Guardian for the children.

In a proceeding pursuant to Family Court Act article 10, the appeal is from an order of the Family Court, Putnam County (Miller, J.), dated November 29, 2006, which denied, without a hearing, the appellants' motion to set aside their consent to the adoption of their children.

ORDERED that the order is affirmed, with costs.

Contrary to the appellants' contention, the Family Court properly denied their motion to set aside their consent to the adoption of their children without conducting a hearing (*see Matter of Buhneing v Orange County Dept. of Soc. Servs.*, 282 AD2d 746; *Matter of Female R.*, 202 AD2d 672). The record of the surrender proceedings demonstrated that the conditional surrenders were entered into by the appellants voluntarily and with a full understanding of their consequences and irrevocability (*see Matter of Gino Z.*, 4 AD3d 631; *Matter of Amanda B.*, 206 AD2d 636).

October 9, 2007

Page 1.

MATTER OF PUTNAM COUNTY DEPARTMENT OF SOCIAL SERVICES  
v G. (ANONYMOUS)

The appellants' contention that they executed the surrenders while under duress is without merit (*see* Social Services Law § 383-c [6][d]; *Matter of Baby Boy O.*, 289 AD2d 631; *Matter of Baby Boy L.*, 144 AD2d 674).

The appellants' remaining contentions are unpreserved for appellate review or without merit.

SCHMIDT, J.P., RIVERA, KRAUSMAN and FLORIO, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer  
Clerk of the Court