

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

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_____AD3d_____

Argued - December 20, 2007

STEVEN P. FISHER, J.P.
ROBERT A. LIFSON
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2007-05765

DECISION & ORDER

In the Matter of Draielle P. (Anonymous), respondent.
Westchester County Department of Probation, appellant.

(Docket No. S-12937-06)

Charlene M. Indelicato, County Attorney, White Plains, N.Y. (Stacey Dolgin-Kmetz and Thomas G. Gardiner of counsel), for appellant.

Lawrence S. Horowitz, Bedford Hills, N.Y., Law Guardian for the child.

In a proceeding pursuant to Family Court Act article 7, the Westchester County Department of Probation appeals, as limited by its brief, from so much of an order of disposition of the Family Court, Westchester County (Klein, J.), dated May 16, 2007, as, upon finding that Draielle P., a person adjudged to be a person in need of supervision, had violated the terms and conditions of her probation, placed her in the custody of the Westchester County Department of Social Services only until May 18, 2007.

ORDERED that the order is affirmed insofar as appealed from, without costs or disbursements.

The determination of an appropriate disposition is a matter that rests within the Family Court's discretion (*see* Family Ct Act § 779; *cf. Matter of Ashlie B.*, 37 AD3d 997, 998; *Matter of Brittany S.*, 298 AD2d 997; *Matter of Jeremy L.*, 220 AD2d 908, 909; *Matter of April FF.*, 195 AD2d 860, 861). Under the particular circumstances of this case, the Family Court's disposition constituted a provident exercise of discretion.

January 29, 2008

MATTER OF P. (ANONYMOUS), DRAIELLE

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In light of our determination, we reach no other issue.

FISHER, J.P., LIFSON, COVELLO and McCARTHY, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court