

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

D20098  
O/cb

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Submitted - June 13, 2008

PETER B. SKELOS, J.P.  
JOSEPH COVELLO  
JOHN M. LEVENTHAL  
ARIEL E. BELEN, JJ.

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2007-09229

DECISION & ORDER

In the Matter of Beauty B. (Anonymous).  
Suffolk County Child Protective Services,  
respondent; Ronald B. (Anonymous), appellant.  
(Proceeding No. 1)

In the Matter of Kelron B. (Anonymous).  
Suffolk County Child Protective Services,  
respondent; Ronald B. (Anonymous), appellant.  
(Proceeding No. 2)

In the Matter of Leron B. (Anonymous).  
Suffolk County Child Protective Services,  
respondent; Ronald B. (Anonymous), appellant.  
(Proceeding No. 3)

In the Matter of Tre'ron B. (Anonymous).  
Suffolk County Child Protective Services,  
respondent; Ronald B. (Anonymous), appellant.  
(Proceeding No. 4)

(Docket Nos. B-18340-06, B-18341-06, B-18342-06  
B-19183-06)

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MATTER OF B. (ANONYMOUS), BEAUTY  
MATTER OF B. (ANONYMOUS), KELRON  
MATTER OF B. (ANONYMOUS), LERON  
MATTER OF B. (ANONYMOUS), TRE'RON

Stephen R. Hellman, Mastic, N.Y., for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Gary Rosenthal of counsel),  
for respondent.

Robert C. Mitchell, Riverhead, N.Y. (Diane B. Groom of counsel), attorney for the  
children.

In four related proceedings pursuant to Social Services Law § 384-b to terminate  
parental rights on the ground of abandonment, the father appeals from an order of fact-finding and  
disposition of the Family Court, Suffolk County (Sweeney, J.), dated September 28, 2007, which,  
after a fact-finding hearing, and upon a decision of the same court dated September 10, 2007, found  
that the father abandoned the subject children, terminated his parental rights on the ground of  
abandonment, and transferred custody and guardianship of the children to the Suffolk County  
Department of Social Services for the purposes of adoption.

ORDERED that on the Court's own motion, the notice of appeal from the decision  
is deemed a premature notice of appeal from the order of fact-finding and disposition (*see* CPLR  
5520[c]); and it is further,

ORDERED that the order of fact-finding and disposition is affirmed, without costs  
or disbursements.

The Family Court properly found, upon clear and convincing evidence, that the father  
abandoned the subject children for the six-month period immediately prior to the filing of the petitions  
(*see* Social Services Law § 384-b [4] [b]; *Matter of Female F.*, 40 AD3d 993, 993-994). While the  
father, who was incarcerated during that period, testified that he was discouraged or prevented from  
communicating with the children, the Family Court did not credit that testimony, and we find no  
reason to disturb that determination (*see Matter of Orange County Dept. of Social Servs. [Diane A.]*,  
203 AD2d 367; *cf. Matter of Annette B.*, 4 NY3d 509, 514).

The father's remaining contention is without merit.

SKELOS, J.P., COVELLO, LEVENTHAL and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

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