

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

D21445  
Y/hu

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

Submitted - November 21, 2008

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
MARK C. DILLON  
JOSEPH COVELLO, JJ.

---

2007-08351

DECISION & ORDER

In the Matter of Christopher A. R. (Anonymous).  
Rockland County Department of Social Services,  
respondent; Maria R. (Anonymous), appellant.

(Docket No. B-598-07)

---

Greg T. Rinckey, Albany, N.Y., for appellant.

Patricia Zugibe, County Attorney, New City, N.Y. (Barbara M. Wilmit of counsel),  
for respondent.

Jacqueline Sands, New City, N.Y., attorney for the child.

In a proceeding, inter alia, pursuant to Social Services Law § 384-b to terminate parental rights on the ground of permanent neglect, the mother appeals from an order of disposition of the Family Court, Rockland County (Warren, J.), entered August 3, 2007, which, upon a fact-finding order of the same court dated June 15, 2007, made after a hearing, finding that she had permanently neglected the subject child, and, after a dispositional hearing, terminated her parental rights and transferred custody and guardianship of the child to the Rockland County Department of Social Services for the purpose of adoption. The appeal brings up for review the fact-finding order dated June 15, 2007.

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

Contrary to the mother's contention, the evidence presented at the fact-finding hearing established, by the requisite clear and convincing standard of proof, that she permanently neglected

December 16, 2008

Page 1.

MATTER OF R. (ANONYMOUS), CHRISTOPHER A.

her child by continuing to abuse illegal drugs for two years following his removal from her custody and by failing to plan for his future (*see* Social Services Law § 384-b; *Matter of Sarah Jean R.*, 290 AD2d 511, 512). Notwithstanding the diligent efforts of the Rockland County Department of Social Services to help reunite the family, the mother refused to cooperate with rehabilitation programs, repeatedly declined to submit to drug testing, and tested positive for illegal drugs on three occasions. By her actions, the mother failed to plan for her child's return (*see Matter of Laura F.*, 48 AD3d 812).

SKELOS, J.P., SANTUCCI, DILLON and COVELLO, 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