

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

D21479
C/hu

_____AD3d_____

Submitted - November 24, 2008

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
RANDALL T. ENG
ARIEL E. BELEN, JJ.

2008-01044

DECISION & ORDER

In the Matter of Daqwan J. (Anonymous), appellant.

(Docket No. D-10047-06)

Dennis G. Monahan, Nesconset, N.Y., for appellant.

Lorna B. Goodman, County Attorney, Mineola, N.Y. (Gerald R. Podlesak of counsel), for respondent.

In a juvenile delinquency proceeding pursuant to Family Court Act article 3, the appeal is from an order of disposition of the Family Court, Nassau County (Lawrence, J.), dated December 18, 2007, which, upon the appellant's admission, found that he violated a condition of a term of probation previously imposed by the same court in an order of disposition dated September 11, 2007, placing him on probation for a period of two years effective September 11, 2007, vacated the order of disposition dated September 11, 2007, and placed the appellant with the Office of Children and Family Services for a period of 18 months.

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

Contrary to the appellant's contention, the Family Court providently exercised its discretion in placing him with the Office of Children and Family Services for a period of 18 months upon his admission that he violated a condition of his probation imposed in an order of disposition dated September 11, 2007. The Family Court has broad discretion in entering dispositional orders (*see* Family Ct Act § 141; *Matter of Felipe G.*, 34 AD3d 477, 477; *Matter of Neville G.*, 293 AD2d 471, 471). The record demonstrates that since October 2006 the appellant had violated a condition of his probation three times. The Family Court's determination reflected careful consideration of the

December 16, 2008

Page 1.

MATTER OF J. (ANONYMOUS), DAQWAN

less-restrictive alternatives to the appellant's placement and properly balanced the needs of the appellant and the need for the protection of the community (*see* Family Ct Act § 352.2[2]). Moreover, as the appellant violated a condition of his probation imposed on September 11, 2007, he was no longer entitled to a dispositional hearing pursuant to Family Court Act § 360.3(6) (*see Matter of Edwin L.*, 88 NY2d 593, 601).

In addition, the Family Court properly exercised its discretion in declining to credit the appellant's detention time toward his placement under the dispositional order (*see* Family Ct Act § 353.3[5]; *Matter of Kenyetta F.*, 49 AD3d 540, 541; *Matter of Rashaad C.*, 28 AD3d 348, 348-349; *Matter of Nikson D.*, 15 AD3d 656, 656).

The appellant's remaining contentions are without merit.

RIVERA, J.P., ANGIOLILLO, ENG and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court