

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

D22099  
O/nl

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Submitted - January 9, 2009

WILLIAM F. MASTRO, J.P.  
ANITA R. FLORIO  
JOSEPH COVELLO  
ARIEL E. BELEN, JJ.

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2008-00570

DECISION & ORDER

In the Matter of Jordan W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 1)

In the Matter of Lela W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 2)

In the Matter of Cheyenne W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 3)

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MATTER OF W. (ANONYMOUS), DELILAH  
MATTER OF G. (ANONYMOUS), JADE  
MATTER OF W. (ANONYMOUS), LORNA  
MATTER OF W. (ANONYMOUS), ASTRIA  
MATTER OF W. (ANONYMOUS), DEMI  
MATTER OF W. (ANONYMOUS), ROBYN

In the Matter of Zachary W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 4)

In the Matter of Delilah W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 5)

In the Matter of Jade G. (Anonymous), a/k/a  
Alyssa W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 6)

In the Matter of Lorna W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 7)

In the Matter of Astria W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 8)

In the Matter of Demi W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 9)

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In the Matter of Robyn W. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Taniqua G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 10)

(Docket Nos. N- 4978-07, N- 4979-07, N- 4992-07,  
N- 4993-07, N- 4986-07, N- 4987-07, N- 4988-07,  
N- 5011-07, N- 5012-07, N- 5013-07, N- 4982-07,  
N- 4983-07, N- 4980-07, N- 4981-07, N- 4989-07,  
N- 4990-07, N- 4991-07, N- 5006-07, N- 5007-07,  
N- 5008-07)

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Gina M. Scelta, Centerport, N.Y., for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Frank J. Alberti of counsel),  
for petitioner-respondent.

Hennessey & DeNatale, Shirley, N.Y. (Susan A. DeNatale of counsel), attorney for  
the children.

In related proceedings pursuant to Family Court Act article 10, Taniqua G. appeals,  
as limited by her brief, from so much of a fact-finding order of the Family Court, Suffolk County  
(Genchi, J.), entered December 18, 2007, as, after a fact-finding hearing, found that she neglected  
Delilah W. and derivatively neglected Jordan W., Lela W., Cheyenne W., Zachary W., Lorna W.,  
Astria W., Demi W., Robyn W., and Jade G.

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

The Family Court's finding of neglect as to Delilah W. based on the appellant's use  
of excessive corporal punishment is supported by a preponderance of the evidence (*see* Family Ct Act  
§ 1012[f][i][B]; § 1046[b][i]; *Matter of Derek J.*, 56 AD3d 558; *Matter of Nicholas L.*, 50 AD3d  
1141, 1142; *Matter of Joshua B.*, 28 AD3d 759, 761). Furthermore, because the appellant's conduct  
toward Delilah W. demonstrated a fundamental defect in her understanding of parental duties relating

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to the care of children, there was sufficient evidence to make a finding of derivative neglect as to the remaining children (*see Matter of Derek J.*, 56 AD3d 558; *Matter of Devontay M.*, 56 AD3d 561; *Matter of Nicholas L.*, 50 AD3d at 1142).

Contrary to the appellant's contention, the Family Court providently exercised its discretion in conforming the pleadings to the proof adduced during the fact-finding hearing (*see* Family Ct Act § 105 [b]; *Matter of Jewle I.*, 44 AD3d 1105, 1107; *Matter of LeVonn G.*, 20 AD3d 530; *Matter of Thomas JJ.*, 14 AD3d 953, 954).

MASTRO, J.P., FLORIO, COVELLO and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

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