

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

D22419
Y/cb

_____AD3d_____

Argued - February 6, 2009

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-04744

DECISION & ORDER

In the Matter of Matthew Donald R. (Anonymous).
SCO Family of Services, et al., respondents;
Donald R. (Anonymous), et al., appellants.
(Proceeding No. 1)

In the Matter of Peter R. (Anonymous).
SCO Family of Services, et al., respondents;
Donald R. (Anonymous), et al., appellants.
(Proceeding No. 2)

(Docket Nos. N-16123-01, N-16124-04)

Steven Greenfield, West Hampton Dunes, N.Y., for appellants.

Carrieri & Carrieri, P.C., Mineola, N.Y. (Ralph R. Carrieri of counsel), for respondent
SCO Family of Services.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Larry A. Sonnenshein
and Mordecai Newman of counsel), for respondent Administration for Children's
Services.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Marcia Eggar of counsel),
attorney for the children.

In related proceedings pursuant to Family Court Act article 10 and Social Services
Law § 384-b, the parents appeal, as limited by their brief, from so much of an order of the Family

March 10, 2009

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MATTER OF R. (ANONYMOUS), MATTHEW DONALD
MATTER OF R. (ANONYMOUS), PETER

Court, Queens County (Salinitro, J.), dated April 29, 2008, as denied those branches of their motion which were (1) to direct that the dispositional hearing in the child protective proceedings be completed on a day-to-day basis, and (2) pursuant to Family Court Act § 1062 to terminate the placement of the children in foster care.

ORDERED that the order is affirmed insofar as appealed from, without costs or disbursements, and the matter is remitted to the Family Court, Queens County, for further proceedings, with the dispositional hearing in the child protective proceedings to be conducted prior to the fact-finding hearing on the termination of parental rights petitions, which dispositional hearing shall commence no later than April 15, 2009, and proceed until concluded.

That branch of the parents' motion which was pursuant to Family Court Act § 1062, seeking to terminate the placement of the subject children in foster care, was properly denied, in light of this Court's prior finding that the parents had abused and/or neglected the subject children (*see Matter of Peter R.*, 8 AD3d 576), and the parents' failure to demonstrate that such removal was in the best interests of the subject children.

The parties' remaining contentions are without merit.

RIVERA, J.P., FLORIO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court