

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

D23310
Y/prt

_____AD3d_____

Submitted - March 4, 2009

STEVEN W. FISHER, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
RUTH C. BALKIN, JJ.

2008-07157

DECISION & ORDER

In the Matter of Thomas M. (Anonymous), appellant.

(Docket No. S-05941-07)

Norbert H. Brown, Jr., Poughkeepsie, N.Y., for appellant.

Ronald L. Wozniak, County Attorney, Poughkeepsie, N.Y. (Victor A. Civitillo of counsel), for respondent.

In a proceeding pursuant to Family Court Act article 7, Thomas M. appeals, as limited by his brief, from so much of an order of fact-finding and disposition of the Family Court, Dutchess County (Forman, J.), dated July 15, 2008, as, upon adjudicating him a person in need of supervision, based upon his admission, placed him in the custody of the Commissioner of Social Services of the County of Dutchess for a period beyond his 18th birthday.

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

Contrary to the appellant's contention, the Family Court had the authority to initially place him, without his consent, with the Dutchess County Commissioner of Social Services for a period beyond his 18th birthday (*see* Family Ct Act §§ 714[a], 756[a][i], [b], *Matter of Matthew L.*, 54 AD3d 956; *Matter of Brittany MM.*, 51 AD3d 1303, *lv denied* 11 NY3d 713; *cf. Matter of Robert J.*, 2 NY3d 339, 345-347; *Matter of Jude F.*, 291 AD2d 165, 168-171).

FISHER, J.P., MILLER, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 26, 2009

MATTER OF M. (ANONYMOUS), THOMAS