

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

D23788
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_____AD3d_____

Argued - June 1, 2009

REINALDO E. RIVERA, J.P.
MARK C. DILLON
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2008-01549

DECISION & ORDER

In the Matter of Mia P. (Anonymous).
Administration for Children's Services, respondent;
Tiamirra H. (Anonymous), et al., appellants.

(Docket No. N-17959-05)

Linda Braunsberg, Staten Island, N.Y., for appellant Tiamirra H.

Christina Brandt-Young, New York, N.Y. (Yisroel Schulman of counsel), for
appellant Antonio P.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Barry P. Schwartz and
Julie Steiner of counsel), for respondent.

Rick Stein, Brooklyn, N.Y., attorney for the child Mia P.

In a child neglect proceeding pursuant to Family Court Act article 10, the mother appeals, as limited by her brief, from so much of an order of disposition of the Family Court, Kings County (Pearl, J.), dated February 6, 2008, as, upon so much of a fact-finding order of the same court dated November 9, 2006, made after a hearing, as found that she derivatively neglected the subject child, Mia P., placed Mia P. in the custody of the Commissioner of Social Services until the completion of the next permanency hearing, and the father separately appeals, as limited by his brief, from so much of the same order of disposition as, upon so much of the fact-finding order as found that he derivatively neglected Mia P., placed Mia P. in the custody of the Commissioner of Social

June 30, 2009

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Services until the completion of the next permanency hearing. The appeals from the order of disposition bring up for review the fact-finding order.

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

The Family Court properly determined that the petitioner established, by a preponderance of the evidence, that the parents derivatively neglected the subject child, Mia P. Under the circumstances, because the parents failed to exercise a minimum degree of care in protecting their older child from abuse, as determined by the Family Court in a related child protective proceeding (*see Matter of Taylor P.*, _____AD3d_____ [decided herewith]; Family Ct Act § 1046[a][i]), the petitioner also established that the parents derivatively neglected the subject child (*see Matter of Aliciya R.*, 56 AD3d 784, 785).

The parents' remaining contentions are without merit.

RIVERA, J.P., DILLON, BALKIN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court