

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

D23892  
O/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - June 8, 2009

REINALDO E. RIVERA, J.P.  
PETER B. SKELOS  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

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2008-07167

DECISION & ORDER

In the Matter of Fatima G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
respondent; John G. (Anonymous), appellant.  
(Proceeding No. 1)

In the Matter of Illini G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
respondent; John G. (Anonymous), appellant.  
(Proceeding No. 2)

In the Matter of Jami G. (Anonymous).  
Suffolk County Department of Social Services, petitioner-  
respondent; Marretta G. (Anonymous), respondent;  
John G. (Anonymous), appellant.  
(Proceeding No. 3)

In the Matter of Kadijah G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
respondent; John G. (Anonymous), appellant.  
(Proceeding No. 4)

July 14, 2009

Page 1.

MATTER OF G. (ANONYMOUS), FATIMA  
MATTER OF G. (ANONYMOUS), ILLINI  
MATTER OF G. (ANONYMOUS), JAMI  
MATTER OF G. (ANONYMOUS), KADIJAH  
MATTER OF G. (ANONYMOUS), KHILIL

In the Matter of Khiliil G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
respondent; John G. (Anonymous), appellant.  
(Proceeding No. 5)

(Docket Nos. B-489-08, B-490-08, B-491-08, B-492-08,  
B-493-09, B-501-08, B-502-08, B-503-08, B-504-08,  
B-505-08)

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

Christine Malafi, County Attorney, Center Islip, N.Y. (Gary Rosenthal of counsel),  
for petitioner-respondent.

Robert C. Mitchell, Center Islip, N.Y. (Diana B. Groome of counsel), attorney for the  
children.

In five related proceedings pursuant to Social Services Law § 384-b to terminate  
parental rights on the ground of permanent neglect, the father appeals, as limited by his brief, from  
so much of an order of fact-finding and disposition of the Family Court, Suffolk County (Freundlich,  
J.), entered July 15, 2008, as, upon a decision dated July 7, 2008, and after fact-finding and  
dispositional hearings, terminated his parental rights and transferred custody and guardianship of the  
subject children to the petitioner for the purpose of adoption.

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

Contrary to the father's contention, the evidence presented at the fact-finding hearing  
established, by the requisite clear and convincing standard of proof, that he permanently neglected  
his children by continuing to abuse drugs following the children's removal from his custody and by  
failing to complete, inter alia, the court mandated drug treatment program (*see* Social Services Law  
§ 384-b; *see Matter of Jordan F. v Bradley F.*, \_\_\_\_\_ AD3d \_\_\_\_\_, 2009 Slip Op 3723 [2d  
Dept 2009]; *Matter of Egypt K.*, 59 AD3d 623; *Matter of Christopher A. R.*, 57 AD3d 789, 790;  
*Matter of Laura F.*, 48 AD3d 812; *Matter of Sarah Jean R.*, 290 AD2d 511, 512). Despite the  
diligent efforts of the Suffolk County Department of Social Services to help reunite the family, the  
father refused to address his drug abuse and cooperate with rehabilitation programs. Thus, the father  
failed to plan for his children's return (*see Matter of Jordan F. v Bradley F.*, \_\_\_\_\_ AD3d  
\_\_\_\_\_, 2009 Slip Op 3723 [2d Dept 2009]; *Matter of Egypt K.*, 59 AD3d 673; *Matter of*

July 14, 2009

Page 2.

MATTER OF G. (ANONYMOUS), FATIMA  
MATTER OF G. (ANONYMOUS), ILLINI  
MATTER OF G. (ANONYMOUS), JAMI  
MATTER OF G. (ANONYMOUS), KADIJAH  
MATTER OF G. (ANONYMOUS), KHILIL

*Christopher A. R.*, 57 AD3d at 790; *Matter of Laura F.*, 48 AD3d 812; *Matter of Sarah Jean R.*, 290 AD2d 511, 512). The best interests of the children were served by terminating the father's parental rights and freeing the children for adoption (see *Matter of Jordan F. v Bradley F.*, \_\_\_\_\_ AD3d \_\_\_\_\_, 2009 Slip Op 3723 [2d Dept 2009]; *Matter of Egypt K.*, 59 AD3d 23; *Matter of David O. C.*, 57 AD3d 775, 776; *Matter of Jamaorqui R. B.*, 56 AD3d 465, 466).

The father's remaining contention is without merit.

RIVERA, J.P., SKELOS, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 14, 2009

Page 3.

MATTER OF G. (ANONYMOUS), FATIMA  
MATTER OF G. (ANONYMOUS), ILLINI  
MATTER OF G. (ANONYMOUS), JAMI  
MATTER OF G. (ANONYMOUS), KADIJAH  
MATTER OF G. (ANONYMOUS), KHILIL