

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

D24567
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_____AD3d_____

Submitted - September 15, 2009

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
HOWARD MILLER
LEONARD B. AUSTIN, JJ.

2008-09046
2008-09048
2008-09050
2008-09051
2008-09053
2008-09054

DECISION & ORDER

In the Matter of Angel S. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Hipolito R. (Anonymous),
respondent-appellant; et al., respondent.
(Proceeding No. 1)

In the Matter of Anastasia P. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Hipolito R. (Anonymous),
respondent-appellant; et al., respondent.
(Proceeding No. 2)

In the Matter of Justin P. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Hipolito R. (Anonymous),
respondent-appellant; et al., respondent.
(Proceeding No. 3)

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MATTER OF S. (ANONYMOUS), ANGEL
MATTER OF P. (ANONYMOUS), ANASTASIA
MATTER OF P. (ANONYMOUS), JUSTIN
MATTER OF P. (ANONYMOUS), NATALIE
MATTER OF M. (ANONYMOUS), ROGELIA
MATTER OF B. (ANONYMOUS), SHEILA M.

In the Matter of Natalie P. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Hipolito R. (Anonymous),
respondent-appellant; et al., respondent.
(Proceeding No. 4)

In the Matter of Rogelia M. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Hipolito R. (Anonymous),
respondent-appellant; et al., respondent.
(Proceeding No. 5)

In the Matter of Sheila M. B. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Hipolito R. (Anonymous),
respondent-appellant; et al., respondent.
(Proceeding No. 6)

(Docket Nos. N-02040-05, N-02041-05, N-02042-05,
N-02043-05, N-02044-05, N-02045-05)

Joseph R. Faraguna, Sag Harbor, N. Y., for respondent-appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Stephen J. McGrath
and Ellen Ravitch of counsel), for petitioner-respondent.

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

In six related child protective proceedings pursuant to Family Court Act article 10, Hipolito R. appeals from six orders of fact-finding and disposition (one as to each child) of the Family Court, Kings County (Hamill, J.), dated September 11, 2008, which, after a hearing, found him to be a person legally responsible for the care of the subject children, found that he abused the child Angel S. by causing his death, found that he derivatively abused the children Anastasia P., Justin P., Natalie P., Rogelia M., and Sheila M.B., and directed him to comply with orders of protection issued in favor of the derivatively-abused children.

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MATTER OF B. (ANONYMOUS), SHEILA M.

ORDERED that orders of fact-finding and disposition are affirmed, without costs or disbursements.

Contrary to the appellant's contention, the Family Court properly found that he was a "[p]erson legally responsible" for the care of the subject children and, as such, was a proper party to the child protective proceedings (Family Ct Act § 1012[g]; see *Matter of Yolanda D.*, 88 NY2d 790, 797; *Matter of Alfredo T.*, 61 AD3d 690; *Matter of Lillian C.*, 8 AD3d 270, 271; *Matter of Nathaniel TT.*, 265 AD2d 611, 612-613; *Matter of Mary Alice V.*, 222 AD2d 594, 595). Furthermore, the evidence before the Family Court amply supported its determination that the appellant abused the child Angel S. by causing his death, and that he derivatively abused the other subject children.

RIVERA, J.P., FLORIO, MILLER and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

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