

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

D24637
W/cb

_____AD3d_____

Submitted - September 25, 2009

MARK C. DILLON, J.P.
THOMAS A. DICKERSON
PLUMMER E. LOTT
LEONARD B. AUSTIN, JJ.

2008-09056

DECISION & ORDER

In the Matter of Madison H. (Anonymous).
Administration for Children's Services, petitioner-
respondent; Margaret M. (Anonymous), appellant,
et al., respondent.
(Proceeding No. 1)

In the Matter of Mark B. (Anonymous), Jr.
Administration for Children's Services, petitioner-
respondent; Margaret M. (Anonymous), appellant,
et al., respondent.
(Proceeding No. 2)

(Docket Nos. N-06471-08, N-06472-08, N-27390-08,
N-27391-08)

Edward E. Caesar, Brooklyn, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Francis F. Caputo and
Dona B. Morris of counsel), for respondent.

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

In two related neglect proceedings pursuant to Family Court Act article 10, the mother
appeals from a fact-finding order of the Family Court, Kings County (Olshansky, J.), dated September
9, 2008, which, after a hearing, found that she neglected the subject children.

October 20, 2009

Page 1.

MATTER OF H. (ANONYMOUS), MADISON
MATTER OF B. (ANONYMOUS), MARK, JR.

ORDERED that the fact-finding order is affirmed, without costs or disbursements.

Contrary to the mother's contention, the Family Court's finding of neglect is supported by a preponderance of the evidence (*see* Family Ct Act § 1046[b][i]; *Matter of Tristan R.*, 63 AD3d 1075; *Matter of Jonathan W.*, 17 AD3d 374, 375). The out-of-court statements of the subject children, Madison H. and Mark B., sufficiently cross-corroborated one another (*see Matter of Tristan R.*, 63AD3d 1075; *Matter of Joshua B.*, 28 AD3d 759). Viewing the record as a whole, and according great weight to the hearing court's credibility determinations, we discern no basis to disturb the Family Court's finding of neglect as to both children (*see Matter of Michael M.*, 39 AD3d 550, 551; *Matter of Joshua B.*, 28 AD3d 759; *compare Matter of Peter G.*, 6 AD3d 201).

DILLON, J.P., DICKERSON, LOTT and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court