

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

D24638
O/hu

_____AD3d_____

Submitted - September 14, 2009

MARK C. DILLON, J.P.
RANDALL T. ENG
ARIEL E. BELEN
L. PRISCILLA HALL, JJ.

2007-11116

DECISION & ORDER

In the Matter of Sophia P. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Eman C. (Anonymous),
appellant, et al., respondent.
(Proceeding No. 1)

In the Matter of Samantha J. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Eman C. (Anonymous),
appellant, et al., respondent.
(Proceeding No. 2)

In the Matter of Christina J. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Eman C. (Anonymous),
appellant, et al., respondent.
(Proceeding No. 3)

(Docket Nos. N-04066-06, N-04067-06, N-04068-06)

Yasmin Daley Duncan, Brooklyn, N.Y., for appellant.

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

October 20, 2009

Page 1.

MATTER OF P. (ANONYMOUS), SOPHIA
MATTER OF J. (ANONYMOUS), SAMANTHA
MATTER OF J. (ANONYMOUS), CHRISTINA

Steven Banks, New York, N.Y., attorney for the children.

In three related proceedings 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, Richmond County (DiDomenico, J.), dated November 5, 2007, as, upon a fact-finding order of the same court dated September 11, 2007, determined that she had neglected the subject children. The appeal from the order of disposition brings up for review the fact-finding order dated September 11, 2007.

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

The Family Court's finding of neglect as to Christina J. and Samantha J., based on the mother locking them out of her home overnight, and locking Samantha J. in a room while she left the home to go to the bank, is supported by a preponderance of the evidence (*see* Family Ct Act § 1012[f][i][B]; § 1046 [b][i]). Furthermore, because the mother's conduct toward Christina J. and Samantha J. demonstrated a fundamental defect in her understanding of parental duties relating to the care of children, there was sufficient evidence to make a finding of derivative neglect as to Sophia P. (*see* Family Ct Act § 1046 [a][i]; *Matter of Amber C.*, 38 AD3d 538).

DILLON, J.P., ENG, BELEN and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court