

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

D25320
Y/cb

_____AD3d_____

Submitted - November 16, 2009

PETER B. SKELOS, J.P.
RANDALL T. ENG
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2008-02639
2008-04567
2008-04568
2008-04769

DECISION & ORDER

In the Matter of Aphrodite Kristina Maria S. (Anonymous).
Saint Dominic's Home, et al., petitioners-respondents;
Katrina W. (Anonymous), appellant, et al., respondent.
(Proceeding No. 1)

In the Matter of Maridas Antonia S. (Anonymous).
Administration for Children's Services, et al., petitioners-
respondents; Katrina W. (Anonymous), appellant, et al.,
respondent.
(Proceeding No. 2)

In the Matter of Anthony Jesus S. (Anonymous).
Administration for Children's Services, et al., petitioners-
respondents; Katrina W. (Anonymous), appellant, et al.,
respondent.
(Proceeding No. 3)

In the Matter of Joseph Jesus David S. (Anonymous).
a/k/a Joseph A. (Anonymous). Administration for
Children's Services, et al., petitioners-respondents;
Katrina W. (Anonymous), appellant, et al., respondent.
(Proceeding No. 4)

(Docket Nos. B-20480-04, B-20481-04, B-20482-04,
B-20483-04)

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MATTER OF S. (ANONYMOUS), ANTHONY JESUS
MATTER OF S. (ANONYMOUS), JOSEPH JESUS DAVID, a/k/a A. (ANONYMOUS), JOSEPH

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

Warren & Warren, P.C., Brooklyn, N.Y. (Ira L. Eras of counsel), for petitioner-respondent Saint Dominic's Home.

Satterlee Stephens Burke & Burke, LLP, New York, N.Y. (Zoë E. Jasper of counsel), for petitioner-respondent Lutheran Social Services of Metropolitan New York, Inc.

Joseph R. Faraguna, Sag Harbor, N.Y., attorney for the child Aphrodite Kristina Maria S.

Todd D. Kadish, Brooklyn, N.Y., attorney for the children Maridas Antonia S., Anthony Jesus S., and Joseph Jesus David S., a/k/a Joseph A.

In four related proceedings pursuant to Social Services Law § 384-b, inter alia, to terminate parental rights on the ground of permanent neglect, the mother appeals, as limited by her brief, from (1) so much of a resettled order of fact-finding and disposition of the Family Court, Kings County (Danoff, J.), dated January 25, 2008, as, after fact-finding and dispositional hearings, found that she had permanently neglected the child Aphrodite Kristina Maria S., terminated her parental rights, and transferred guardianship and custody of the subject child to Saint Dominic's Home and the Commissioner of the Administration for Children's Services of the City of New York for the purpose of adoption, (2) so much of an order of fact-finding and disposition of the same court dated February 22, 2008, as, after fact-finding and dispositional hearings, found that she had permanently neglected the child Maridas Antonia S., terminated her parental rights, and transferred guardianship and custody of the subject child to Lutheran Social Services of Metropolitan New York, Inc., and the Commissioner of the Administration for Children's Services of the City of New York for the purpose of adoption, and (3) so much of two orders of fact-finding and disposition of the same court, both dated March 3, 2008 (one as to each of the subject children Anthony Jesus S. and Joseph Jesus David S., a/k/a Joseph A.), as, after fact-finding and dispositional hearings, found that she had permanently neglected the subject children and transferred guardianship and custody of them to Lutheran Social Services of Metropolitan New York, Inc., and the Commissioner of the Administration for Children's Services of the City of New York for the purpose of adoption.

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

Contrary to the mother's contention, the evidence presented at the fact-finding hearing established, by the requisite clear and convincing standard of proof, that she permanently neglected her children by continuing to abuse illegal drugs following their removal from her custody and following her release from prison and by failing to plan for their future (*see* Social Services Law § 384-b; *Matter of Sarah Jean R.*, 290 AD2d 511, 512). Notwithstanding the diligent efforts of Lutheran Social Services of Metropolitan New York, Inc., to help reunite the family, the mother refused to cooperate with rehabilitation programs, thereby violating a condition of parole and causing her re-incarceration for almost the entirety of the subject period. By her actions, the mother failed to plan for her children's return (*see Matter of Laura F.*, 48 AD3d 812).

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The mother's contention that the court erred in admitting certain agency case records into evidence is unpreserved for appellate review (*see Matter of Eugene L.*, 22 AD3d 348, 349; *Matter of Baby Girl Q.*, 14 AD3d 392, 393).

SKELOS, J.P., ENG, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

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