

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

D25531  
H/prt

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

Submitted - October 27, 2009

MARK C. DILLON, J.P.  
ANITA R. FLORIO  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

2008-10284  
2008-10289

DECISION & ORDER

In the Matter of Dustin H. (Anonymous).  
Seaman's Society for Children and Families,  
petitioner-respondent; Patricia B. (Anonymous),  
appellant, et al., respondent.  
(Appeal No. 1)

In the Matter of Reanne B. (Anonymous).  
Seaman's Society for Children and Families,  
petitioner-respondent; Patricia B. (Anonymous),  
appellant, et al., respondent.  
(Appeal No. 2)

(Docket Nos. B-2340-00, B-2341-00)

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Larry S. Bachner, Jamaica, N.Y., for appellant.

John R. Eyerman, New York, N.Y., for petitioner-respondent.

Steven Banks, New York, N.Y. (Tamara Steckler, Marcia Egger, and Joann Le  
Bright of counsel), for respondent.

In two related proceedings pursuant to Social Services Law § 384-b to terminate parental rights on the ground of permanent neglect, the mother appeals from two orders of fact-finding and disposition (one as to each child) of the Family Court, Queens County (Richroath, J.),

December 22, 2009

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MATTER OF H. (ANONYMOUS), DUSTIN  
MATTER OF B. (ANONYMOUS), REANNE

both dated October 21, 2008, which, after fact-finding and dispositional hearings, found that she permanently neglected the subject children, terminated her parental rights, and transferred custody and guardianship of the children to the petitioner and the Commissioner of the Administration for Children's Services of the City of New York for the purpose of adoption.

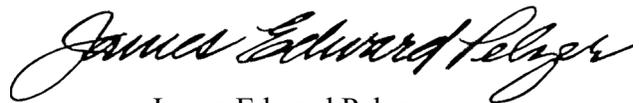
ORDERED that the orders of fact-finding and disposition are affirmed, without costs or disbursements.

To terminate parental rights based upon permanent neglect, the petitioning agency must establish, by clear and convincing evidence, that the parent failed, for a period of more than one year following the date the child came into care, "substantially and continuously or repeatedly to maintain contact with or plan for the future of the child, although physically and financially able to do so, notwithstanding . . . diligent efforts to encourage and strengthen the parental relationship" (Social Services Law § 384-b[7][a]; see *Matter of Star Leslie W.*, 63 NY2d 136, 142-143; *Matter of Lauramarie Addie W.*, 18 AD3d 473, 473-474). Here, the petitioner met its burden by establishing that, during the relevant time period, the mother failed to complete an alcohol treatment program, failed to complete a counseling program, and failed to take the steps needed to obtain public assistance, despite the petitioner's diligent efforts to strengthen and encourage the parent-child relationship (see *Matter of Star Leslie W.*, 63 NY2d at 143-144; *Matter of Ebony Starr B.*, 14 AD3d 507, 508). Furthermore, the Family Court properly determined that termination of parental rights was in the children's best interest.

The mother's remaining contention is without merit.

DILLON, J.P., FLORIO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court