

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

D25733  
O/prt

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

Submitted - December 10, 2009

REINALDO E. RIVERA, J.P.  
JOHN M. LEVENTHAL  
ARIEL E. BELEN  
LEONARD B. AUSTIN, JJ.

2008-10198

DECISION & ORDER

In the Matter of Megan R. W. (Anonymous),  
a/k/a Megan W. (Anonymous), a/k/a Megan  
M. (Anonymous).  
Little Flower Children and Family Services of  
New York, et al., respondents; Connie Lynn M.  
(Anonymous), a/k/a Connie M. (Anonymous),  
a/k/a Connie W. (Anonymous), et al., appellants.

(Docket No. B-1763/07)

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David Laniado, Cedarhurst, N.Y., for appellant Connie Lynn M., a/k/a Connie M.,  
a/k/a Connie W.

Catherine S. Bridge, Staten Island, N.Y., for appellant John W.

Carrieri & Carrieri, P.C., Mineola, N.Y. (Ralph R. Carrieri of counsel), for respondent  
Little Flower Children and Family Services of New York.

Steven Banks, New York, N.Y. (Tamara Steckler and Diane Pazar of counsel),  
attorney for the child.

In a proceeding pursuant to Social Services Law § 384-b, inter alia, to terminate  
parental rights on the ground of permanent neglect, the mother appeals, and the father separately  
appeals, as limited by their respective briefs, from so much of an order of fact-finding and disposition  
of the Family Court, Kings County (Hamill, J.), dated October 1, 2008, as, after fact-finding and

January 12, 2010

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MATTER OF W. (ANONYMOUS), MEGAN R., a/k/a W. (ANONYMOUS), MEGAN, a/k/a  
M. (ANONYMOUS), MEGAN

dispositional hearings, found that they each permanently neglected the subject child, terminated their respective parental rights, and transferred guardianship and custody of the subject child to Little Flower Children and Family Services of New York and the Commissioner of the Administration for Children's Services of the City of New York for the purpose of adoption.

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

The Family Court properly determined that the mother permanently neglected the subject child by continuing to use illegal drugs for three years following the removal of the subject child and failing to cooperate with rehabilitation programs (*see* Social Services Law § 384-b; *Matter of Fatima G.*, 64 AD3d 653, *lv denied* 13 NY3d 711; *Matter of Fatima G.*, 64 AD3d 652, *lv denied* 13 NY3d 711; *Matter of Sarah Jean R.*, 290 AD2d 511). Contrary to the mother's contention, although she belatedly demonstrated an effort to comply with the presentment agency's requirements, the Family Court providently exercised its discretion in declining to suspend judgment (*see Matter of Zioniah Moziah M.*, 64 AD3d 781; *Matter of Arnold M.*, 12 AD3d 677, 678).

Moreover, contrary to the father's contention, the presentment agency established that it made diligent efforts to encourage and strengthen his relationship with the subject child (*see* Social Services Law § 384-b[7]; *cf. Matter of Sykia Monique G.*, 208 AD2d 535, 537). Those efforts included, *inter alia*, facilitating visitation when it was in the child's best interest, referring the father for alcohol treatment and domestic violence counseling, and attempting to locate additional treatment programs (*see Matter of Darlene L.*, 38 AD3d 552, 555). Despite these efforts, the father failed to plan for the child's future by visiting the child regularly and cooperating with rehabilitation programs (*see Matter of Ray A.*, 30 AD3d 410; *Matter of Arnold M.*, 12 AD3d at 679).

Accordingly, in light of the close bond the child has developed with her foster family, who has cared for her for almost half of her life, the Family Court's determination that termination of the mother's and father's parental rights was in the child's best interest is supported by a preponderance of the evidence (*see Matter of Chase F.*, 66 AD3d 676, *lv denied* \_\_\_\_\_ NY3d \_\_\_\_\_, 2009 NY Slip Op 91569 [2009]; *Matter of Sarah Jean R.*, 290 AD2d 511, 512).

RIVERA, J.P., LEVENTHAL, BELEN and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court