

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

D26323
G/ct

_____AD3d_____

Submitted - January 21, 2010

MARK C. DILLON, J.P.
HOWARD MILLER
RANDALL T. ENG
SHERI S. ROMAN, JJ.

2009-03437

DECISION & ORDER

In the Matter of Dave D. (Anonymous).
Administration for Children's Services, petitioner-
respondent, Jean D. (Anonymous), appellant, et al.,
respondent.

(Docket No. N-01576-07)

O'keke & Associates, P.C., Brooklyn, N.Y. (Patrick O'keke of counsel), for
appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Pamela Seider Dolgow
and Suzanne K. Colt of counsel), for petitioner-respondent.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Marcia Egger of counsel),
attorney for the child.

In a child protective proceeding pursuant to Family Court Act article 10, the father
appeals, as limited by his brief, from so much of an order of fact-finding of the Family Court, Kings
County (Ruiz, J.), dated March 3, 2009, as, after a fact-finding hearing, found that he had sexually
abused the subject child.

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

Based upon our review of the record and deferring to the Family Court's resolution
of questions of credibility (*see Matter of Grant W. [Raphael A.]*, 67 AD3d 922; *Matter of Liza O.*,
47 AD3d 632), we conclude that the Family Court's determination that the father sexually abused the

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child is supported by a preponderance of the evidence (*see* Family Ct Act § 1046[b][i]; *Matter of Grant W. [Raphael A.]*, 67 AD3d 922). Contrary to the father's contention, the child's out-of-court statements were reliably corroborated by the father's admissions (*see* Family Ct Act § 1046[a][vi]; *Matter of Nicole V.*, 71 NY2d 112; *Matter of Erich J.*, 22 AD3d 849, 850; *Matter of James A.*, 217 AD2d 961; *Matter of Margaret W.*, 83 AD2d 557).

DILLON, J.P., MILLER, ENG and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court