

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

D26582
C/prt

_____AD3d_____

Submitted - February 25, 2010

A. GAIL PRUDENTI, P.J.
RUTH C. BALKIN
JOHN M. LEVENTHAL
LEONARD B. AUSTIN, JJ.

2009-04939

DECISION & ORDER

In the Matter of Michael D. (Anonymous), Jr.
Administration for Children's Services, petitioner-
respondent; Antionette R. (Anonymous) appellant,
et al., respondent.

(Docket No. N-1496/07)

Daniel P. Moskowitz, Jamaica, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Larry A. Sonnenshein
and Julian L. Kalkstein of counsel), for petitioner-respondent..

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

In a child neglect proceeding pursuant to Family Court Act article 10, the mother
appeals from an order of the Family Court, Queens County (Mulrooney, Ct. Atty. Ref.), dated April
15, 2009, which, after a permanency hearing, changed the permanency goal to placement for
adoption.

ORDERED that the order is affirmed, without costs or disbursements.

Contrary to the mother's contention, the petitioner met its burden of establishing, by
a preponderance of the evidence, that a plan to change the permanency goal to adoption was in the
subject child's best interests (*see Matter of Jennifer R.*, 29 AD3d 1003; *Matter of Amanda C.*, 309
AD2d 744). The record supports the Family Court's finding that the mother endangered the welfare

March 23, 2010

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of the subject child when she willfully violated a prior court order of the court by refusing to abide by an order of protection against the child's father. In light of this finding, as well as the testimony at the permanency hearing and the fact that the 3-year-old child has been in kinship foster care for approximately 2½ years, the Family Court's decision to change the permanency goal to placement for adoption had a sound and substantial basis in the record (*see Matter of Nigel S.*, 44 AD3d 673; *Matter of Jennifer R.*, 29 AD3d 1003).

The mother's remaining contentions are without merit.

PRUDENTI, P.J., BALKIN, LEVENTHAL and AUSTIN, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court