

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

D28012
C/prt

_____AD3d_____

Submitted - June 10, 2010

REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2009-02780

DECISION & ORDER

In the Matter of Dorothea Faison, appellant, v
Nassau County Department of Social Services,
et al., respondents.

(Docket No. V-110-09)

Joseph R. Faraguna, Sag Harbor, N.Y., for appellant.

John Ciampoli, County Attorney, Mineola, N.Y. (Jackie L. Gross of counsel), for
respondent Nassau County Department of Social Services.

Roberta Fox, Sea Cliff, N.Y., for respondent Kimson Alston.

Leonard B. Symons, Williston Park, N.Y., for respondent James Stanton.

Michael Kaszubski, P.C., Massapequa, N.Y., attorney for the child.

In a proceeding pursuant to Family Court Act article 6 for custody of, or visitation
with, the subject child, Dorothea Faison appeals from an order of the Family Court, Nassau County
(Dane, J.), dated March 6, 2009, which, without a hearing, dismissed the petition.

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

The petitioner is not the biological grandmother of the subject child, and she is not a
legal grandmother by virtue of adoption. She is, therefore, not the child's grandparent within the
meaning of Domestic Relations Law § 72, which governs the standing of grandparents to seek

custody or visitation, and has no right thereunder to seek either custody or visitation (*see Matter of Jordan*, 60 AD3d 764, 764-765; *Matter of Gross v Siegman*, 226 AD2d 724; *Matter of Hantman v Heller*, 213 AD2d 637). The petitioner's remaining contentions with respect to standing to seek custody or visitation are similarly without merit. Accordingly, the Family Court properly dismissed the petition without a hearing.

The petitioner also lacks standing to make contentions with respect to the child's prior placement with other family members and, in any event, the contentions are academic in light of the fact that the subject child is currently in her father's custody (*see Matter of Josephine G.*, 218 AD2d 656, 657).

RIVERA, J.P., BALKIN, AUSTIN 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