

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

D28481
H/ct

_____AD3d_____

Submitted - September 14, 2010

REINALDO E. RIVERA, J.P.
THOMAS A. DICKERSON
RANDALL T. ENG
LEONARD B. AUSTIN, JJ.

2009-09119

DECISION & ORDER

In the Matter of Aaliyah Indianna Patrice L. (Anonymous).
Suffolk County Department of Social Services, respondent;
Bettina L. (Anonymous), appellant.

(Docket No. B-5622-09)

Salvatore C. Adamo, New York, N.Y., for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (James G. Bernet of counsel),
for respondent.

Myrka A. Gonzalez, Sayville, N.Y., attorney for the child.

In a proceeding pursuant to Social Services Law § 384-b to terminate the mother's parental rights on the ground of permanent neglect, the mother appeals from an order of fact-finding and disposition of the Family Court, Suffolk County (Freundlich, J.), dated September 2, 2009, which, upon a decision of the same court, also dated September 2, 2009, made after fact-finding and dispositional hearings, *inter alia*, found that she permanently neglected the subject child, and, in effect, terminated her parental rights.

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

The Family Court properly found that the mother permanently neglected the subject child because she failed to plan for the child by acknowledging and addressing the problem that led to the foster care placement (*see Matter of Alpacheta C.*, 41 AD3d 285; *Matter of S. Children*, 210

December 7, 2010

Page 1.

MATTER OF L. (ANONYMOUS), AALIYAH INDIANNA PATRICE

AD2d 175). Notwithstanding the mother's late completion of certain programs, there was clear and convincing evidence that she failed to plan for her child's future (*see* Social Services Law § 384-b[7][a]). Moreover, the Family Court properly concluded that termination of the mother's parental rights was in the child's best interests (*see Matter of Violetta K. v Mary K.*, 306 AD2d 480, 481; *Matter of Charles Clarence C.*, 213 AD2d 294).

RIVERA, J.P., DICKERSON, ENG and AUSTIN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive style with a large, prominent initial "M".

Matthew G. Kiernan
Clerk of the Court