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

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_____AD3d_____ Submitted - December 6, 2010

REINALDO E. RIVERA, J.P.
THOMAS A. DICKERSON
PLUMMER E. LOTT
SANDRA L. SGROI, JJ.

2010-01181 DECISION & ORDER

In the Matter of Eric C. (Anonymous).
Suffolk County Department of Social Services,
respondent; Barbara C. (Anonymous), appellant.

(Docket No. N-15189-09)

Cynthia Holfester-Neugebauer, Glen Head, N.Y., for appellant.

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

Del Atwell, East Hampton, N.Y., attorney for the child.

In a child protective proceeding pursuant to Family Court Act article 10, the mother appeals from an order of fact-finding and disposition of the Family Court, Suffolk County (Tarantino, Jr., J.), dated January 15, 2010, which, after a fact-finding hearing, inter alia, found that she neglected the subject child.

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

The mother appeals from an order finding that she neglected her son by failing to supply him with an adequate education (*see* Family Ct Act § 1012[f][i][A]). The petitioner met its burden of establishing educational neglect by a preponderance of the evidence (*see* Family Ct Act § 1046[b][i]; *Matter of Cunntrel A.* [*Jermaine D.A.*], 70 AD3d 1308; *Matter of Evan F.,* 48 AD3d 811; *Matter of John N.,* 19 AD3d 497, 498-499). The petitioner submitted unrebutted evidence of

excessive school absences, and the mother failed to offer a reasonable justification for the absences (*see Matter of Cunntrel A*. [*Jermaine D.A.*], 70 AD3d at 1308; *Matter of Evan F.,* 48 AD3d at 811; *Matter of John N.,* 19 AD3d at 498-499).

The mother's remaining contentions are without merit.

RIVERA, J.P., DICKERSON, LOTT and SGROI, JJ., concur.

ENTER:

Matthew G. Kiernan
Clerk of the Court