

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

D30445  
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Submitted - February 17, 2011

JOSEPH COVELLO, J.P.  
ARIEL E. BELEN  
L. PRISCILLA HALL  
JEFFREY A. COHEN, JJ.

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2010-02889

DECISION & ORDER

In the Matter of Dominique Beyonce R. (Anonymous).  
Administration for Children's Services, et al., respondents;  
Maria Isabel R. (Anonymous), appellant.  
(Proceeding No. 1)

In the Matter of Marisol N. (Anonymous).  
Administration for Children's Services, et al., respondents;  
Maria Isabel R. (Anonymous), appellant.  
(Proceeding No. 2)

In the Matter of Christian Jesus N. (Anonymous).  
Administration for Children's Services, et al., respondents;  
Maria Isabel R. (Anonymous), appellant.  
(Proceeding No. 3)

(Docket Nos. B-15080-07, B-15081-07, B-15082-07)

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Helene Chowes, New York, N.Y., for appellant.

Magovern & Sclafani, New York, N.Y. (Frederick J. Magovern of counsel), for  
respondent St. Vincent's Services, Inc.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Patricia Colella of counsel),  
attorney for the children.

March 15, 2011

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MATTER OF R. (ANONYMOUS), DOMINIQUE BEYONCE  
MATTER OF N. (ANONYMOUS), MARISOL  
MATTER OF N. (ANONYMOUS), CHRISTIAN JESUS

In three related proceedings 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 the Family Court, Queens County (Salinitro, J.), dated March 11, 2010, which denied her motion pursuant to CPLR 5015(a)(1) to vacate an order of disposition of the same court dated January 26, 2010, which, upon her default in appearing at a dispositional hearing, terminated her parental rights and transferred custody and guardianship of the subject children to the Administration for Children's Services and St. Vincent's Services, Inc., for the purpose of adoption.

ORDERED that the order dated March 11, 2010, is affirmed, without costs or disbursements.

A parent seeking to vacate an order entered upon his or her default in appearing at a dispositional hearing in a proceeding for the termination of his or her parental rights must establish that there was a reasonable excuse for the default and a potentially meritorious defense to the disposition sought by the petitioner (*see* CPLR 5015[a]; *Matter of Princess M.*, 58 AD3d 854; *Matter of Nicholas S.*, 46 AD3d 830; *Matter of David John D.*, 38 AD3d 661; *Matter of Miguel M.-R.B.*, 36 AD3d 613; *Matter of Porscha Monique J.*, 21 AD3d 415).

The Family Court properly denied the mother's motion to vacate her default (*see Matter of Capri Alexis R.*, 48 AD3d 821; *Matter of Nicholas S.*, 46 AD3d 830; *Matter of Princess M.*, 58 AD3d 854; *Matter of Porscha Monique J.*, 21 AD3d at 416). In light of the fact that the mother was present in the courthouse when the dispositional hearing was scheduled, her assertion that she did not know the correct time of the hearing was not a reasonable excuse for her default. Nor did the mother provide any proof that she had been instructed to appear at a different time. Thus, she did not demonstrate a reasonable excuse for her default (*see Matter of Capri Alexis R.*, 48 AD3d 821; *Matter of Nicholas S.*, 46 AD3d at 831; *Matter of David John D.*, 38 AD3d 661; *Matter of Porscha Monique J.*, 21 AD3d at 416). Moreover, the mother failed to establish a potentially meritorious defense to the demand for relief in the petitions, which sought the termination of her parental rights (*see Matter of Miguel M.-R.B.*, 36 AD3d 613).

COVELLO, J.P., BELEN, HALL and COHEN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

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