

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

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Y/kmb

_____AD3d_____

Submitted - March 14, 2011

PETER B. SKELOS, J.P.
RANDALL T. ENG
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2010-04574

DECISION & ORDER

In the Matter of Nyece M. (Anonymous).
Administration for Children's Services,
respondent; Rommel M. (Anonymous),
appellant.

(Docket No. N-24906-08)

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

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Kristin M. Helmers and
Pamela Seider Dolgow of counsel), for respondent.

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

In a child protective proceeding pursuant to Family Court Act article 10, the father appeals, as limited by his brief, from stated portions of an order of disposition of the Family Court, Kings County (Grosvenor, J.), dated April 16, 2010, which, after separate fact-finding and dispositional hearings, found that he neglected the child Nyece M. and, inter alia, directed the father's continued exclusion from the family home until he completes an anger management program.

ORDERED that the order of disposition is affirmed insofar as appealed from, without costs or disbursements.

The Family Court's finding that the father neglected the subject child by using excessive corporal punishment was supported by a preponderance of the evidence (*see* Family Ct Act § 1012[f][i][B]; *see also* *Matter of Maria Raquel L.*, 36 AD3d 425; *Matter of Joshua B.*, 28 AD3d

April 5, 2011

Page 1.

MATTER OF M. (ANONYMOUS), NYECE

759; *Matter of Joseph O.*, 28 AD3d 562; *Matter of Alysha M.*, 24 AD3d 255; *Matter of Sheneika V.*, 20 AD3d 541; *Matter of Jonathan W.*, 17 AD3d 374; *Matter of Johannah QQ*, 266 AD2d 769; *Matter of Suffolk County Dept. of Social Services. v Nicole S.*, 266 AD2d 556).

The Family Court's order of disposition, which, inter alia, directed the father's continued exclusion from the home until after he completes an anger management program, was in the child's best interest (*see* Family Ct Act §§ 1052[b][ii], 1056[1][a], [h]; *see also* *Matter of Kenneth L.*, 209 AD2d 352).

SKELOS, J.P., ENG, AUSTIN and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court