

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

D31555
H/kmb

_____AD3d_____

Argued - May 17, 2011

WILLIAM F. MASTRO, J.P.
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2011-00404

DECISION & ORDER

In the Matter of Kaitlyn B. (Anonymous).
Suffolk County Department of Social Services,
petitioner-respondent; Kristin B. (Anonymous),
respondent; Thomas N. (Anonymous), nonparty-
appellant; Jane Doe, nonparty-respondent.

(Docket No. N-15975/08)

Arza Feldman, Uniondale, N.Y., for nonparty-appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Karin A. Bohrer of counsel),
for petitioner-respondent.

Joseph D. Mirabella, Mastic, N.Y., for nonparty-respondent.

Diane B. Groom, Central Islip, N.Y., attorney for the child.

In a child protective proceeding pursuant to Family Court Act article 10, nonparty Thomas N. appeals from an order of the Family Court, Suffolk County (Whelan, J.), dated December 3, 2010, which, after a hearing, denied, as untimely, his application to place the subject child in his care.

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

The Family Court properly denied, as untimely, the appellant's application (*see* Family Ct Act 1028-a(a)(v); *Matter of Haylee RR.*, 47 AD3d 1093). It is undisputed that the application was filed approximately 14 months after the subject child was removed and placed into foster care.

May 31, 2011

MATTER OF B. (ANONYMOUS), KAITLYN

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Moreover, contrary to the appellant's contention, the evidence adduced at the hearing did not demonstrate that his failure to file his application within the period prescribed by Family Court Act § 1028-a(a)(v) was the result of misleading information provided by the Department of Social Services.

MASTRO, J.P., DICKERSON, CHAMBERS and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court