

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

D32062  
Y/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - June 23, 2011

PETER B. SKELOS, J.P.  
ARIEL E. BELEN  
L. PRISCILLA HALL  
SHERI S. ROMAN, JJ.

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2010-09583

DECISION & ORDER

In the Matter of Jahquavius W. (Anonymous).  
Orange County Department of Social Services,  
respondent; Quanteria H. (Anonymous), appellant.  
(Proceeding No. 1)

In the Matter of Jeremiah W. (Anonymous).  
Orange County Department of Social Services,  
respondent; Quanteria H. (Anonymous), appellant.  
(Proceeding No. 2)

(Docket Nos. B-376-09, B-377-09)

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Michael G. Paul, New City, N.Y., for appellant.

David Darwin, County Attorney, Goshen, N.Y. (Peter R. Schwarz of counsel), for respondent.

Richard N. Lentino, Middletown, N.Y., attorney for the children.

In related proceedings pursuant to Social Services Law § 384-b, inter alia, to terminate parental rights on the ground of permanent neglect, the mother appeals from an order of disposition of the Family Court, Orange County (Klein, J.), entered September 7, 2010, which, after a hearing, and upon granting the petition of the Orange County Department of Social Services to revoke a suspended judgment of the same court entered July 16, 2009, upon finding that she violated the terms of the suspended judgment, terminated her parental rights and transferred custody and guardianship

July 12, 2011

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of the subject children to the Orange County Department of Social Services for the purpose of adoption.

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

“The Family Court may revoke a suspended judgment after a violation hearing if it finds, upon a preponderance of the evidence, that the parent failed to comply with one or more of its conditions” (*Matter of Nicholas S. [Rhonda S.]*, 78 AD3d 841, 842 [internal quotation marks omitted]; see *Matter of Ayame O.-M.*, 63 AD3d 1069, 1070). “When determining compliance with a suspended judgment, it is the parent’s obligation to demonstrate that progress has been made to overcome the specific problems which led to the removal of the child. Significantly, a parent’s attempt to comply with the literal provisions of the suspended judgment is not enough” (*Matter of Darren V.*, 61 AD3d 986, 987 [citations and internal quotation marks omitted]; see *Matter of Jennifer VV.*, 241 AD2d 622, 623). Here, the Family Court properly found, by a preponderance of the evidence, that the mother failed to comply with three of the conditions of the suspended judgment, and it, thus, properly granted the petition to revoke the suspended judgment and terminate the mother’s parental rights (see *Matter of Antoinne T. [April T.]*, 83 AD3d 721; *Matter of Nicholas S. [Rhonda S.]*, 78 AD3d at 842; *Matter of Ayame O.-M.*, 63 AD3d at 1070; *Matter of Darren V.*, 61 AD3d at 986-987).

SKELOS, J.P., BELEN, HALL and ROMAN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court