

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

D32510
G/prt

_____AD3d_____

Submitted - September 26, 2011

PETER B. SKELOS, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
L. PRISCILLA HALL, JJ.

2010-08886

DECISION & ORDER

In the Matter of Janelle C. (Anonymous).
Suffolk County Department of Social Services,
petitioner-respondent; Sean R. (Anonymous),
appellant, et al, respondent.

(Docket No. A-6331-10)

Marina M. Martielli, East Quogue, N.Y., for appellant.

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

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

In a proceeding pursuant to Social Services Law § 384-b to terminate the mother's parental rights on the ground of permanent neglect, the father appeals from so much of an order of the Family Court, Suffolk County (Freundlich, J.), entered July 26, 2010, as, after a hearing, determined that he is not a person whose consent to adoption is required pursuant to Domestic Relations Law § 111.

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

The Family Court's determination that the father's consent to the adoption of the subject child was not required was supported by clear and convincing evidence (*see Matter of Sharissa G.*, 51 AD3d 1019). In this respect, the evidence demonstrated that the father never paid

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MATTER OF C. (ANONYMOUS), JANELLE

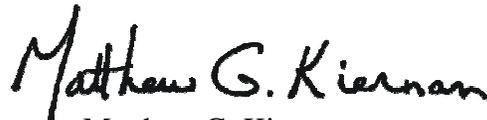
support, visited the child only once during the period when he knew of her whereabouts, and failed to take basic steps to locate her after losing track of her whereabouts. In addition, once he learned that the child was in the custody of the Department of Social Services, he left only one voicemail message with a caseworker during a period of approximately seven months. Accordingly, the father failed to meet his burden of establishing that he maintained substantial and continuous or repeated contact with the child through the payment of support and either regular visitation or other communication with the child (*see* Domestic Relations Law § 111[1][d]; *Matter of Jaden Dasani-Amru B. [Roy Alphonso B.]*, 74 AD3d 801, 802; *Matter of Jason Brian S.*, 303 AD2d 759; *Matter of Kianna C.*, 292 AD2d 380).

The father was not deprived of the effective assistance of counsel (*see Matter of Amber Megan D.*, 54 AD3d 338; *Matter of Laura F.*, 48 AD3d 812; *see generally Matter of Shaheen P.J.*, 29 AD3d 996, 998).

The father's remaining contentions are without merit.

SKELOS, J.P., BALKIN, LEVENTHAL and HALL, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court