

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

D33196
W/kmb

_____AD3d_____

Argued - November 3, 2011

DANIEL D. ANGIOLILLO, J.P.
L. PRISCILLA HALL
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2011-05313

DECISION & ORDER

In the Matter of Tsulyn A. (Anonymous).
Westchester County Department of Social Services,
respondent; Deborah A. (Anonymous), appellant.

(Index No. N-13170-09)

George E. Reed, Jr., White Plains, N.Y., for appellant.

Robert F. Meehan, County Attorney, White Plains, N.Y. (Justin R. Adin of counsel),
for respondent.

Anne R. Mueller, West Harrison, N.Y., attorney for the child.

In a child protective proceeding pursuant to Family Court Act article 10, the mother appeals from an order of the Family Court, Westchester County (Lammers, Ct. Atty. Ref.), entered May 26, 2011, which, after a permanency hearing, extended the placement of the subject child in foster care in the custody of the nonparty maternal grandmother until October 24, 2011, and changed the permanency goal from reunification with the mother to placement for adoption.

ORDERED that the appeal from so much of the order as extended the placement of the subject child in foster care in the custody of the nonparty maternal grandmother until October 24, 2011, is dismissed as academic, without costs or disbursements, as the period of extension of the placement has expired; and it is further,

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

December 13, 2011

MATTER OF A. (ANONYMOUS), TSULYN

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The petitioner established by a preponderance of the evidence that changing the permanency goal from reunification with the mother to placement for adoption was in the subject child's best interests (*see Matter of Michael D [Antionette R.]*, 71 AD3d 1017; *Matter of Darlene L.*, 38 AD3d 552; *Matter of Jennifer R.*, 29 AD3d 1003; *Matter of Amanda C.*, 309 AD2d 744). Given the child's special needs, the fact that she has been in a foster home with her maternal grandmother for more than one half of her life, and that the mother failed to successfully address her anger management and mental health issues, the Family Court's determination to change the permanency goal from reunification with the mother to placement for adoption had a sound and substantial basis in the record (*see Matter of Michael D. [Antionette R.]*, 71 AD3d 1017; *Matter of Jennifer R.*, 29 AD3d 1003; *Matter of Amanda C.*, 309 AD2d 744).

ANGIOLILLO, J.P., HALL, AUSTIN and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court