

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

D33754  
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Submitted - January 6, 2012

PETER B. SKELOS, J.P.  
THOMAS A. DICKERSON  
LEONARD B. AUSTIN  
ROBERT J. MILLER, JJ.

2011-06111

DECISION & ORDER

In the Matter of Brianna J. (Anonymous).  
Administration for Children's Services, appellant;  
Edgire J. (Anonymous), et al., respondents.

(Docket No. N-32932-08)

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Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Leonard Koerner, Ethan Wolf, and Ronald E. Sternberg of counsel), for appellant.

Yasmin Daley Duncan, Brooklyn, N.Y., for respondent Edgire J.

Alexander M. Dudelson, Brooklyn, N.Y., for respondent Terry W.

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

In a neglect proceeding pursuant to Family Court Act article 10, the Administration for Children's Services appeals from an order of the Family Court, Kings County (Danoff, J.), dated June 28, 2011, which, after a fact-finding hearing, dismissed the petition.

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

Contrary to its contention, the petitioner, Administration for Children's Services, failed to establish a prima facie case of neglect against the respondent parents with respect to the subject child (*see* Family Ct Act § 1012[f][i]). Accordingly, the petition against both of the

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respondents was properly dismissed.

SKELOS, J.P., DICKERSON, AUSTIN and MILLER, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court