

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

D33762  
Y/ct

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Submitted - January 5, 2012

DANIEL D. ANGIOLILLO, J.P.  
ANITA R. FLORIO  
CHERYL E. CHAMBERS  
L. PRISCILLA HALL, JJ.

2010-10324

DECISION & ORDER

In the Matter of Shaolin E. P. (Anonymous).  
Dutchess County Department of Social Services,  
respondent; Jettris P. (Anonymous), appellant.

(Docket No. B-2777/09)

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

Ronna L. DeLoe, New Rochelle, 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 mother appeals from an order of fact-finding and disposition of the Family Court, Dutchess County (Forman, J.), dated August 17, 2010, which, after fact-finding and dispositional hearings, found that she permanently neglected the subject child, terminated her parental rights, and transferred custody and guardianship of the child to the Dutchess County Department of Social Services for the purpose of adoption.

ORDERED that the order of fact-finding and disposition is affirmed, without costs or disbursements.

The Family Court properly determined that there was clear and convincing evidence that the mother permanently neglected the subject child by failing, for more than one year after the child's placement with the Department of Social Services, to plan for the future of the child (*see* Social Services Law § 384-b[7][c]; *Matter of Star Leslie W.*, 63 NY2d 136, 142-143; *Matter of Darnell G. [Robin Denise H.]*, 88 AD3d 789; *Matter of Peter C., Jr.*, [Peter C.], 88 AD3d 702; *Matter of Jonathan B. [Linda S.]*, 84 AD3d 1078, 1079). The Family Court properly concluded that it was in the child's best interests to terminate the mother's parental rights and free him for adoption

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by the foster parent (*see* Family Ct Act § 631). A suspended judgment was not appropriate in light of the mother's lack of insight into her problems and failure to address the primary issues which led to the child's removal in the first instance (*see Matter of Peter C., Jr.*, [Peter C.] 88 AD3d 702; *Matter of Zechariah J. [Valrick J.]*, 84 AD3d 1087, 1088-1089).

ANGIOLILLO, J.P., FLORIO, CHAMBERS and HALL, JJ., concur.

ENTER:

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

Aprilanne Agostino  
Clerk of the Court