

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

D33938
O/nl

_____AD3d_____

Submitted - January 24, 2012

MARK C. DILLON, J.P.
ANITA R. FLORIO
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2011-01842

DECISION & ORDER

In the Matter of Deirdre M. Price, appellant, v Howard
Jenkins, respondent.

(Docket No. O-236-11)

Ralph R. Carrieri, Mineola, N.Y., for appellant.

Thomas E. Draycott, Brightwaters, N.Y., attorney for the child.

In a proceeding pursuant to Family Court Act article 8, the mother appeals from an order of the Family Court, Nassau County (Eisman, J.), dated January 13, 2011, which denied, without a hearing, her family offense petition against the father, without prejudice.

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

Contrary to the mother's contention, the Family Court properly denied, without a hearing, her family offense petition against the father, without prejudice, as the petition was conclusory and failed to allege conduct that would constitute the offenses alleged therein (*see* Family Ct Act § 812[1]; *Matter of Davis v Venditto*, 45 AD3d 837, 838; *Matter of Morisseau v Morisseau*, 27 AD3d 651, 652; *Matter of Vasciannio v Nedrick*, 305 AD2d 420, 421; *Matter of Jones v Roper*, 187 AD2d 593, 593).

The mother's remaining contention is without merit.

DILLON, J.P., FLORIO, CHAMBERS and ROMAN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

February 14, 2012

MATTER OF PRICE v JENKINS