

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

D34141  
O/kmb

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Submitted - February 2, 2012

PETER B. SKELOS, J.P.  
THOMAS A. DICKERSON  
ARIEL E. BELEN  
ROBERT J. MILLER, JJ.

2011-04864  
2011-04924

DECISION & ORDER

In the Matter of Jayden D. (Anonymous).  
Suffolk County Department of Social Services,  
respondent; Will D. (Anonymous), et al., appellant.

(Docket No. N-12667-10)

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

Dennis M. Cohen, County Attorney, Central Islip, N.Y. (James G. Bernet of counsel),  
for respondent.

Walter D. Long, Jr., Hauppauge, N.Y., attorney for the child.

In a child protective proceeding pursuant to Family Court Act article 10, the father appeals (1), as limited by his brief, from so much of an order of fact-finding and disposition of the Family Court, Suffolk County (Freundlich, J.), dated April 29, 2011, as, upon a decision of the same court, also dated April 29, 2011, made after fact-finding and dispositional hearings, found that he had neglected the subject child, and (2) from an order of protection of the same court, also dated April 29, 2011, which directed him to stay away from the subject child except for supervised visitation.

ORDERED that on the Court's own motion, the notice of appeal from the decision is deemed a notice of appeal from the order of fact-finding and disposition (*see* CPLR 5512[a]); and it is further,

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

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or disbursements; and it is further,

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

The Family Court did not err in finding that the father neglected the subject child, or in issuing an order of protection against the father. The Suffolk County Department of Social Services proved by a preponderance of the evidence that the father neglected the subject child by engaging in acts of domestic violence against the mother in the child's presence that created an imminent danger of impairing the child's physical, emotional, or mental condition (*see* Family Ct Act § 1012[f]; *Matter of Ariella S. [Krystal C.]*, 89 AD3d 1092; *Matter of Kiara C. [David C.]*, 85 AD3d 1025; *Matter of Jordan E.*, 57 AD3d 539).

The father's remaining contention is without merit.

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

ENTER:

  
Aprilanne Agostino  
Clerk of the Court