

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

D34509  
H/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - March 6, 2012

MARK C. DILLON, J.P.  
DANIEL D. ANGIOLILLO  
ARIEL E. BELEN  
JEFFREY A. COHEN, JJ.

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2011-04600

DECISION & ORDER

In the Matter of Khalil M. (Anonymous).  
Administration for Children's Services, respondent;  
Ebony A. (Anonymous), appellant.  
(Proceeding No. 1)

In the Matter of Xavier A. (Anonymous).  
Administration for Children's Services, respondent;  
Ebony A. (Anonymous), appellant.  
(Proceeding No. 2)

In the Matter of A'taja A. (Anonymous).  
Administration for Children's Services, respondent;  
Ebony A. (Anonymous), appellant.  
(Proceeding No. 3)

(Docket Nos. N-4640-10, N-4641-10, N-4642-10)

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Helene Chowes, New York, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Pamela Seider Dolgow  
of counsel; Lisa A. Giunta on the brief), for respondent.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Elana Roffman of counsel),  
attorney for the children.

In three related child neglect proceedings pursuant to Family Court Act article 10, the

April 17, 2012

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MATTER OF M. (ANONYMOUS), KHALIL  
MATTER OF A. (ANONYMOUS), XAVIER  
MATTER OF A. (ANONYMOUS), A'TAJA

mother appeals from an order of fact-finding of the Family Court, Kings County (Beckoff, J.), dated April 6, 2011, which, after a fact-finding hearing, found that she had neglected the subject children.

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

The mother appeals from a fact-finding order, which found that she neglected the subject children by failing to supply them with an adequate education (*see* Family Ct Act § 1012[f][i][A]). At a fact-finding hearing in a neglect proceeding pursuant to Family Court Act article 10, the petitioner has the burden of proving by a preponderance of the evidence that the subject children were neglected (*see* Family Ct Act § 1046[b][i]; *Matter of Aliyah B. [Denise J.]*, 87 AD3d 943). Here, the petitioner met its burden of establishing educational neglect by submitting evidence that, for several school years, each of the three subject children suffered excessive school absences and tardiness for which the mother failed to offer a reasonable justification (*see* Family Court Act § 1012[f][i][A]; *Matter of Aliyah B. [Denise J.]*, 87 AD3d 943; *Matter of Mariah C. [Frey C.-M.]*, 84 AD3d 1372; *Matter of Deanna R.G. [Rajkumare B.]*, 83 AD3d 1064; *Matter of Eric C. [Barbara C.]*, 79 AD3d 1037; *Matter of Evan F.*, 48 AD3d 811).

The mother's remaining contention is without merit.

DILLON, J.P., ANGIOLILLO, BELEN and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court