

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

D35226  
C/kmb

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Submitted - May 15, 2012

MARK C. DILLON, J.P.  
THOMAS A. DICKERSON  
LEONARD B. AUSTIN  
ROBERT J. MILLER, JJ.

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2011-04591

DECISION & ORDER

In the Matter of Elisha M. W. (Anonymous).  
Administration for Children's Services,  
respondent; Ronald W. (Anonymous), appellant.  
(Proceeding No. 1)

In the Matter of Rebekah J. W. (Anonymous).  
Administration for Children's Services,  
respondent; Ronald W. (Anonymous), appellant.  
(Proceeding No. 2)

(Docket Nos. N-24852-08, N-24853-08)

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Edward E. Caesar, Brooklyn, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Edward F.X. Hart and  
Tahirih M. Sadrieh of counsel), for respondent.

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

In two related child protective proceedings pursuant to Family Court Act article 10,  
the father appeals from an order of disposition of the Family Court, Kings County (Lim, J.), dated  
February 10, 2011, which, upon a fact-finding order of the same court dated October 25, 2010, made  
after a hearing, finding that he abused Rebekah J.W. and derivately abused Elisha M.W., released  
the subject children to the custody of the mother. The father's appeal from the order of disposition  
brings up for review the fact-finding order.

June 13, 2012

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MATTER OF W. (ANONYMOUS), ELISHA M.  
MATTER OF W. (ANONYMOUS), REBEKAH J.

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

The right of a respondent parent “to be present at every stage of a Family Court Act article 10 proceeding is not absolute, as such a proceeding is civil in nature” (*Matter of Q.-L. H.*, 27 AD3d 738, 739; *see Matter of Deshawn D.O. [Maria T.O.]*, 81 AD3d 961, 962). “The Family Court must balance the due process rights of an article 10 respondent with the mental and emotional well being of the child” (*Matter of Q.-L. H.*, 27 AD3d at 739; *see Matter of Deshawn D.O. [Maria T.O.]*, 81 AD3d at 962). Here, the Family Court properly weighed the respective rights and interests of the father and the subject child Rebekah J.W., and thereafter providently exercised its discretion in permitting her to testify via closed-circuit television so that she did not have to testify in front of her father (*see Matter of Q.-L. H.*, 27 AD3d at 739).

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

ENTER:

  
Aprilanne Agostino  
Clerk of the Court