

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

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Submitted - May 25, 2012

WILLIAM F. MASTRO, A.P.J.
DANIEL D. ANGIOLILLO
LEONARD B. AUSTIN
SANDRA L. SGROI, JJ.

2011-10469

DECISION & ORDER

In the Matter of Adam L. (Anonymous).
Rockland County Department of Social Services,
respondent; Marie L.-K. (Anonymous), appellant.

(Docket No. B-01785)

Arleen Lewis, Blauvelt, N.Y., for appellant.

Jeffrey Fortunato, Acting County Attorney, New City, N.Y. (Barbara M. Wilmit of counsel), for respondent.

Joy S. Joseph, Elmsford, N.Y., attorney for the child.

In a proceeding pursuant to Social Services Law § 384-b to terminate parental rights on the ground of permanent neglect, the mother appeals from an order of fact-finding and disposition of the Family Court, Rockland County (Edwards, J.), entered October 28, 2011, which, after fact-finding and dispositional hearings, and upon the mother's stipulation, found that she had permanently neglected the subject child, terminated her parental rights, and transferred custody and guardianship of the child to the Rockland 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 mother's knowing and voluntary admission in open court on March 15, 2011, satisfied the burden of proof necessary for the Family Court's finding of permanent neglect (*see* Family Ct Act § 622; *Matter of Commissioner of Social Servs.* [Steven B.], 232 AD2d 557, 557-558; *Matter of Lawrence Clinton S.*, 186 AD2d 808, 809; *Matter of Sharena C.*, 186 AD2d 249).

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MATTER OF L. (ANONYMOUS), ADAM

Additionally, the Family Court properly found that the best interests of the subject child would be served by terminating the mother's parental rights and freeing him for adoption. The child, who suffers from severe cognitive limitations, including an inability to communicate, and who requires constant supervision, has bonded with his foster family with whom he had lived for more than four years at the time of the dispositional hearing. In addition, the foster parents were involved in developing the child's life skills, responding appropriately to his behavior, and in planning for how to help him reach his potential, while the mother exhibited an inability to appreciate the extent of the child's limitations. The mother also responded inconsistently, at best, to the child's behavior, and displayed an inability to learn and implement programs necessary to help him reach his potential. In these circumstances, termination of parental rights serves the best interests of the child (*see Matter of Deajah Shabri T.*, 44 AD3d 1060, 1062; *Matter of Tynell S.*, 43 AD3d 1171, 1173; *Matter of Tiffany A.*, 242 AD2d 709, 711).

MASTRO, A.P.J., ANGIOLILLO, AUSTIN and SGROI, 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