

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

D35526  
H/G/kmb

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Submitted - March 22, 2012

PETER B. SKELOS, J.P.  
ANITA R. FLORIO  
RANDALL T. ENG  
SHERI S. ROMAN, JJ.

2011-06549

DECISION & ORDER

In the Matter of Robert Jordan G. (Anonymous).  
Westchester County Department of Social Services,  
respondent; Robert D. (Anonymous), appellant.

(Docket No. A-16791-10)

Helene Migdon Greenberg, Elmsford, N.Y., for appellant.

Robert F. Meehan, County Attorney, White Plains, N.Y. (Adam Rodriguez of  
counsel), for respondent.

Maria J. Frank, Yorktown Heights, N.Y., attorney for the child.

In a proceeding pursuant to Social Services Law § 383-c for the judicial surrender of the subject child for the purpose of adoption, the father appeals, as limited by his brief, from so much of an order of the Family Court, Westchester County (Schauer, J.), entered March 10, 2011, as, determined that he voluntarily consented to the conditional surrender of the subject child and approved his conditional surrender of the child.

ORDERED that the appeal from so much of the order as approved the conditional surrender of the subject child is dismissed, without costs and disbursements, as the father is not aggrieved by that portion of the order (*see* CPLR 5511); and it is further,

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

“A surrender of parental rights ‘becomes final and irrevocable immediately upon its execution and acknowledgment [and], in the absence of fraud, duress or coercion, no action may be

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maintained by the surrendering parent to revoke or annul the surrender agreement”” (*Matter of Gino Z. [Albert Z.]*, 4 AD3d 631, 632, quoting *Matter of Amanda B.*, 206 AD2d 636, 636-637; see Social Services Law § 383-c[6][d]). Here, the record supports the Family Court’s determination that the father’s conditional surrender of his parental rights was voluntary, and that he was mentally competent to execute the surrender instrument. The court made a careful inquiry regarding the father’s state of mind and understanding of the legal consequences of his actions, including granting him an adjournment of more than one month to further consider his decision (see *Matter of Amanda B.*, 206 AD2d at 637; *Matter of Commissioner of Social Servs. of Suffolk County [Sandra G.]*, 141 AD2d 821, 822-823).

The father is not aggrieved by so much of the order as approved his conditional surrender of the subject child because that portion of the order was entered upon his consent (see CPLR 5511; *Matter of Enasysia Tylesha R. [April Deann R.]*, 83 AD3d 946, 947), which we have concluded was validly obtained. Accordingly, the appeal from that portion of the order must be dismissed.

SKELOS, J.P., FLORIO, ENG and ROMAN, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court