

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

D35584
C/ct

_____AD3d_____

Submitted - June 11, 2012

MARK C. DILLON, J.P.
ARIEL E. BELEN
LEONARD B. AUSTIN
SANDRA L. SGROI, JJ.

2011-02442
2011-02445

DECISION & ORDER

In the Matter of Temple S. M. (Anonymous).
Little Flower Children and Family Services of New
York, respondent; Tricia M. (Anonymous), appellant.

In the Matter of Renee R. M. (Anonymous).
Little Flower Children and Family Services of New
York, respondent; Tricia M. (Anonymous), appellant.

(Docket Nos. B-1650/09, B-1651/09)

Cheryl Charles-Duval, Brooklyn, N.Y., for appellant.

Carrieri & Carrieri, P.C., Mineola, N.Y. (Ralph R. Carrieri of counsel), for
respondent.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Marcia Egger of counsel),
attorney for the child.

In two related proceedings pursuant to Social Services Law § 384-b and Family Court Act article 6 to terminate parental rights on the ground of permanent neglect, the mother appeals, as limited by her brief, from so much of two orders of fact-finding and disposition of the Family Court, Kings County (Lim, J.) (one as to each child), both dated October 8, 2010, as, after fact-finding and dispositional hearings, found that she permanently neglected the subject children, terminated her parental rights, and transferred custody and guardianship of the subject children jointly to the Commissioner of Social Services of the City of New York and Little Flower Children and Family Services for the purpose of adoption.

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MATTER OF M. (ANONYMOUS), TEMPLE S.
MATTER OF M. (ANONYMOUS), RENEE R.

ORDERED that the orders of fact-finding and disposition are affirmed insofar as appealed from, without costs or disbursements.

Contrary to the mother's contention, the Family Court properly found that she permanently neglected the subject children. The petitioner established by clear and convincing evidence that it made diligent efforts to assist the mother in maintaining contact with the children and planning for their future (*see Matter of Star Leslie W.*, 63 NY2d 136, 142; *Matter of Sheila G.*, 61 NY2d 368, 373). These efforts included repeated referrals of the mother to drug treatment and mental health programs, the monitoring of her progress in these programs, repeated advice to the mother that she must attend and complete certain drug treatment and mental health programs, submit to random drug screening, and undergo a mental health evaluation, and the scheduling of regular visits between the mother and the children (*see Matter of Kyshawn F. [Nellie M. F.]*, 95 AD3d 883; *Matter of Darnell G. [Robin Denise H.]*, 88 AD3d 789; *cf. Matter of Harlem Dowling-Westside Ctr. for Children & Family Servs.*, 245 AD2d 449, 450).

Despite these efforts, the mother failed to plan for the children's future (*see Matter of Jamie M.*, 63 NY2d 388, 393; *Matter of Orlando F.*, 40 NY2d 103, 110; *Matter of Kyshawn F. [Nellie M. F.]*, 95 AD3d 883; *Matter of Malen Sansa V. [Nancy J.]*, 70 AD3d 707, 708; *Matter of Fatima G.*, 64 AD3d 652, 653; *Matter of Noelia T.*, 61 AD3d 983, 984; *Matter of Rosanette O.*, 291 AD2d 237). Furthermore, the Family Court properly determined that it was in the best interests of the subject children to terminate the mother's parental rights (*see Matter of Star Leslie W.*, 63 NY2d at 147; *Matter of Kyshawn F. [Nellie M. F.]*, 95 AD3d 883; *Matter of Malen Sansa V. [Nancy J.]*, 70 AD3d at 708; *cf. Matter of Renelle S.*, 288 AD2d 229, 230).

DILLON, J.P., BELEN, AUSTIN and SGROI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court