

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

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_____AD3d_____

Submitted - June 18, 2012

MARK C. DILLON, J.P.
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2011-07143

DECISION & ORDER

In the Matter of Ameena B. (Anonymous).
Administration for Children's Services, et al.,
respondents; Charria B. (Anonymous), appellant.

(Docket No. B-00560-06)

Richard L. Herzfeld, New York, N.Y., for appellant.

Rosin Steinhagen Mendel, New York, N.Y. (Douglas H. Reiniger of counsel), for
respondent Children's Aid Society.

Karen P. Simmons, Brooklyn, N.Y. (Tammy Linn and Janet Neustaetter of counsel),
attorney for the child.

In a proceeding pursuant to Social Services Law § 384-b to terminate the mother's parental rights on the ground of mental retardation, the mother appeals from an order of fact-finding and disposition of the Family Court, Kings County (Danoff, J.), entered June 27, 2011, which, upon a decision of the same court dated May 27, 2011, made after a fact-finding hearing, found that she is unable to provide proper and adequate care for the subject child by reason of her mental retardation and terminated her parental rights. The notice of appeal from the decision is deemed to be a notice of appeal from the order of fact-finding and disposition (*see* CPLR 5512[a]).

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

The petitioner established, with clear and convincing proof, that the mother is presently and for the foreseeable future unable, by reason of mental retardation, to provide proper and adequate care for the subject child, and that if the child were placed in her custody, the child

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would be in danger of becoming a neglected child (*see* Social Services Law § 384-b; *Matter of Lisa Marie S.*, 304 AD2d 762; *Matter of Karan Ann B.*, 293 AD2d 673). As such, the Family Court properly granted the petition to terminate the mother's parental rights.

The mother's remaining contention is without merit.

DILLON, J.P., LEVENTHAL, AUSTIN and ROMAN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court