

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

D35618  
G/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - June 18, 2012

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

---

2011-04505

DECISION & ORDER

In the Matter of Jordan T. (Anonymous).  
Claudia B. T. (Anonymous), appellant;  
Suffolk County Department of Social Services,  
respondent.

(Docket No. A-41-11)

---

Claudia B. T., Riverhead, N.Y., appellant pro se.

Dennis M. Cohen, County Attorney, Central Islip, N.Y. (James G. Bernet of counsel),  
for respondent.

In an adoption proceeding pursuant to Domestic Relations Law article 7, the petitioner appeals from an order of the Family Court, Suffolk County (Freundlich, J.), dated March 28, 2011, which, in effect, denied the petition for adoption and dismissed the proceeding on the ground of lack of jurisdiction.

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

“[A]doption in this State is solely the creature of . . . statute, [and] the adoption statute must be strictly construed” (*Matter of Jacob*, 86 NY2d 651, 657 [internal quotation marks omitted]; see *Matter of Robert Paul P.*, 63 NY2d 233, 237-238; *Matter of Savon*, 26 AD3d 821, 821-822). Here, since the subject child was in the care and custody of the respondent Suffolk County Department of Social Services (hereinafter DSS) when the appellant commenced the adoption proceeding, the appellant was required to present to the Family Court the consent of DSS to the adoption (see Domestic Relations Law §§ 111[1][f]; 112[2][c]; *Matter of Savon*, 26 AD3d at 822; *Matter of Ralph*, 274 AD2d 965, 967). However, the appellant failed to establish that DSS executed the required consent to the adoption petition (see *Matter of Savon*, 26 AD3d at 821-822; *Matter of*

July 18, 2012

Page 1.

MATTER OF T. (ANONYMOUS), JORDAN

*Ralph*, 274 AD2d at 967). Thus, the Family Court lacked jurisdiction to entertain the petition (*see Matter of Savon*, 26 AD3d at 821-822; *Matter of Ralph*, 274 AD2d at 967).

Accordingly, the Family Court properly, in effect, denied the appellant's petition for adoption and dismissed the proceeding on the ground of lack of jurisdiction.

The appellant's remaining contention is not properly before this Court.

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

ENTER:

  
Aprilanne Agostino  
Clerk of the Court