

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

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____AD3d____

Argued - June 21, 2012

REINALDO E. RIVERA, J.P.
RANDALL T. ENG
PLUMMER E. LOTT
ROBERT J. MILLER, JJ.

2011-10159

DECISION & ORDER

In the Matter of Bianca B. (Anonymous).
Carrie A. (Anonymous), petitioner-respondent,
Yolanda B. (Anonymous), et al., respondents; Great
Neck Union Free School District, intervenor-appellant.

(Docket No. G-89-11)

Frazer & Feldman, LLP, Garden City, N.Y. (Christie R. Medina of counsel), for
intervenor-appellant.

Patricia Latzman, Port Washington, N.Y., attorney for the child.

In a guardianship proceeding pursuant to Family Court Act article 6, the intervenor
Great Neck Union Free School District appeals from an order of the Family Court, Nassau County
(Aaron, J.), dated September 14, 2011, which granted the petition of Carrie A., the grandmother of
the subject child, for guardianship of the subject child.

ORDERED that the order is reversed, on the facts and in the exercise of discretion,
without costs or disbursements, the petition is denied, and the proceeding is dismissed.

“[W]hen considering guardianship appointments, the infant’s best interests is
paramount” (*Matter of Alamgir A.*, 81 AD3d 937, 938; *see* SCPA 1707[1]; *Matter of Ashley W.*
[*Verdele F.*], 85 AD3d 807, 809; *Matter of Trudy-Ann W. v Joan W.*, 73 AD3d 793, 794).

Here, the record does not show that the subject child’s best interests would be served
by transferring guardianship from the child’s parents to the petitioner, her grandmother.
Accordingly, the Family Court improvidently exercised its discretion in granting the petition for

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guardianship (see *Matter of Diego F. [Magno V.]*, 84 AD3d 1373; *Matter of Proios*, 111 Misc 2d 252, 253; compare *Matter of Alamgir A.*, 81 AD3d at 938; *Matter of Trudy-Ann W. v Joan W.*, 73 AD3d at 794).

RIVERA, J.P., ENG, LOTT and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court