

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

D36131  
C/hu

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

Submitted - September 4, 2012

PETER B. SKELOS, J.P.  
RUTH C. BALKIN  
JOHN M. LEVENTHAL  
JEFFREY A. COHEN, JJ.

2010-11213  
2010-03978

DECISION & ORDER

In the Matter of Mohammad K. B. (Anonymous).  
Administration for Children's Services, respondent;  
Mohammad K-M. (Anonymous), appellant.  
(Proceeding No. 1)

In the Matter of Mohammad K. M. (Anonymous).  
Administration for Children's Services, respondent;  
Mohammad K-M. (Anonymous), appellant.  
(Proceeding No. 2)

(Docket Nos. N-5518-06, N-5519-06)

---

Mohammad K. M. (Anonymous), Woodside, N.Y., appellant pro se.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Stephen J. McGrath  
and Victoria Scalzo of counsel; Farah Zubair on the brief), for respondent.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Judith Stern of counsel),  
attorney for the children.

In two related child neglect proceedings pursuant to Family Court Act article 10, the father appeals, as limited by his brief, from (1) so much of an order of fact-finding and disposition of the Family Court, Queens County (Richroath, J.), dated March 23, 2010, as found that he neglected the subject children, and (2) so much of an order of the same court dated October 8, 2010, as denied that branch of his motion which was to vacate the determination in the order dated March

October 10, 2012

Page 1.

MATTER OF B. (ANONYMOUS), MOHAMMAD K.  
MATTER OF M. (ANONYMOUS), MOHAMMAD K.

23, 2010, finding that he neglected the subject children.

ORDERED that the order of fact-finding and disposition dated March 23, 2010, and the order dated October 8, 2010, are affirmed insofar as appealed from, without costs or disbursements.

The evidence supports the Family Court's determination that the father neglected the subject children by engaging in acts of domestic violence against the children's mother in their presence that impaired, or created an imminent danger of impairing, their physical, emotional, or mental conditions (*see* Family Ct Act § 1012[f][i][B]; *Matter of Lawrence G. [Lawrence P.G.-Stefanie V.]*, 97 AD3d 748; *Matter of Kiara C. [David C.]*, 85 AD3d 1025, 1026). Moreover, additional evidence established a pattern of domestic violence and intimidation perpetrated by the father.

Further, the Family Court properly denied the branch of the father's motion which was to vacate the determination in the order dated March 23, 2010, finding that he neglected the subject children (*see* CPLR 5015[a]).

The father's remaining contentions either are without merit or refer to matter dehors the record.

SKELOS, J.P., BALKIN, LEVENTHAL and COHEN, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court