

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

D36557
N/kmb

_____AD3d_____

Submitted - November 1, 2012

ANITA R. FLORIO, J.P.
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2012-02504

DECISION & ORDER

In the Matter of Jocelyn D. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Maria D. (Anonymous),
appellant, et al., respondent.

(Docket No. N-37313-10)

Lewis S. Calderon, Jamaica, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Francis F. Caputo and
Scott Shorr of counsel), for petitioner-respondent.

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

In a child protective proceeding pursuant to Family Court Act article 10, the mother
appeals, as limited by her brief, from stated portions of an order of fact-finding and disposition of
the Family Court, Kings County (Danoff, J.), dated February 21, 2012, which, after fact-finding and
dispositional hearings, inter alia, found that she neglected the subject child.

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

Contrary to the mother's contention, the Family Court's finding that she neglected
the subject child was supported by a preponderance of the evidence showing that she knew or should
have known that the child's father was inflicting excessive corporal punishment on the child, and
that the mother failed to take any steps to protect her (*see* Family Ct Act §§ 1012[f][i][B];

November 28, 2012

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MATTER OF D. (ANONYMOUS), JOCELYN

1046[b][i]; Matter of Iouke H. [Terrence H.], 94 AD3d 889, 891; Matter of Alysha M., 24 AD3d 255).

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

ENTER:


Aprilanne Agostino
Clerk of the Court