

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

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_____AD3d_____

Submitted - November 16, 2012

WILLIAM F. MASTRO, J.P.
PLUMMER E. LOTT
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2011-11451
2012-00329

DECISION & ORDER

In the Matter of Kristina Mc. (Anonymous).
Suffolk County Department of Social Services,
respondent; Robert Mc. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of Ryan Mc. (Anonymous).
Suffolk County Department of Social Services,
respondent; Robert Mc. (Anonymous), appellant.
(Proceeding No. 2)

In the Matter of Stephanie Mc. (Anonymous).
Suffolk County Department of Social Services,
respondent; Robert Mc. (Anonymous), appellant.
(Proceeding No. 3)

(Docket Nos. N-17194-10, N-17195-10, N-17196-10)

Susan A. DeNatale, Mastic, N.Y., for appellant.

Dennis M. Cohen, County Attorney, Central Islip, N.Y. (Brian B. Mulholland of
counsel), for respondent.

Robin Stanco, Central Islip, attorney for the children.

December 12, 2012

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MATTER OF Mc. (ANONYMOUS), KRISTINA
MATTER OF Mc. (ANONYMOUS), RYAN
MATTER OF Mc. (ANONYMOUS), STEPHANIE

In three related child protective proceedings pursuant to Family Court Act article 10, the father appeals, as limited by his brief, from (1) so much of an order of disposition of the Family Court, Suffolk County (Loguercio, J.), dated November 9, 2011, as, upon so much of a fact-finding order of the same court dated June 9, 2011, made after a hearing, as found that he neglected the three subject children, placed them under the supervision of the Suffolk County Department of Social Services, and (2) so much of an amended order of fact-finding and disposition of the same court dated December 20, 2011, as found that he neglected the three subject children, and placed them under the supervision of the Suffolk County Department of Social Services. The appeals bring up for review the fact-finding order dated June 9, 2011.

ORDERED that the appeal from the order of disposition is dismissed, without costs or disbursements, as that order was superseded by the amended order of fact-finding and disposition; and it is further,

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

The Family Court properly found that the Suffolk County Department of Social Services sufficiently established that the father neglected the three subject children (*see* Family Ct Act §§ 1012[f][i], 1046[b][i]; *Matter of Deandre T.*, 253 AD2d 497). A preponderance of the evidence at the hearing established that the subject children's mental or emotional condition had been or was in imminent danger of becoming impaired by the father's abuse of alcohol and commission of acts of domestic violence in their presence (*see Matter of Jada F.*, 97 AD3d 575, 576). As the Family Court's determination has a sound and substantial basis in the record, we decline to disturb it (*see Matter of Bianca P.*, 94 AD3d 1126; *Matter of Jayda D.-B.*, 33 AD3d 998).

MASTRO, J.P., LOTT, ROMAN and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court