

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

D36722
C/kmb

_____AD3d_____

Submitted - November 19, 2012

REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
SYLVIA HINDS-RADIX, JJ.

2011-09845

DECISION & ORDER

In the Matter of Christiana M. N.-M. (Anonymous).
SCO Family of Services, petitioner-respondent;
Alfonso N. (Anonymous), appellant, et al., respondent.

(Docket No. B-1731/10)

Jeffrey C. Bluth, Brooklyn, N.Y., for appellant.

Carrieri & Carrieri, P.C., Mineola, N.Y., for petitioner-respondent.

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

In a proceeding pursuant to Family Court Act article 6 and Social Services Law § 384-b to terminate parental rights, the father appeals, as limited by his brief, from so much of an order of fact-finding and disposition of the Family Court, Kings County (Ambrosio, J.), entered September 6, 2011, as, after fact-finding and dispositional hearings, found that he permanently neglected the subject child, terminated his parental rights, and transferred custody and guardianship of the subject child jointly to the Commissioner of Social Services of the City of New York and SCO Family of Services for the purpose of adoption.

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

An order of disposition pursuant to Family Court Act article 6 must be made solely on the basis of the best interests of the child (*see* Family Ct Act § 631; *Matter of Star Leslie W.*, 63 NY2d 136, 147-148). Here, the Family Court did not improvidently exercise its discretion in

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determining that it was in the best interests of the subject child to free her for adoption. The Family Court's determination was made after it was able to see and hear the witnesses and assess their credibility. The court's determination had a sound and substantial basis in the record (*see Matter of Michael A.B. [Richard A.B.]*, 98 AD3d 579, 580; *Matter of Shaprea L.R. [Mario L.]*, 97 AD3d 587, 588; *Matter of Anthony R. [Juliann A.]*, 90 AD3d 1055, 1056).

RIVERA, J.P., BALKIN, LEVENTHAL and HINDS-RADIX, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court