

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1215

CAF 08-00735

PRESENT: SMITH, J.P., FAHEY, CARNI, PINE, AND GORSKI, JJ.

IN THE MATTER OF EMMERAN M.

MONROE COUNTY DEPARTMENT OF HUMAN SERVICES,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

EMMERAN M., RESPONDENT-APPELLANT.

WARD NORRIS HELLER & REIDY LLP, ROCHESTER (MARGARET E. DOUGHERTY OF
COUNSEL), FOR RESPONDENT-APPELLANT.

DANIEL M. DELAUS, JR., COUNTY ATTORNEY, ROCHESTER (PAUL N. HUMPHREY OF
COUNSEL), FOR PETITIONER-RESPONDENT.

KATHLEEN M. CONTRINO, LAW GUARDIAN, NORTH TONAWANDA, FOR EMMERAN M.

Appeal from an order of the Family Court, Monroe County (John J. Rivoli, J.), entered March 20, 2008 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Memorandum: On appeal from an order of disposition that, *inter alia*, terminated his parental rights, respondent father contends that Family Court abused its discretion in refusing to issue a suspended judgment. We reject that contention. Petitioner established that, over the course of more than a year and six months, the father made little to no effort to visit the child and that, during visitation, he made minimal efforts to interact with the child (*see Matter of Lenny R.*, 22 AD3d 240, *lv denied* 6 NY3d 708; *Matter of Jason J.*, 283 AD2d 982). Petitioner further established that the father failed to complete a court-ordered substance abuse treatment program or to attend court-ordered domestic violence counseling (*see Matter of Melissa DD.*, 45 AD3d 1219, 1221, *lv denied* 10 NY3d 701). We thus conclude that the court properly determined that a suspended judgment would not serve the best interests of the child (*see Matter of Ada M.R.*, 306 AD2d 920, 921, *lv denied* 100 NY2d 509; *see generally Matter of Michael B.*, 80 NY2d 299, 310-311).

Entered: October 2, 2009

Patricia L. Morgan
Clerk of the Court