

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

1186

**CAF 15-01718**

PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND CURRAN, JJ.

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IN THE MATTER OF NEVEAH G. AND NAYAIREE G.

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ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,  
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

ANTHONY G., RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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DAVID J. PAJAK, ALDEN, FOR RESPONDENT-APPELLANT.

ROSEMARY L. BAPST, BUFFALO, FOR PETITIONER-RESPONDENT.

DAVID C. SCHOPP, ATTORNEY FOR THE CHILDREN, THE LEGAL AID BUREAU OF  
BUFFALO, INC., BUFFALO (CHARLES D. HALVORSEN OF COUNSEL).

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Appeal from an order of the Family Court, Erie County (Sharon M. LoVallo, J.), entered September 11, 2015 in a proceeding pursuant to Social Services Law § 384-b. The order, inter alia, terminated the parental rights of respondent with respect to the subject children.

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

Memorandum: Respondent father appeals from an order terminating his parental rights with respect to the subject children pursuant to Social Services Law § 384-b (4) (c). We affirm. In light of the overwhelming evidence of the father's mental illness and his resulting inability to parent the subject children adequately (see *Matter of Neveah G. [Jahkeya A.]*, \_\_\_ AD3d \_\_\_, \_\_\_ [Dec. 22, 2017] [4th Dept 2017]), any improperly admitted hearsay is harmless (see *Matter of Akayla M. [Marie M.]*, 151 AD3d 1684, 1685 [4th Dept 2017], lv denied 30 NY3d 901 [2017]; *Matter of Alyshia M.R.*, 53 AD3d 1060, 1061 [4th Dept 2008], lv denied 11 NY3d 707 [2008]). The father lacks standing to raise his remaining contention (see *Matter of Andrew Z.*, 41 AD3d 912, 913 [3d Dept 2007]).

Entered: December 22, 2017

Mark W. Bennett  
Clerk of the Court