

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

784

CAF 09-01572

PRESENT: CENTRA, J.P., FAHEY, PERADOTTO, LINDLEY, AND PINE, JJ.

IN THE MATTER OF MICAH H.

ONONDAGA COUNTY DEPARTMENT OF SOCIAL SERVICES, MEMORANDUM AND ORDER
PETITIONER-RESPONDENT;

CONSTANCE H., RESPONDENT-APPELLANT.

FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (MARY P. DAVISON OF
COUNSEL), FOR RESPONDENT-APPELLANT.

GORDON J. CUFFY, COUNTY ATTORNEY, SYRACUSE (MARY J. FAHEY OF COUNSEL),
FOR PETITIONER-RESPONDENT.

MICHELLE R. POWERS, ATTORNEY FOR THE CHILD, SYRACUSE, FOR MICAH H.

Appeal from an order of the Family Court, Onondaga County
(Michele Pirro Bailey, J.), entered June 26, 2009 in a proceeding
pursuant to Social Services Law § 384-b. The order, inter alia,
terminated respondent's parental rights.

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

Memorandum: Respondent mother appeals from an order terminating
her parental rights with respect to her child. Contrary to the
mother's contention, the record supports the determination of Family
Court that a suspended judgment, i.e., "a brief grace period designed
to prepare the parent to be reunited with the child" (*Matter of
Michael B.*, 80 NY2d 299, 311), was not in the child's best interests
(see generally *Matter of Shadazia W.*, 52 AD3d 1330, 1331, lv denied 11
NY3d 706; *Matter of Da'Nasjeion T.*, 32 AD3d 1242). Contrary to the
further contention of the mother, the court properly denied her
request for post-termination contact, inasmuch as she "failed to
establish that such contact would be in the best interests of the
child[]" (*Matter of Diana M.T.*, 57 AD3d 1492, 1493, lv denied 12 NY3d
708; see *Matter of Christopher J.*, 60 AD3d 1402).

Entered: June 11, 2010

Patricia L. Morgan
Clerk of the Court