

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

844

TP 09-00216

PRESENT: HURLBUTT, J.P., CENTRA, PERADOTTO, CARNI, AND GORSKI, JJ.

IN THE MATTER OF CHRISTEN VIVIAN AND
JEAN-PIERRE VIVIAN, PETITIONERS,

V

ORDER

GLADYS CARRION, COMMISSIONER, NEW YORK
STATE OFFICE OF CHILDREN AND FAMILY
SERVICES, AND ANTHONY J. RESTAINO,
COMMISSIONER, NIAGARA COUNTY DEPARTMENT
OF SOCIAL SERVICES, RESPONDENTS.

SCOTT A. STEPIEN, NIAGARA FALLS, FOR PETITIONERS.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (JULIE M. SHERIDAN OF
COUNSEL), FOR RESPONDENT GLADYS CARRION, COMMISSIONER, NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES.

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Niagara County [Richard C. Kloch, Sr., A.J.], entered January 20, 2009) to review a determination of respondent Gladys Carrion, Commissioner, New York State Office of Children and Family Services. The determination denied the application of petitioners to amend an indicated report of child maltreatment to an unfounded report and to seal the amended report.

It is hereby ORDERED that the determination is unanimously confirmed without costs and the petition is dismissed.

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court