

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

1455

TP 11-01317

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, CARNI, AND SCONIERS, JJ.

IN THE MATTER OF WENDI ROWE AND DOUGLAS GROOMS,
PETITIONERS,

V

MEMORANDUM AND ORDER

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY
SERVICES AND CHAUTAUQUA COUNTY DEPARTMENT OF
SOCIAL SERVICES, RESPONDENTS.

ERICKSON WEBB SCOLTON & HAJDU, LAKEWOOD (PAUL V. WEBB, III, OF
COUNSEL), FOR PETITIONERS.

JULIE B. HEWITT, MAYVILLE, FOR RESPONDENT CHAUTAUQUA COUNTY DEPARTMENT
OF SOCIAL SERVICES.

ERIC T. SCHNEIDERMAN, ATTORNEY GENERAL, ALBANY (JULIE M. SHERIDAN OF
COUNSEL), FOR RESPONDENT 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, Chautauqua County [James H. Dillon, J.], entered August 4, 2010) to review a determination of respondent New York State Office of Children and Family Services. The determination denied petitioners' request that reports maintained in the New York State Central Register of Child Abuse and Maltreatment, indicating petitioners for maltreatment, be amended to unfounded and sealed.

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

Memorandum: Petitioners commenced this CPLR article 78 proceeding seeking to annul the determination of respondent New York State Office of Children and Family Services denying their request to amend an indicated report of maltreatment to provide instead that the report was unfounded (see Social Services Law § 422 [8] [a] [v]; [c] [ii]). "Upon our review of the record, we conclude that there is a rational basis for the agency's determination and that it is supported by substantial evidence" (*Matter of Draman v New York State Off. of Children & Family Servs.*, 78 AD3d 1603, 1603-1604; see *Matter of*

Theresa G. v Johnson, 26 AD3d 726).

Entered: December 30, 2011

Frances E. Cafarell
Clerk of the Court