



In addition, petitioner demonstrated that, since his release from prison, the father was convicted of assault in the third degree (Penal Law § 120.00) for allegedly biting, pinching and threatening to kill respondent mother. The father also was convicted of unlawful fleeing a police officer in a motor vehicle in the third degree (§ 270.25) and aggravated unlicensed operation of a motor vehicle in the second degree (Vehicle and Traffic Law § 511 [2] [a] [iv]), arising from an incident in which he drove a van in excess of 80 miles per hour while being pursued by the police and with the mother in the vehicle. Further, several orders of protection have been issued against the father in favor of the mother, the father's mother and the foster parents. We therefore conclude, under the circumstances of this case, that there is no reason to disturb Family Court's finding of neglect, which is well supported by the record (*see Matter of Christopher C.*, 73 AD3d 1349, 1351; *Matter of Merrick T.*, 55 AD3d 1318).

Contrary to the father's contention, *Matter of Afton C.* (17 NY3d 1) does not require reversal. In that case, the Court of Appeals determined that the mere fact that a parent was adjudicated a risk level three sex offender and never sought treatment was insufficient to "demonstrate that [the parent] breached a minimum duty of parental care and pose[d] a near or impending harm to his [or her] children" (*id.* at 11). Nevertheless, the Court of Appeals made clear that, where, as here, there are other factors supporting a neglect finding, including a prior conviction arising from abuse of a young relative in the parent's care, the evidence that a parent has been adjudicated a sex offender may be sufficient to establish neglect (*id.*). We therefore conclude that the serious nature of the circumstances underlying the father's sex offense and the aforementioned examples of his reckless behavior since being released from prison render *Afton C.* inapposite.

Finally, the father's contention that his constitutional rights were violated is without merit (*see generally Matter of Tammie Z.*, 66 NY2d 1, 3).