

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D55861  
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Submitted - May 18, 2018

SHERI S. ROMAN, J.P.  
SANDRA L. SGROI  
JOSEPH J. MALTESE  
HECTOR D. LASALLE, JJ.

2016-13117

DECISION & ORDER

In the Matter of Amor S. W. (Anonymous).  
Forestdale, Inc., petitioner-respondent; Leonard H.  
(Anonymous), appellant, et al., respondent.

(Docket No. B-23355-14)

Etta Ibok, Brooklyn, NY, for appellant.

Rosin Steinhagen Mendel, New York, NY (Douglas H. Reiniger of counsel), for  
petitioner-respondent.

The Legal Aid Society, New York, NY (Dawne A. Mitchell and Claire V. Merkin  
of counsel), attorney for the child.

In a proceeding pursuant to Social Services Law § 384-b to terminate the mother's  
parental rights on the ground of permanent neglect, the father appeals from an order of the Family  
Court, Queens County (Marybeth S. Richroath, J.), dated September 28, 2016. The order, insofar  
as appealed from, after a hearing, granted that branch of the petition which sought a determination  
that the father's consent to the adoption of the subject child was not required pursuant to Domestic  
Relations Law § 111.

ORDERED that the order is affirmed insofar as appealed from, without costs or  
disbursements.

The Family Court's determination that the father's consent to the adoption of the  
subject child was not required is supported by clear and convincing evidence (*see Matter of Tanay*

July 5, 2018

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MATTER OF W. (ANONYMOUS), AMOR S.

*R.S. [Robert S.- Tanay M.]*, 122 AD3d 865; *Matter of Janelle C. [Sean R.]*, 88 AD3d 787). The father failed to sustain his burden of establishing that he maintained substantial and continuous or repeated contact with the child through the payment of support, and either regular parental access or other communication with the child (*see* Domestic Relations Law § 111[1][d]; *Matter of Anthony C.M. III [Anthony C.M.]*, 141 AD3d 718; *Matter of Tanay R.S. [Robert S.- Tanay M.]*, 122 AD3d at 866; *Matter of Janelle C. [Sean R.]*, 88 AD3d at 787). The father’s contention that he was thwarted by the agency from developing a relationship with the child is not supported by the record and, in any event, “the agency was not required to make diligent efforts to encourage the development of such a relationship” (*Matter of Natalia R. [Derek R.]*, 156 AD3d 576, 576 [internal quotation marks omitted]; *see* Domestic Relations Law § 111[1][d]).

ROMAN, J.P., SGROI, MALTESE and LASALLE, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court