

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

D55931  
Q/afa

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Submitted - June 11, 2018

ALAN D. SCHEINKMAN, P.J.  
RUTH C. BALKIN  
SANDRA L. SGROI  
HECTOR D. LASALLE, JJ.

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2017-08234

DECISION & ORDER

In the Matter of Abigail M.-W. (Anonymous).  
New York Foundling Hospital, petitioner-respondent;  
Yaiesha M. (Anonymous), respondent-appellant, et al.,  
respondent.  
(Proceeding No. 1)

In the Matter of Isaiah M.-W. (Anonymous).  
New York Foundling Hospital, petitioner-respondent;  
Yaiesha M. (Anonymous), respondent-appellant, et al.,  
respondent.  
(Proceeding No. 2)

In the Matter of Adam M.-W. (Anonymous).  
New York Foundling Hospital, petitioner-respondent;  
Yaiesha M. (Anonymous), respondent-appellant, et al.,  
respondent.  
(Proceeding No. 3)

(Docket Nos. B-4084/14, B-4085/14,  
B-3159/16)

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Daniel E. Lubetsky, Jamaica, NY, for respondent-appellant.

Daniel Gartenstein, Long Island City, NY, for petitioner-respondent.

Daniel P. Moskowitz, Jamaica, NY, attorney for the children.

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MATTER OF M.-W. (ANONYMOUS), ABIGAIL  
MATTER OF M.-W. (ANONYMOUS), ISIAH  
MATTER OF M.-W. (ANONYMOUS), ADAM

In three related proceedings pursuant to Social Services Law § 384-b, the mother appeals from an order of the Family Court, Queens County (Emily Ruben, J.), dated July 19, 2017. The order, insofar as appealed from, after a fact-finding hearing, found that the mother was presently, and for the foreseeable future, unable by reason of mental illness to provide proper and adequate care for the subject children, and terminated her parental rights.

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

The petitioner commenced these proceedings, inter alia, to terminate the mother's parental rights as to the three subject children. After a fact-finding hearing, the Family Court found that the mother is presently and for the foreseeable future unable by reason of mental illness to care for the children, and terminated her parental rights.

Contrary to the mother's contention, the petitioner met its burden of proof on the petitions (*see* Social Services Law § 384-b[4][c]). The petitioner presented the uncontroverted testimony of its expert psychologist, who, after interviewing the mother twice and reviewing her extensive mental health records, diagnosed the mother with paranoid schizophrenia, and testified that, due to her mental illness, the children would be in danger of becoming neglected presently and in the foreseeable future if they were returned to her care. The expert opined that the mother suffered from poor contact with reality, illogical thinking, delusions, and extreme egocentricity, which would prevent her from assessing and responding to the children's needs. Further, the record demonstrated that the mother had limited insight into her condition and had failed to consistently take her medication, resulting in hospitalizations and an arrest. Accordingly, we agree with the Family Court's finding that the petitioner demonstrated, by clear and convincing evidence, that the mother is presently and for the foreseeable future unable, by reason of mental illness, to provide proper and adequate care for the children, warranting the termination of her parental rights (*see* Social Services Law § 384-b[4][c]; *Matter of Nazeral C.S. [Christine S.]*, 155 AD3d 872, 873; *Matter of Eliyah I.M. [Angel C.M.]*, 154 AD3d 696; *Matter of Tyler M.J. [Adrianna J.]*, 104 AD3d 768).

SCHEINKMAN, P.J., BALKIN, SGROI and LASALLE, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court