

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

M245035
E/htr

ALAN D. SCHEINKMAN, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN, JJ.

2017-12612

DECISION & ORDER ON MOTION

In the Matter of Spiritual A. A. M. (Anonymous),
Westchester County Department of Social Services,
petitioner-respondent; Luz A. (Anonymous), respondent-
appellant; Miguel M. (Anonymous), nonparty-appellant.

(Docket No. B-4577-16)

Appeal by Luz A., and separate appeal by Miguel M., from an order of the Family
Court, Westchester County, dated August 31, 2017.

On the Court's own motion, it is

ORDERED that the order on certification of this Court dated December 18, 2017,
is recalled and vacated; and it is further,

ORDERED that pursuant to Family Court Act §§ 1118 and 1120, and upon the
certification of David R. Sachs, Esq., dated November 27, 2017, the respondent-appellant is granted
leave to proceed as a poor person on the appeals, and the following named attorney is assigned as
counsel to prosecute her appeal:

Deborah Clegg, Esq.
455 Main Street, Suite 204
New Rochelle, NY 10801
914-637-1922

and it is further,

ORDERED that the appeals will be heard on the original papers (including a
certified transcript of the proceedings, if any) and on the briefs of the parties. The parties are

directed to file nine copies of their respective briefs and to serve one copy on each other (22 NYCRR 670.9[d][1][ii]; Family Ct Act § 1116); and it is further,

ORDERED that the stenographer(s) and/or the transcription service(s) is/are required promptly to make and certify two transcripts of the proceedings, if any, except for those minutes previously transcribed and certified (22 NYCRR 671.9); in the case of stenographers, both transcripts shall be filed with the clerk of the Family Court, and the clerk of the Family Court shall furnish one of such certified transcripts to the respondent-appellant's assigned counsel, without charge; in the case of transcription services, one transcript shall be filed with the clerk of the Family Court and one transcript shall be delivered to the assigned counsel. Assigned counsel is directed to provide copies of said transcripts to all of the other parties to the appeals, including the attorney for the child, if any, when counsel serves the respondent-appellant's brief upon those parties; and it is further,

ORDERED that the assigned counsel shall prosecute the appeal by the respondent-appellant expeditiously in accordance with any scheduling order or orders issued pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]); and it is further,

ORDERED that assigned counsel is directed to serve a copy of this decision and order on motion upon the clerk of the court from which the appeal is taken; and it is further,

ORDERED that the respondent-appellant shall perfect her appeal in the above-entitled proceeding either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and shall notify this Court by letter of the date the transcripts are received, or, if there are no minutes of proceedings to be transcribed, within 60 days of the date of this decision and order on motion; and it is further,

ORDERED that within 30 days after the date of this decision and order on motion, the assigned counsel shall file in the office of the Clerk of this Court one of the following:

- (1) an affidavit or affirmation stating that there are no minutes of any Family Court proceeding to be transcribed for the appeals; or
- (2) if there are such minutes, an affidavit or affirmation stating that the transcript has been received, and indicating the date received; or
- (3) if the transcript has not been received, an affidavit or affirmation stating that this decision and order on motion has been served upon the clerk of the court from which the appeals are taken, the date thereof, and the date by which the transcript is expected; or
- (4) an affidavit or an affirmation withdrawing the appeal by the respondent-appellant; and it is further,

ORDERED that if none of the above actions described in (1), (2), (3), or (4) above, has been taken within 30 days of the date of this decision and order on motion, the Clerk of this Court shall issue an order to all parties to the appeals to show cause why the appeal by the respondent-appellant should or should not be dismissed.

SCHEINKMAN, P.J., MASTRO, RIVERA, DILLON and BALKIN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court

The Case Manager assigned to this case is Mr. Rose. Please contact him at 718-722-6487 with any questions.