

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

M245793  
E/htr

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

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2017-12612

DECISION & ORDER ON MOTION  
Assignment of Counsel

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)

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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 Eve Bunting-Smith, Esq., dated December 11, 2017, the nonparty-appellant is granted leave to proceed as a poor person on the appeals, and the following named attorney is assigned as counsel to prosecute his appeal:

Lisa F. Colin, Esq.  
44 Church Street  
White Plains, NY 10601  
914-771-7711

and it is further,

ORDERED that assigned counsel shall promptly attempt to contact the nonparty-appellant at the address provided by the Court, and on or before February 20, 2018, shall notify the

February 5, 2018

MATTER OF M. (ANONYMOUS) SPIRITUAL A. A.

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Case Manager assigned to the appeals, in writing, that she has done so and that either

- (1) the nonparty-appellant is interested in prosecuting his appeal, or
- (2) the nonparty-appellant is not interested in prosecuting his appeal, or that she has been unable to contact the nonparty-appellant, and wishes to be relieved of the assignment; 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 nonparty-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 nonparty-appellant's brief upon those parties; and it is further,

ORDERED that the assigned counsel shall prosecute the nonparty-appellant's appeal 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 upon a determination that the nonparty-appellant is interested in proceeding with his appeal, the assigned counsel is directed to serve a copy of this decision and order on motion upon the clerk of the court from which the appeals are taken.

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

ENTER:



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.