

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

M246078
E/afa

ALAN D. SCHEINKMAN, P.J.
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN,
CHERYL E. CHAMBERS, JJ.

2018-01189

DECISION & ORDER ON MOTION
Assignment of Counsel

In the Matter of Kaiden M. L. (Anonymous).
Westchester County Department of Social
Services, petitioner-respondent; K'Daya R.
(Anonymous), respondent-appellant.

(Docket No. B-2764-14/15A)

On the Court's own motion, it is

ORDERED that the order on certification of this Court dated February 7, 2018, in the above-entitled case is recalled and vacated, and the following order on certification is substituted therefor:

Appeal by K'Daya R. from an order of the Family Court, Westchester County, dated January 10, 2018. Pursuant to Family Court Act §§ 1118 and 1120, and upon the certification of David M. Rosoff, Esq., dated January 31, 2018, it is

ORDERED that the appellant is granted leave to proceed as a poor person on the appeal and the following named attorney is assigned as counsel to prosecute the appeal:

David M. Rosoff, Esq.
c/o Carton & Rosoff, P.C.
150 Grand Street, Suite 305
White Plains, NY 10601

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the briefs of the appellant, the respondent, and the attorney for the child, if any. 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,

February 8, 2018

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MATTER OF L. (ANONYMOUS), KAIDEN M.

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 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 appeal, including the attorney for the child, if any, when counsel serves the appellant's brief upon those parties; and it is further,

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

ORDERED that the appeal in the above-entitled proceeding shall be perfected 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 the assigned counsel 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 order; and it is further,

ORDERED that within 30 days after the date of this order, 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 appeal; or
- (2) if there are such minutes, an affidavit or affirmation stating that the transcripts have been received, and indicating the date received; or
- (3) if the transcripts have not been received, an affidavit or affirmation stating that this order has been served upon the clerk of the court from which the appeal is taken, the date thereof, and the date by which the transcripts are expected; or
- (4) an affidavit or an affirmation withdrawing the appeal; 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 scheduling order, the Clerk of this Court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

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

ENTER:



Aprilanne Agostino
Clerk of the Court