

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

M246305
SL/

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

2017-11163

ORDER ON CERTIFICATION
Assignment of Counsel

In the Matter of Alana H. (Anonymous).
Dutchess County Department of Community
and Family Services, petitioner-respondent;
Caitlin M. (Anonymous), et al., respondent's-appellants.
(Proceeding No. 1)

In the Matter of Sophia H. (Anonymous).
Dutchess County Department of Community
and Family Services, petitioner-respondent;
Caitlin M. (Anonymous), et al., respondent's-appellants.
(Proceeding No. 2)

(Docket Nos. N-06435-15, N-06436-17)

Appeals by Caitlin M. and Javier H. from an order of the Family Court, Dutchess County, dated August 31, 2017. Pursuant to Family Court Act §§ 1118 and 1120, and upon the certification of Christopher A. Montalto, Esq., dated October 23, 2017, it is

ORDERED that the respondent-appellant Javier H. 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:

Christopher A. Montalto, Esq.
25 Market Street, Suite 700
Poughkeepsie, NY 12601
845-790-0845

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

February 20, 2018

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MATTER OF H. (ANONYMOUS), ALANA

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 assigned counsel for the respondent-appellant Javier H., 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 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 children, if any, when counsel serves a 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 appeals are taken; and it is further,

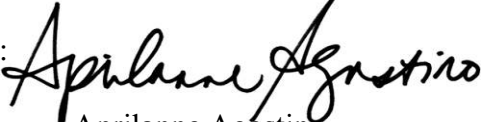
ORDERED that Javier H. shall perfect his appeal in the above-entitled proceedings either within 60 days after the receipt by the assigned counsel of the transcripts of the minutes of the proceedings in the Family Court, and shall notify this Court by letter of the date the transcripts are received, or, if there are no minutes of proceedings to be transcribed, within 60 days of the date of this 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 appeals; 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 appeals are taken, the date thereof, and the date by which the transcripts are expected; or
- (4) an affidavit or an affirmation withdrawing the appeal by Javier H.; 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 appeals to show cause why the appeal by Javier H. should or should not be dismissed.

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.