

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

M246632  
E/rr

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

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2018-01860

ORDER ON CERTIFICATION  
Assignment of Counsel

In the Matter of Alana H. (Anonymous).  
Dutchess County Department of Community  
and Family Services, petitioner-respondent;  
Javier H. (Anonymous), respondent-appellant.  
(Proceeding No. 1)

In the Matter of Sophia H. (Anonymous).  
Dutchess County Department of Community  
and Family Services, petitioner-respondent;  
Javier H. (Anonymous), respondent-appellant.  
(Proceeding No. 2)

(Docket Nos. N-06440-15, N-06441-17)

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Appeal by 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 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:

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

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 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

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MATTER OF H. (ANONYMOUS), ALANA

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, 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 appeal, 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 appeal is taken; and it is further,

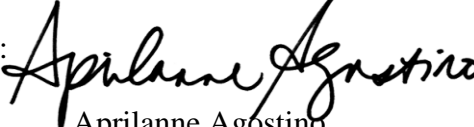
ORDERED that assigned counsel shall perfect the appeal in the above-entitled proceedings either within 60 days after the receipt of the transcripts of the minutes of the proceedings in the Family Court, and shall notify this Court by letter of the date the transcripts are received, or, if there are no 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, 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 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., 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.