

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

M246960
E/rr

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

2018-02053, 2018-02055

DECISION & ORDER ON MOTION
Assignment of Counsel

In the Matter of Jayla K. (Anonymous), appellant.

(Docket No. D-06554-15/17A)

On the Court's own motion, it is

ORDERED that the order on certification of this Court dated February 27, 2018, in the above-entitled case is recalled and vacated, and the following order on certification is substituted therefor:

Appeals by Jayla K. from two orders of the Family Court, Dutchess County, both dated January 2, 2018. Pursuant to Family Court Act §§ 1118 and 1120, and upon the certification of Paul I. Weinberger, Esq., dated January 28, 2018, it is

ORDERED that pursuant to Family Court Act § 1120, the following named attorney is assigned as the attorney for the child on the appeals:

Dawn Shammass, Esq.
600 Mamaroneck Avenue, Suite 400
Harrison, NY 10528
917-609-2975

and it is further,

ORDERED that Paul I. Weinberger, Esq., is directed to turn over all papers in the proceeding to the new attorney for the child herein assigned; 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 attorney for the child and the respondent(s). 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 attorney for the child, 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 attorney for the child. The attorney for the child is directed to provide copies of said transcripts to all of the other parties to the appeals, when the attorney for the child serves a brief upon those parties; and it is further,

ORDERED that attorney for the child 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 the appeals in the above-entitled proceeding shall be perfected either within 60 days after the receipt by the attorney for the child of the transcripts of the minutes of the proceedings in the Family Court, and the attorney for the child 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 attorney for the child 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 appeals; 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 appeals to show cause why the appeals should or should not be dismissed.

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

ENTER:

A handwritten signature in black ink, appearing to read "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court