

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

M248236
E/afa

CHERYL E. CHAMBERS, J.P.
LEONARD B. AUSTIN
ROBERT J. MILLER
JOSEPH J. MALTESE, JJ.

2017-13238, 2017-13239

DECISION & ORDER ON MOTION

In the Matter of Cecile D. (Anonymous),
Administration for Children's Services,
petitioner-respondent; Kassia D. (Anonymous),
respondent-appellant; Cheryl V. (Anonymous),
nonparty-respondent.

(and another title)

(Docket No. N-3191-15)

Appeals by Kassia D. from two orders of the Family Court, Kings County, both dated November 15, 2017. By order to show cause dated February 23, 2018, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeals in the above-entitled proceeding for failure to comply with a scheduling order dated January 4, 2018, issued pursuant to § 670.4(a)(2) of the rules of this Court (22 NYCRR 670.4[a][2]). Motion by the appellant pro se for poor person relief and for the assignment of counsel.

Now, upon the order to show cause and the papers filed in response thereto, and upon the papers filed in support of the appellant's motion and the papers filed in relation thereto, it is

ORDERED that the motion to dismiss the appeals is denied; and it is further,

ORDERED that the appellant's motion is denied, with leave to renew on or before May 2, 2018, upon proper papers, including the appellant's affidavit setting forth the appellant's full financial situation including all assets, both real and personal, as well as any and all sources of income and expenses; and it is further,

April 2, 2018

MATTER OF D. (ANONYMOUS), CECILE

Page 1.

ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), on or before May 2, 2018, the appellant 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 the Family Court proceeding to be transcribed for the appeals; or
- (2) if there are such minutes, an affidavit or affirmation stating that the transcript has been received, and indicating the date that it was received; or
- (3) if the transcript has not been received, an affidavit or affirmation stating that it has been ordered and paid for, the date thereof, and the date by which the transcript is expected; or
- (4) if the appellant is indigent and cannot afford to obtain the minutes or perfect the appeals, a motion in this Court for leave to prosecute the appeals as a poor person and for the assignment of counsel, as set forth above; or
- (5) an affidavit or an affirmation withdrawing the appeals; and it is further,

ORDERED that if the appellant fails to file the affidavit or affirmation on or before May 2, 2018, as set forth above, the Court will dismiss the appeals, without further notice.

CHAMBERS, J.P., AUSTIN, MILLER and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court