

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CAF 21-01537

PRESENT: WHALEN, P.J., LINDLEY, OGDEN, NOWAK, AND DELCONTE, JJ.

IN THE MATTER OF MALACHI S.A.

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

ROBERT A., RESPONDENT-APPELLANT.
(APPEAL NO. 2.)

DAVID J. PAJAK, ALDEN, FOR RESPONDENT-APPELLANT.

REBECCA HOFFMAN, BUFFALO, FOR PETITIONER-RESPONDENT.

JENNIFER M. LORENZ, ORCHARD PARK, ATTORNEY FOR THE CHILD.

Appeal from a corrected order of the Family Court, Erie County (Margaret O. Szczur, J.), dated September 23, 2021, in a proceeding pursuant to Social Services Law section 383-c. The corrected order denied respondent's motion to vacate a prior conditional judicial surrender order with respect to the subject child.

It is hereby ORDERED that the corrected order so appealed from is unanimously affirmed without costs.

Same memorandum as in *Matter of Liam M.A. (Robert A.)* ([appeal No. 1] - AD3d - [Nov. 17, 2023] [4th Dept 2023]).

Entered: November 17, 2023

Ann Dillon Flynn
Clerk of the Court