

Matter of Justice M.

Motion No: 2023-04438

Slip Opinion No: 2023 NY Slip Op 76731(U)

Decided on November 16, 2023

Appellate Division, First Department, Motion Decision

Published by [New York State Law Reporting Bureau](#) pursuant to
Judiciary Law § 431.

This motion is uncorrected and is not subject to publication in the
Official Reports.

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Present – Hon. Dianne T. Renwick,
Sallie Manzanet-Daniels
Barbara R. Kapnick
Troy K. Webber
Cynthia S. Kern,

Presiding Justice,

Justices.

In the Matter of an Article 10 Neglect
Proceeding.

Confidential

Motion No. **2023-04438**

Case No. 2023-05061

Justice M.,

Docket No. NN-03850-21

A Child Under the Age of 18 Years Alleged
to be Neglected.

Administration for Children’s Services,
Petitioner-Respondent,

-against-

Antionette T.,
Respondent-Appellant,

Robert M.,
Respondent-Respondent.

Dawn O’Brien-Gans, Esq.,
Lawyers for Children, Inc.,
Attorney for the Child.

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal taken to this Court from an order and judgment (one paper) of the Family Court, New York County, entered on or about September 13, 2023, for the assignment of counsel, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and the certification of Michelle Eng, Esq., dated October 10, 2023, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and Section 1120 of the Family Court Act, Emily Sara Wall, Esq., Center for Family Representation, 40 Worth Street, Room 605, New York, New York, 10013, Telephone No. 646-276-5890, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk**; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court; and (4) directing appellant to perfect this appeal, in compliance with Section 1250.9 of the Practice Rules of the Appellate Division, **within 60 days** of the filing of the transcripts. **Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. The Clerk of the Family Court shall transfer the record upon receipt of this order.**

ENTERED: November 16, 2023



Susanna Molina Rojas
Clerk of the Court

¹ Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.