

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

D19634
C/prt

_____AD3d_____

Submitted - May 16, 2008

ROBERT A. SPOLZINO, J.P.
JOSEPH COVELLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2008-01838

DECISION & ORDER

In the Matter of R. (Anonymous).
Tiesha B. (Anonymous), et al., appellants;
R. W. (Anonymous), respondent.

(Docket No. A-13927-07)

Rosin Steinhagen Mendel, New York, N.Y. (Rebecca L. Mendel of counsel), for appellants.


In an adoption proceeding pursuant to Domestic Relations Law article 7, the proposed adoptive parents, Tiesha B. and Thomas B., appeal, by permission, from an order of the Family Court, Queens County (Salinitro, J.), dated January 25, 2008, which, sua sponte, required them to provide the putative father, R. W., with notice of the adoption proceeding.

ORDERED that the order is reversed, on the law, without costs or disbursements.

Pursuant to Domestic Relations Law § 111-a(1), a person who previously has been given notice of a proceeding involving the subject child pursuant to Social Services Law § 384-c need not be given notice of an adoption proceeding pursuant to Domestic Relations Law article 7. The child's putative father was afforded notice of a prior proceeding to terminate parental rights pursuant to Social Services Law § 384-c, which proceeding resulted in a determination as to the best interests of the child. Therefore, the Family Court erred in requiring that the putative father be provided with further notice of this adoption proceeding (*see* Domestic Relations Law § 111-a[1]; *Matter of Aaliah*, 10 Misc 3d 640).

SPOLZINO, J.P., COVELLO, DICKERSON and ENG, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 10, 2008

MATTER OF R. (ANONYMOUS)