

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

D23893  
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\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - June 8, 2009

REINALDO E. RIVERA, J.P.  
PETER B. SKELOS  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

2008-07147

DECISION & ORDER

In the Matter of Fatima G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 1)

In the Matter of Illini G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 2)

In the Matter of Jami G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 3)

In the Matter of Kadijah G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 4)

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MATTER OF G. (ANONYMOUS), JAMI  
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MATTER OF G. (ANONYMOUS), KHILIL

In the Matter of Khiliil G. (Anonymous).  
Suffolk County Department of Social Services,  
petitioner-respondent; Marretta G. (Anonymous),  
appellant, et al., respondent.  
(Proceeding No. 5)

(Docket Nos. B-489-08, B-490-08, B-491-08, B-492-08,  
B-493-09, B-501-08, B-502-08, B-503-08, B-504-08,  
B-505-08)

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Karl Bonheim, Riverhead, N.Y., for appellant.

Christine Malafi, County Attorney, Center Islip, N.Y. (Gary Rosenthal of counsel),  
for petitioner-respondent.

Robert C. Mitchell, Center Islip, N.Y. (Diana B. Groom of counsel), attorney for  
the children.

In five related proceedings pursuant to Social Services Law § 384-b to terminate  
parental rights on the ground of permanent neglect, the mother appeals, as limited by her brief, from  
so much of an order of fact-finding and disposition of the Family Court, Suffolk County (Freundlich,  
J.), entered July 15, 2008, as, upon a decision dated July 7, 2008, and after fact-finding and  
dispositional hearings, terminated her parental rights and transferred custody and guardianship of the  
subject children to the petitioner for the purpose of adoption.

ORDERED that the order of fact-finding and disposition is affirmed insofar as  
appealed from, without costs or disbursements.

Contrary to the mother's contention, the evidence presented at the fact-finding  
hearing established, by the requisite clear and convincing standard of proof, that she permanently  
neglected her children by continuing to abuse drugs following the children's removal from her  
custody and by failing to complete, inter alia, the court-mandated drug treatment program (*see* Social  
Services Law § 384-b; *see Matter of Jordan F. v Bradley F.*, \_\_\_\_\_ AD3d \_\_\_\_\_, 2009 Slip Op  
3723 [2d Dept 2009]; *Matter of Egypt K.*, 59 AD3d 623; *Matter of Christopher A. R.*, 57 AD3d 789,  
790; *Matter of Laura F.*, 48 AD3d 812; *Matter of Sarah Jean R.*, 290 AD2d 511, 512).  
Notwithstanding the diligent efforts of the Suffolk County Department of Social Services to help  
reunite the family, the mother refused to cooperate with rehabilitation programs, and admitted to  
continued drug use. By her actions, the mother failed to plan for her children's return (*see Matter of  
Jordan F. v Bradley F.*, \_\_\_\_\_ AD3d \_\_\_\_\_, 2009 Slip Op 3723 [2d Dept 2009]; *Matter of*

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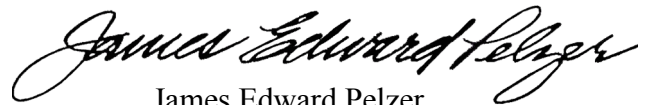
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*Egypt K.*, 59 AD3d 673; *Matter of Christopher A. R.*, 57 AD3d at 790; *Matter of Laura F.*, 48 AD3d 812; *Matter of Sarah Jean R.*, 290 AD2d 511, 512). The best interests of the children were served by terminating the mother's parental rights and freeing the children for adoption (see *Matter of Jordan F. v Bradley F.*, \_\_\_\_\_ AD3d \_\_\_\_\_, 2009 Slip Op 3723 [2d Dept 2009]; *Matter of Egypt K.*, 59 AD3d 623; *Matter of David O. C.*, 57 AD3d 775, 776; *Matter of Jamaorqui R. B.*, 56 AD3d 465, 466). Moreover, although the mother successfully completed a parenting class and had entered a substance abuse rehabilitation program at the time of trial, these limited rehabilitative efforts were not sufficient to warrant a suspended judgment (see *Matter of Olivia Susan C.*, 2 AD3d 441).

RIVERA, J.P., SKELOS, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

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