

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

M89392
E/sl

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2009-06132

DECISION & ORDER ON MOTION

In the Matter of Jesse M. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Cynthia L. (Anonymous),
respondent-respondent; Steven Banks, etc.,
nonparty-appellant, Joseph M. (Anonymous),
nonparty-respondent.
(Proceeding No. 1)

In the Matter of Nikolas L. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Cynthia L. (Anonymous),
respondent-respondent; Steven Banks, etc.,
nonparty-appellant, Joseph M. (Anonymous),
nonparty-respondent.
(Proceeding No. 2)

In the Matter of Sapphire M. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Cynthia L. (Anonymous),
respondent-respondent; Steven Banks, etc.,
nonparty-appellant, Joseph M. (Anonymous),
nonparty-respondent.
(Proceeding No. 3)

In the Matter of Shawn M. (Anonymous).
Administration for Children's Services,
petitioner-respondent; Cynthia L. (Anonymous),
respondent-respondent; Steven Banks, etc.,
nonparty-appellant, Joseph M. (Anonymous),
nonparty-respondent.
(Proceeding No. 4)

July 13, 2009

MATTER OF M. (ANONYMOUS), JESSE

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(Docket Nos. N-6158/08, N-6159/08,
N-6520/08, N-6521/08)

Motion by the nonparty-appellant to stay enforcement of an order of the Family Court, Kings County, dated July 1, 2009, pending determination of the above-entitled appeal, and to direct the Administration for Children's Services to hold a hearing pursuant to Family Court Act § 1017(a)(ii) regarding Joseph M.

Upon the papers filed in support of the motion and the papers filed in opposition and in relation thereto, it is

ORDERED that the branch of the motion which is to stay enforcement of the order dated June 16, 2009, is granted to the extent that the order is stayed and placement of the children Jesse M., Sapphire M., and Shawn M. is continued with the Administration for Children's Services, pending hearing and determination of the appeal or further order of the Family Court, Kings County, and that branch of the motion is otherwise denied; and it is further,

ORDERED that the branch of the motion which is to direct the Administration for Children's Services to hold a hearing pursuant to Family Court Act § 1017(a)(ii) regarding Joseph M. is denied without prejudice to seeking this relief in the Family Court, Kings County.

DILLON, J.P., ANGIOLILLO, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court