

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

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**CAF 08-00720**

PRESENT: SCUDDER, P.J., HURLBUTT, CENTRA, GREEN, AND GORSKI, JJ.

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IN THE MATTER OF ANTHONY E. AND TAMMY E.

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HERKIMER COUNTY DEPARTMENT OF SOCIAL SERVICES,                   MEMORANDUM AND ORDER  
PETITIONER-RESPONDENT;

SHARON E., RESPONDENT-APPELLANT,  
ET AL., RESPONDENT.

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ABBIE GOLDBAS, UTICA, FOR RESPONDENT-APPELLANT.

JACQUELYN M. ASNOE, HERKIMER, FOR PETITIONER-RESPONDENT.

JOHN G. KOSLOSKY, LAW GUARDIAN, UTICA, FOR ANTHONY E. AND TAMMY E.

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Appeal from an order of the Family Court, Herkimer County (Henry A. LaRaia, J.), entered February 29, 2008 in a proceeding pursuant to Social Services Law § 384-b. The order, insofar as appealed from, terminated the parental rights of respondent Sharon E. with respect to Anthony E. and Tammy E. upon a finding that she permanently neglected them.

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

Memorandum: Respondent mother appeals from an order that, inter alia, terminated her parental rights with respect to the children at issue in this proceeding upon a finding that she permanently neglected them. Contrary to the contention of the mother, Family Court did not abuse its discretion in refusing to enter a suspended judgment with respect to her daughter Tammy E. (*see Matter of Ty'Keith R.*, 45 AD3d 1397, *lv denied* 10 NY3d 701; *Matter of Susan C.*, 1 AD3d 991; *Matter of Jason J.*, 283 AD2d 982). The record establishes that the mother has no meaningful relationship with that child and that the child in fact expressed a "clear preference not to be reunited with [the] mother." Thus, the court properly determined that termination of the parental rights of the mother was in the best interests of that child (*Matter of Dabari S.*, 29 AD3d 593, 594, *lv denied* 7 NY3d 706; *see Matter of Lenny R.*, 22 AD3d 240, *lv denied* 6 NY3d 708; *Jason J.*, 283 AD2d 982).

Entered: February 6, 2009

JoAnn M. Wahl  
Clerk of the Court