

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

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TP 09-01878

PRESENT: SCUDDER, P.J., PERADOTTO, CARNI, GREEN, AND GORSKI, JJ.

IN THE MATTER OF MARCIA L. HEVERLY, PETITIONER,

V

ORDER

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY
SERVICES, RESPONDENT.

LAW OFFICE OF J. THOMAS FUOCO, P.C., ANGELICA (J. THOMAS FUOCO OF
COUNSEL), FOR PETITIONER.

ANDREW M. CUOMO, ATTORNEY GENERAL, ALBANY (MARLENE O. TUCZINSKI OF
COUNSEL), FOR RESPONDENT.

Proceeding pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the Fourth Judicial Department by order of the Supreme Court, Allegany County [Thomas P. Brown, A.J.], entered September 15, 2009) to review a determination of respondent. The determination denied, after a fair hearing, petitioner's request to amend to unfounded indicated reports of child maltreatment, maintained in the New York State Central Register of Child Abuse and Maltreatment, and to seal those amended reports.

It is hereby ORDERED that the determination is unanimously confirmed without costs and the amended petition is dismissed.

Entered: February 11, 2010

Patricia L. Morgan
Clerk of the Court