

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

1107

CAF 09-01596

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, LINDLEY, AND SCONIERS, JJ.

IN THE MATTER OF ELEYDIE R.

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

MARIA R., RESPONDENT-APPELLANT.

BERNADETTE M. HOPPE, BUFFALO, FOR RESPONDENT-APPELLANT.

JOSEPH T. JARZEMBEK, BUFFALO, FOR PETITIONER-RESPONDENT.

DAVID C. SCHOPP, ATTORNEY FOR THE CHILD, THE LEGAL AID BUREAU OF
BUFFALO, INC., BUFFALO (CHARLES D. HALVORSEN OF COUNSEL), FOR ELEYDIE
R.

Appeal from an order of the Family Court, Erie County (Margaret
O. Szczur, J.), entered July 14, 2009 in a proceeding pursuant to
Social Services Law § 384-b. The order, among other things,
terminated the parental rights of respondent.

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

Memorandum: Family Court properly granted the petition seeking
to terminate the parental rights of respondent mother with respect to
her youngest child on the ground of permanent neglect. The mother
admitted that she permanently neglected the child, and the record of
the dispositional hearing supports the court's determination that the
best interests of the child would be served by terminating the
mother's parental rights and freeing the child for adoption (see
Matter of Saafir A.M., 28 AD3d 1217). Contrary to the mother's
contention, "where, as here, a parent admits to permanent neglect,
there is no need for the [petitioner] to put forth evidence
establishing-nor is it necessary for the court to determine-that the
[petitioner] had exercised diligent efforts to strengthen the parental
relationship" (*Matter of Aidan D.*, 58 AD3d 906, 908; see *Matter of*
Nestor H.O., 68 AD3d 1733).

Entered: October 1, 2010

Patricia L. Morgan
Clerk of the Court