

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

1266

**CAF 12-00006, CAF 12-00077**

PRESENT: SMITH, J.P., CARNI, LINDLEY, SCONIERS, AND WHALEN, JJ.

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IN THE MATTER OF ANDIE M., FREDERICK M.  
AND VONYEE M.

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ONONDAGA COUNTY DEPARTMENT OF SOCIAL  
SERVICES, PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

KIMBERLY M. AND ANDREW M.,  
RESPONDENTS-APPELLANTS.

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KELLY M. CORBETT, FAYETTEVILLE, FOR RESPONDENT-APPELLANT ANDREW M.

FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (KRISTEN MCDERMOTT OF  
COUNSEL), FOR RESPONDENT-APPELLANT KIMBERLY M.

GORDON J. CUFFY, COUNTY ATTORNEY, SYRACUSE (SARA J. LANGAN OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

JAMES E. CORL, ATTORNEY FOR THE CHILDREN, CICERO, FOR ANDIE M. AND  
VONYEE M.

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Appeals from an order of the Family Court, Onondaga County (Bryan R. Hedges, J.), entered December 13, 2011 in a proceeding pursuant to Social Services Law § 384-b. The order, inter alia, transferred guardianship and custody of Andie M. and Vonyee M. to petitioner.

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

Memorandum: Respondent parents appeal from an order that, inter alia, terminated their parental rights with respect to two of their children pursuant to Social Services Law § 384-b on the ground of permanent neglect, committed the custody and guardianship of those children to petitioner, and freed them for adoption. Contrary to respondents' contention, Family Court did not abuse its discretion in declining to enter a suspended judgment (*see Matter of Arella D.P.-D.*, 35 AD3d 1222, *lv denied* 8 NY3d 809; *Matter of Kyle S.*, 11 AD3d 935, 936). Although the record establishes that respondents had made progress in improving, inter alia, the deplorable conditions and other problems existing in the family home, the progress "was not sufficient to warrant any further prolongation of the child[ren]'s unsettled familial status" (*Matter of Maryline A.*, 22 AD3d 227, 228). Under the circumstances, freeing the children for adoption by the foster parents with whom they had been residing was plainly in their best interests (*see Matter of Star Leslie W.*, 63 NY2d 136, 147-148; *Matter of Arron*

*Brandend C.*, 267 AD2d 107, 108; *Matter of Amanda R.*, 215 AD2d 220, 220-221, *lv denied* 86 NY2d 705). Finally, the court properly denied posttermination visitation to respondents. It is now well settled that a court lacks the authority to direct continuing contact between parents and their children once parental rights have been terminated pursuant to Social Services Law § 384-b (see *Matter of Hailey ZZ. [Ricky ZZ.]*, 19 NY3d 422, 426, 437-438).

Entered: December 21, 2012

Frances E. Cafarell  
Clerk of the Court