

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

1376

**CAF 11-02267**

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, VALENTINO, AND WHALEN, JJ.

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IN THE MATTER OF DAVID F.C., III.

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CHAUTAUQUA COUNTY DEPARTMENT OF SOCIAL  
SERVICES, PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

DAVID C., JR., RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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PATRICIA M. MCGRATH, LOCKPORT, FOR RESPONDENT-APPELLANT.

BARBARA L. WIDRIG, MAYVILLE, FOR PETITIONER-RESPONDENT.

ROBERT W. SCHNIZLER, ATTORNEY FOR THE CHILD, JAMESTOWN, FOR DAVID  
F.C., III.

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Appeal from an order of the Family Court, Chautauqua County (Judith S. Claire, J.), entered October 20, 2011 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, adjudged that respondent David C., Jr. permanently neglected the subject child, David F.C., III and transferred custody and guardianship of the subject child to petitioner.

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

Same Memorandum as in *Matter of Emerald L.C.* (\_\_\_ AD3d \_\_\_ [Dec. 21, 2012]).

Entered: December 21, 2012

Frances E. Cafarell  
Clerk of the Court