

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: October 18, 2007

501894

In the Matter of MONICA T.
and Others, Alleged to be
Abused and Neglected
Children.

ALBANY COUNTY DEPARTMENT FOR
CHILDREN, YOUTH AND
FAMILIES,

MEMORANDUM AND ORDER

Respondent;

CALVIN T.,

Appellant.

Calendar Date: September 6, 2007

Before: Cardona, P.J., Carpinello, Mugglin, Rose and
Lahtinen, JJ.

Sandra M. Colatosti, Albany, for appellant.

Jeffrey G. Kennedy, Department of Children, Youth and
Families, Albany, for respondent.

George V. Collins III, Law Guardian, Albany.

Jaya Connors, Law Guardian, Delmar.

Mugglin, J.

Appeal from an order of the Family Court of Albany County
(Walsh, J.), entered November 13, 2006, which granted
petitioner's application, in a proceeding pursuant to Family Ct
Act article 10, to adjudicate respondent's children to be abused

and/or neglected.

Respondent, the father of three children, admitted that he had sexual contact with his eldest daughter and consented, as a part of this admission, to a finding of derivative neglect of the two younger siblings. He appeals, arguing only that the conduct to which he admitted was insufficient to support a finding of derivative neglect.

An adjudication of neglect entered upon the consent of a respondent cannot be reviewed on appeal, as the respondent is not an aggrieved party (see Matter of Elijah Q., 36 AD3d 974, 975 [2007], lv denied 8 NY3d 809 [2007]; Matter of Amber VV., 22 AD3d 967, 968 [2005], lv denied 6 NY3d 708 [2006]). Consequently, the appeal must be dismissed.

Cardona, P.J., Carpinello, Rose and Lahtinen, JJ., concur.

ORDERED that the appeal is dismissed, without costs.

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack". The signature is fluid and cursive, with a large loop at the end.

Michael J. Novack
Clerk of the Court