

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

Decided and Entered: September 27, 2012

513211

In the Matter of SHELIA CC.,
Appellant,

v

MEMORANDUM AND ORDER

COMMISSIONER OF SOCIAL SERVICES
OF SCHENECTADY COUNTY,
Respondent.

(And Two Other Related Proceedings.)

Calendar Date: September 7, 2012

Before: Mercure, J.P., Spain, Malone Jr., Kavanagh and Egan Jr.,
JJ.

Leah W. Casey, Schenectady, for appellant.

Ursula E. Hall, Schenectady County Department of Social
Services, Schenectady, for respondent.

Diane M. Herrmann, Schenectady, attorney for the children.

Spain, J.

Appeal from an order of the Family Court of Schenectady
County (Taub, J.H.O.), entered September 12, 2011, which
dismissed petitioner's applications, in three proceedings
pursuant to Family Ct Act article 6, to restore her parental
rights to the subject children.

Pursuant to a March 1, 2007 order, which this Court
affirmed (Matter of Gerald BB., 51 AD3d 1081 [2008], lv denied 11
NY3d 703 [2008]), petitioner's parental rights to the subject

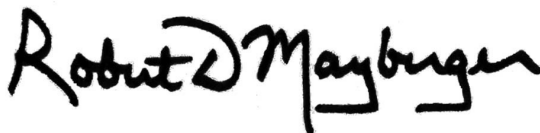
children were terminated, and the children were placed in the custody of respondent and freed for adoption. In 2011, petitioner commenced these three proceedings seeking to restore her parental rights. Family Court dismissed the petitions on the ground that the youngest child had been adopted and the other two children were not "[14] years of age or older" as required by Family Ct Act § 635 (d). Petitioner appeals.

Petitioner's counsel seeks to be relieved of her assignment on the ground that there are no nonfrivolous issues to be raised on appeal. Upon our review of the record and submissions, we agree. Accordingly, counsel's application to be relieved of her assignment is granted (see Matter of Cheyenne T., 58 AD3d 1040, 1041 [2009]; see also Anders v California, 386 US 738 [1967]).

Mercure, J.P., Malone Jr., Kavanagh and Egan Jr., JJ.,
concur.

ORDERED that the order is affirmed, without costs, and application to be relieved of assignment granted.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court