

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

Decided and Entered: January 22, 2015

516023

In the Matter of JOSEPH A.
et al.,
Petitioners,
v

LAURIE J.,
Appellant,
and

MEMORANDUM AND ORDER

BROOME COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Respondent,
et al.,
Respondent.

(And Four Other Related Proceedings.)

Calendar Date: November 12, 2014

Before: Peters, P.J., Lahtinen, Garry, Rose and Lynch, JJ.

Samuel D. Castellino, Big Flats, for appellant.

Kuredin V. Eytina, Broome County Department of Social
Services, Binghamton, for Broome County Department of Social
Services, respondent.

Carman M. Garufi, Binghamton, attorney for the children.

Garry, J.

Appeal from an order of the Family Court of Broome County (Connerton, J.), entered December 5, 2012, which, among other things, dismissed petitioners' applications, in five proceedings pursuant to Family Ct Act article 6, for custody of the subject children.

Respondent Laurie J. (hereinafter the mother) is the mother of three children who are the subjects of this appeal. In October 2010, Family Court found that the mother had neglected the subject children and her four other children, and this Court affirmed that order (Matter of Alyson J. [Laurie J.], 88 AD3d 1201 [2011], lv denied 18 NY3d 803 [2012]). In April 2012, the permanency plan, which had previously been to reunify the children with the mother, was changed to free them for adoption. Petitioners (hereinafter the grandparents) then commenced proceedings pursuant to Family Ct Act article 6 seeking custody of the children, and respondent Broome County Department of Social Services opposed this relief. Following a fact-finding hearing, Family Court dismissed the grandparents' custody petitions. The mother appeals.

The appeal must be dismissed, as the mother is not aggrieved by Family Court's order (see CPLR 5511). The mother was not the children's custodial parent, and the dismissal of the grandparents' custody petitions neither altered this circumstance nor otherwise affected her legal rights or direct interests. Thus, she does not have standing to pursue this appeal (see Matter of Valenson v Kenyon, 80 AD3d 799, 799 [2011]; Matter of Carol YY. v James OO., 68 AD3d 1463, 1463 [2009]; Matter of Brian JJ. v Heather KK., 61 AD3d 1285, 1287 [2009]).

Peters, P.J., Lahtinen, Rose and Lynch, JJ., concur.

ORDERED that the appeal is dismissed, without costs.

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