

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D35092
W/hu

_____AD3d_____

Argued - April 16, 2012

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
RANDALL T. ENG
LEONARD B. AUSTIN, JJ.

2011-04046
2011-04047

DECISION & ORDER

In the Matter of Deon S.-G. (Anonymous).
Administration for Children's Services, petitioner-
respondent; Romel S.-G. (Anonymous), appellant,
et al., respondent.

(Docket No. N-26527-10)

Nicholas S. Dubrowsky, Jamaica, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Larry A. Sonnenshein
and Graham Morrison of counsel), for petitioner-respondent.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Amy Hausknecht of
counsel), attorney for the child.

In a child neglect proceeding pursuant to Family Court Act article 10, the father
appeals from (1) a fact-finding order of the Family Court, Queens County (McGowan, J.), dated
March 10, 2011, which, after a fact-finding hearing, determined that the father had neglected the
subject child, and (2) an order of disposition of the same court dated March 23, 2011, which, upon
the fact-finding order, inter alia, directed the father to attend anger management and parenting classes
and to complete a batterer's program.

ORDERED that the appeal from the fact-finding order is dismissed, without costs or
disbursements, as that order was superseded by the order of disposition; and it is further,

ORDERED that the order of disposition is affirmed, without costs or disbursements.

May 30, 2012

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MATTER OF S.-G. (ANONYMOUS), DEON

In a child protective proceeding, the petitioner has the burden of proving neglect by a preponderance of the evidence (*see* Family Ct Act § 1046[b][i]; *Matter of Philip M.*, 82 NY2d 238; *Matter of Tammie Z.*, 66 NY2d 1; *Matter of Besthani M.*, 13 AD3d 452). Here, contrary to the father's contention, the Family Court's finding of neglect, based upon his use of excessive corporal punishment, is supported by a preponderance of the evidence (*see* Family Ct Act § 1012[f][i][B]; § 1046[b][i]; *Matter of Chanyae S. [Rena W.]*, 82 AD3d 1247; *Matter of Isaiah S.*, 63 AD3d 948; *Matter of Joshua B.*, 28 AD3d 759; *Matter of Joseph O.*, 28 AD3d 562).

The father's remaining contentions are without merit.

SKELOS, J.P., DICKERSON, ENG and AUSTIN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court