

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

714.1

CAF 19-00856

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, TROUTMAN, AND DEJOSEPH, JJ.

IN THE MATTER OF RAYMOND H., JR.

ORLEANS COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

DANA C., RESPONDENT-APPELLANT.

ANDREW G. MORABITO, EAST ROCHESTER, FOR RESPONDENT-APPELLANT.

KATHERINE K. BOGAN, COUNTY ATTORNEY, MEDINA (WENDY S. SISSON OF COUNSEL), FOR PETITIONER-RESPONDENT.

CHARLES PLOVANICH, ROCHESTER, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Orleans County (Michael F. Griffith, A.J.), entered March 26, 2019 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights with respect to the subject child.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: In a proceeding pursuant to Social Services Law § 384-b, respondent mother appeals from an order that, inter alia, revoked a suspended judgment and terminated her parental rights with respect to the subject child. The mother's contentions were not raised before Family Court and are therefore unreserved for our review (*see Matter of Michael S. [Charle S.]*, 182 AD3d 1053, 1054 [4th Dept 2020]; *Matter of Guck v Prinzing*, 100 AD3d 1507, 1508 [4th Dept 2012], *lv denied* 21 NY3d 851 [2013]). Moreover, the mother's contentions are directed at the "prior order finding permanent neglect and suspending judgment [that] was entered on consent of [the mother] and thus is beyond appellate review" (*Matter of Aiden T. [Melissa S.]*, 164 AD3d 1663, 1665 [4th Dept 2018], *lv denied* 32 NY3d 917 [2019] [internal quotation marks omitted]; *see Matter of Xavier O.V. [Sabino V.]*, 117 AD3d 1567, 1567 [4th Dept 2014], *lv denied* 24 NY3d 903 [2014]). We therefore conclude that the mother's appeal must be dismissed.

Entered: August 20, 2020

Mark W. Bennett
Clerk of the Court