

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

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CAF 18-02255

PRESENT: PERADOTTO, J.P., TROUTMAN, WINSLOW, AND DEJOSEPH, JJ.

IN THE MATTER OF MAYKALA W.

ONEIDA COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

MARQUIS W., RESPONDENT-APPELLANT.

PETER J. DIGIORGIO, JR., UTICA, FOR RESPONDENT-APPELLANT.

DENISE MORGAN, UTICA, FOR PETITIONER-RESPONDENT.

STEPHANIE N. DAVIS, OSWEGO, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Oneida County (Randal B. Caldwell, J.), entered November 20, 2018 in a proceeding pursuant to Social Services Law § 384-b. The order revoked a suspended judgment and terminated respondent's parental rights with respect to the subject child.

It is hereby ORDERED that the order so appealed from is unanimously affirmed without costs.

Memorandum: In this proceeding pursuant to Social Services Law § 384-b, respondent father appeals from an order that, inter alia, revoked a suspended judgment entered upon his admission that he had permanently neglected the subject child. "It is well established that, '[i]f the court determines by a preponderance of the evidence that there has been noncompliance with any of the terms of the suspended judgment, the court may revoke the suspended judgment and terminate parental rights' " (*Matter of Ashante H. [Meko H.]*, 169 AD3d 1454, 1454-1455 [4th Dept 2019]; see *Matter of Michael S. [Timothy S.]*, 159 AD3d 1378, 1379 [4th Dept 2018]). Contrary to the father's contention, we conclude that there is a sound and substantial basis in the record to support Family Court's determination that he failed to comply with the terms of the suspended judgment (see *Ashante H.*, 169 AD3d at 1455; *Michael S.*, 159 AD3d at 1379-1380).

Entered: April 24, 2020

Mark W. Bennett
Clerk of the Court