

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

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**CAF 16-02311**

PRESENT: WHALEN, P.J., SMITH, DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

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IN THE MATTER OF RHIANNON H.-W., AND JUDE S.H.

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ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,  
PETITIONER-RESPONDENT;

ORDER

ELIZABETH E.H.-W., RESPONDENT-APPELLANT.

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HOPPE & ASSOCIATES, INC., BUFFALO (BERNADETTE M. HOPPE OF COUNSEL),  
FOR RESPONDENT-APPELLANT.

JOSEPH T. JARZEMBEK, BUFFALO, FOR PETITIONER-RESPONDENT.

MICHELLE G. CHAAS, ATTORNEY FOR THE CHILD, BUFFALO.

EDWARD J. MARTNSHIN, ATTORNEY FOR THE CHILD, HAMBURG.

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Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered November 21, 2016 in a proceeding pursuant to Family Court Act article 10. The order denied the motion of respondent to dismiss the petition.

It is hereby ORDERED that said appeal is unanimously dismissed without costs (*see Matter of Nicholas B.*, 26 AD3d 764, 764 [4th Dept 2006]).

Entered: February 2, 2018

Mark W. Bennett  
Clerk of the Court