

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

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CAF 19-00051

PRESENT: CENTRA, J.P., PERADOTTO, NEMOYER, WINSLOW, AND BANNISTER, JJ.

IN THE MATTER OF MARIA P., SOFIA P., ANGELO P.,
AND CHRISTOPHER P.

----- MEMORANDUM AND ORDER
JEFFERSON COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

ANTHONY P., RESPONDENT-APPELLANT.

D.J. & J.A. CIRANDO, PLLC, SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR
RESPONDENT-APPELLANT.

KRISTOPHER STEVENS, WATERTOWN, FOR PETITIONER-RESPONDENT.

SCOTT A. OTIS, WATERTOWN, ATTORNEY FOR THE CHILDREN.

Appeal from an order of the Family Court, Jefferson County
(Eugene J. Langone, Jr., J.), entered December 4, 2018 in a proceeding
pursuant to Social Services Law § 384-b. The order terminated the
parental rights of respondent with respect to the subject children
upon a finding of permanent neglect.

It is hereby ORDERED that said appeal is unanimously dismissed
except insofar as respondent challenges the finding of permanent
neglect and the order is affirmed without costs.

Memorandum: Respondent father appeals from an order terminating
his parental rights with respect to the subject children. Although
the order was entered on default given the father's failure to appear
at the dispositional hearing and "[n]o appeal lies from an order
entered upon the default of the appealing party" (*Matter of Heavenly*
A. [Michael P.], 173 AD3d 1621, 1622 [4th Dept 2019]), the appeal
nevertheless brings up for review any issue that was subject to
contest in the proceedings below, i.e., Family Court's fact-finding
determination (*see id.*). On the merits, we reject the father's
contention that petitioner failed to establish that he permanently
neglected the subject children (*see Matter of Justain R. [Juan F.]*, 93
AD3d 1174, 1174-1175 [4th Dept 2012]). To the extent that they are
properly before us, we have considered and rejected the father's
remaining contentions.

Entered: April 24, 2020

Mark W. Bennett
Clerk of the Court