

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

937

**CAF 19-00558**

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

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IN THE MATTER OF IRELYNN S.

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ONONDAGA COUNTY DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES, PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

MAURICE S., RESPONDENT-APPELLANT.

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FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (PHILIP ROTHSCHILD OF  
COUNSEL), FOR RESPONDENT-APPELLANT.

ROBERT A. DURR, COUNTY ATTORNEY, SYRACUSE (YVETTE VELASCO OF COUNSEL),  
FOR PETITIONER-RESPONDENT.

SUSAN B. MARRIS, MANLIUS, ATTORNEY FOR THE CHILD.

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Appeal from an order of the Family Court, Onondaga County  
(Michele Pirro Bailey, J.), entered February 11, 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: Respondent father appeals from an order terminating  
his parental rights and freeing his child for adoption. The father  
failed to appear at the dispositional hearing and his attorney,  
although present, elected not to participate in the father's absence.  
Under those circumstances, we conclude that the father's refusal to  
appear constituted a default, and we therefore dismiss the appeal (see  
*Matter of Makia S. [Catherine S.]*, 134 AD3d 1445, 1445-1446 [4th Dept  
2015]; *Matter of Shawn A. [Milisa C.B.]*, 85 AD3d 1598, 1598-1599 [4th  
Dept 2011], *lv denied* 17 NY3d 713 [2011]).

Entered: November 20, 2020

Mark W. Bennett  
Clerk of the Court