

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

**939**

**CAF 19-00359**

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

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IN THE MATTER OF ANTHONY C.

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ONEIDA COUNTY DEPARTMENT OF SOCIAL SERVICES,  
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

PATRICIO W., RESPONDENT-APPELLANT.  
(APPEAL NO. 2.)

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

DENISE J. MORGAN, UTICA, FOR PETITIONER-RESPONDENT.

PAUL A. NORTON, CLINTON, ATTORNEY FOR THE CHILD.

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Appeal from an order of the Family Court, Oneida County (Julia Brouillette, J.), entered January 28, 2019 in a proceeding pursuant to Family Court Act article 10. The order determined that respondent derivatively neglected the subject child.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law without costs and the petition is dismissed.

Same memorandum as in *Matter of David W. (Patricio W.)* (- AD3d - [Feb. 5, 2021] [4th Dept 2021]).

Entered: February 5, 2021

Mark W. Bennett  
Clerk of the Court