

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

887

**CAF 20-00635**

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

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IN THE MATTER OF TYRONE O.

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

MEMORANDUM AND ORDER

LILLIAN G., RESPONDENT-APPELLANT,  
AND MAPLE O., RESPONDENT.

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FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (THOMAS M. LEITH OF  
COUNSEL), FOR RESPONDENT-APPELLANT.

ROBERT A. DURR, COUNTY ATTORNEY, SYRACUSE (JOSHUA E. LAROCK OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

CHARLES E. LUPIA, SYRACUSE, ATTORNEY FOR THE CHILD.

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Appeal from an order of the Family Court, Onondaga County (Michael L. Hanuszczak, J.), entered March 5, 2020 in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondents' parental rights with respect to the subject child.

It is hereby ORDERED that said appeal is unanimously dismissed except insofar as respondent Lillian G. challenges the denial of her attorney's request for an adjournment, and the order is affirmed without costs.

Memorandum: In this proceeding pursuant to Social Services Law § 384-b, respondent mother appeals from an order, entered upon her default that, inter alia, adjudicated the subject child to be permanently neglected, terminated the mother's parental rights, and transferred custody of the child to petitioner. The order was entered following fact-finding and dispositional hearings at which the mother failed to appear and in which her attorney, although present, elected not to participate (see *Matter of Ramere D. [Biesha D.]*, 177 AD3d 1386, 1386 [4th Dept 2019], lv denied 35 NY3d 904 [2020]; *Matter of Makia S. [Catherine S.]*, 134 AD3d 1445, 1445-1446 [4th Dept 2015]). Where, as here, the order appealed from is made upon a respondent's default, "review is limited to matters which were the subject of contest below" (*Ramere D.*, 177 AD3d at 1386 [internal quotation marks omitted]). Thus, review is limited to the denial of the request of the mother's attorney for an adjournment (see *Matter of Hayden A. [Karen A.]*, 188 AD3d 1759, 1759 [4th Dept 2020]; *Ramere D.*, 177 AD3d at 1386-1387). Contrary to the mother's contention, Family Court did

not abuse its discretion in denying that request inasmuch as the mother's attorney offered nothing beyond a "vague and unsubstantiated claim that the [mother] could not appear" (*Matter of Sophia M.G.-K. [Tracy G.-K.]*, 84 AD3d 1746, 1747 [4th Dept 2011] [internal quotation marks omitted]) and the mother had a history of failing to appear (see *Matter of Wilson v McCray*, 125 AD3d 1512, 1513 [4th Dept 2015], *lv denied* 25 NY3d 908 [2015]).

Entered: November 12, 2021

Ann Dillon Flynn  
Clerk of the Court