

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

179.1

CAF 22-00452

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

IN THE MATTER OF MALACHI P.

STEUBEN COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

EMMA P.-T., RESPONDENT-APPELLANT.

TARA P.-T., INTERVENOR-RESPONDENT.
(APPEAL NO. 2.)

CAITLIN M. CONNELLY, BUFFALO, FOR RESPONDENT-APPELLANT.

MARYBETH D. BARNET, MIDDLESEX, ATTORNEY FOR THE CHILD.

ROSEMARIE RICHARDS, GILBERTSVILLE, FOR INTERVENOR-RESPONDENT.

Appeal from an order of the Family Court, Steuben County (Patrick F. McAllister, A.J.), entered March 10, 2021 in a proceeding pursuant to Family Court Act article 10. The order, among other things, directed respondent to stay away from the subject child.

It is hereby ORDERED that the order so appealed from is unanimously reversed on the law without costs, the third ordering paragraph of the order of fact-finding entered March 10, 2021 is vacated, and the matter is remitted to Family Court, Steuben County, for further proceedings in accordance with the same memorandum as in *Matter of Kayla K. (Emma P.-T.)* ([appeal No. 1] – AD3d – [Apr. 22, 2022] [4th Dept 2022]).

Entered: April 22, 2022

Ann Dillon Flynn
Clerk of the Court