

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

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CAF 22-01144

PRESENT: SMITH, J.P., CURRAN, BANNISTER, OGDEN, AND NOWAK, JJ.

IN THE MATTER OF ANIYAH J.

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

MEMORANDUM AND ORDER

KATARA J., RESPONDENT-APPELLANT.

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

ROBERT A. DURR, COUNTY ATTORNEY, SYRACUSE (ERIN WELCH FAIR OF
COUNSEL), FOR PETITIONER-RESPONDENT.

CATHERINE M. SULLIVAN, OSWEGO, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Onondaga County (Julie A. Cerio, J.), entered June 28, 2022, 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 the order so appealed from is unanimously affirmed without costs.

Memorandum: In this proceeding pursuant to Social Services Law § 384-b, respondent mother appeals from an order terminating her parental rights with respect to the subject child based upon a finding of permanent neglect. We reject the mother's contention that Family Court erred in refusing to adjourn the fact-finding and dispositional hearing. "The grant or denial of a [request] for an adjournment for any purpose is a matter resting within the sound discretion of the trial court" (*Matter of Steven B.*, 6 NY3d 888, 889 [2006] [internal quotation marks omitted]). Here, the mother had failed to appear on a prior date, appeared late on the day of the hearing, and when she ultimately appeared for the hearing spoke to her counsel only briefly before leaving the courthouse. Under these circumstances, we perceive no abuse of discretion in the court's refusal to adjourn the hearing (*see Matter of Wilson v McCray*, 125 AD3d 1512, 1513 [4th Dept 2015], *lv denied* 25 NY3d 908 [2015]).

The mother failed to preserve for our review her further contention that the court erred in disqualifying her initial assigned counsel upon finding a conflict of interest in the attorney's continued representation (*see generally Matter of Sean W. [Brittany*

W.], 87 AD3d 1318, 1320 [4th Dept 2011], *lv denied* 18 NY3d 802 [2011]). Although the mother's initial assigned counsel filed her own motion to be reinstated, the record does not reflect that the mother joined in that motion, that she made her own motion seeking to reinstate her initial assigned counsel, or that she otherwise raised the issues now raised on appeal. Moreover, to the extent that the contention is based on matters outside the record, the contention cannot be reviewed on this appeal in any event (see *Matter of Baron C. [Dominique C.]*, 101 AD3d 1622, 1622-1623 [4th Dept 2012]; see generally *Killian v Captain Spicer's Gallery, LLC*, 170 AD3d 1587, 1589 [4th Dept 2019], *lv denied* 34 NY3d 905 [2019]).