

In re Bianca B.  
--- N.Y.S.2d ----  
N.Y.A.D. 2 Dept. 2012.

--- N.Y.S.2d ----, 2012 WL 2913514, 2012 N.Y. Slip Op. 05629

This opinion is uncorrected and subject to revision before publication in the printed Official Reports.

In the Matter of Bianca B. (Anonymous).

v.

Carrie A. (Anonymous), petitioner-respondent, Yolanda B. (Anonymous), et al., respondents; Great Neck Union Free School District, intervenor-appellant.

#### OPINION

**2011-10159, (Docket No. G-89-11)**

Supreme Court, Appellate Division, Second Department, New York

Decided on July 18, 2012

REINALDO E. RIVERA, J.P., RANDALL T. ENG, PLUMMER E. LOTT, ROBERT J. MILLER, JJ.

#### APPEARANCES OF COUNSEL

Frazer & Feldman, LLP, Garden City, N.Y. (Christie R. Medina of counsel), for intervenor-appellant.  
Patricia Latzman, Port Washington, N.Y., attorney for the child.

#### DECISION & ORDER

In a guardianship proceeding pursuant to Family Court Act article 6, the intervenor Great Neck Union Free School District appeals from an order of the Family Court, Nassau County (Aaron, J.), dated September 14, 2011, which granted the petition of Carrie A., the grandmother of the subject child, for guardianship of the subject child.

ORDERED that the order is reversed, on the facts and in the exercise of discretion, without costs or disbursements, the petition is denied, and the proceeding is dismissed.

“[W]hen considering guardianship appointments, the infant's best interests is paramount” (*Matter of Alamgir A.*, 81 AD3d 937, 938; *see SCPA 1707[1]*; *Matter of Ashley W. [Verdele F.]*, 85 AD3d 807, 809; *Matter of Trudy-Ann W. v Joan W.*, 73 AD3d 793, 794).

Here, the record does not show that the subject child's best interests would be served by transferring guardian-

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ship from the child's parents to the petitioner, her grandmother. Accordingly, the Family Court improvidently exercised its discretion in granting the petition for guardianship (*see Matter of Diego F. [Magno V.]*, 84 AD3d 1373; *Matter of Proios*, 111 Misc 2d 252, 253; *compare Matter of Alamgir A.*, 81 AD3d at 938; *Matter of Trudy-Ann W. v Joan W.*, 73 AD3d at 794).

RIVERA, J.P., ENG, LOTT and MILLER, JJ., concur.

ENTER:\*2

Aprilanne Agostino

Clerk of the Court

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