

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Jessica Wrobleski - Petitioner

VS.

Administration for Children Services, et al.  
Respondent(s).

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ON PETITION FOR A WRIT OF CERTIORARI TO

New York State Appellate Division First Department,  
New York State Court of Appeals

APPENDIX

Jessica Wrobleski  
115 Henry Street #3219  
Binghamton, New York 13902  
(607) 621-0884

Dated: Thursday July 15th, 2021

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SUPREME COURT OF THE UNITED STATES

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Jessica Wrobleski - Petitioner

VS.

Administration for Children Services, et al.  
Respondent(s).

ON PETITION FOR A WRIT OF CERTIORARI TO  
New York State Appellate Division First Department,  
New York State Court of Appeals

APPENDIX A: ON DECISION OF THE  
NEW YORK STATE COURT OF APPEALS

Jessica Wrobleski  
115 Henry Street #3219  
Binghamton, New York 13902  
(607) 621-0884

# *State of New York*

## *Court of Appeals*

*Decided and Entered on the  
ninth day of June, 2020*

**Present,** Hon. Janet DiFiore, *Chief Judge, presiding.*

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Mo. No. 2020-63

In the Matter of Baby Boy W., &c.

Jessica W.,

Appellant;

Administration for Children's Services,  
Respondent.

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Appellant having appealed and moved for leave to appeal to the Court of Appeals  
and for poor person relief in the above cause;

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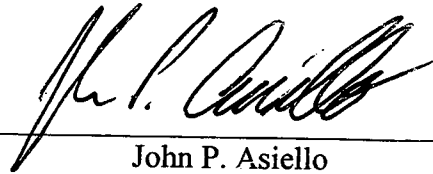
Upon the papers filed and due deliberation, it is

ORDERED, on the Court's own motion, that the appeal, insofar as against petitioner  
Administration for Children's Services, is dismissed, without costs, as untimely  
(see CPLR 5513[a]; Eaton v State of New York, 76 NY2d 824 [1990]); and it is further

ORDERED, that the appeal is otherwise dismissed, without costs, upon the ground  
that no appeal lies as of right from the unanimous order of the Appellate Division absent the  
direct involvement of a substantial constitutional question (see CPLR 5601); and it is further

ORDERED, that the motion, insofar as it seeks leave to appeal as against petitioner  
Administration for Children's Services, is dismissed as untimely (see CPLR 5513[b];  
Eaton v State of New York, 76 NY2d 824 [1990]); and it is further

ORDERED, that the motion for leave to appeal is otherwise denied; and it is further  
ORDERED, that the motion for poor person relief is dismissed as academic.

A handwritten signature in black ink, appearing to read "John P. Asiello", is written over a horizontal line.

John P. Asiello  
Clerk of the Court

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Jessica Wrobleski - Petitioner

VS.

Administration for Children Services, et al.  
Respondent(s).

ON PETITION FOR A WRIT OF CERTIORARI TO  
New York State Appellate Division First Department,  
New York State Court of Appeals

APPENDIX B: ON DECISION OF THE  
NEW YORK STATE COURT OF APPEALS  
DENIAL OF REARGUMENT

Jessica Wrobleski  
115 Henry Street #3219  
Binghamton, New York 13902  
(607) 621-0884

# *State of New York*

## *Court of Appeals*

*Decided and Entered on the  
twentieth day of October, 2020*

**Present**, Hon. Janet DiFiore, *Chief Judge, presiding.*

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Mo. No. 2020-570

In the Matter of Baby Boy W., &c.

Jessica W.,

Appellant;

Administration for Children's Services,

Respondent.

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Appellant having moved for reargument in the above cause;

Upon the papers filed and due deliberation, it is

ORDERED, that the motion is denied.



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Heather Davis  
Deputy Clerk of the Court

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Jessica Wrobleski - Petitioner

VS.

Administration for Children Services, et al.  
Respondent(s).

ON PETITION FOR A WRIT OF CERTIORARI TO  
New York State Appellate Division First Department,  
New York State Court of Appeals

APPENDIX C: ON DECISION OF THE  
APPELLATE DIVISION FIRST DEPARTMENT

Jessica Wrobleski  
115 Henry Street #3219  
Binghamton, New York 13902  
(607) 621-0884



Sweeny, J.P., Webber, Gesmer, Singh, JJ.

8740-

8741-

8742

In re Baby Boy W., also known  
as Muhamed Umar W.,

A Child Under Eighteen Years  
of Age, etc.,

Jessica W.,

Respondent-Appellant,

Administration for Children's Services,  
Petitioner-Respondent.

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Tennille M. Tatum-Evans, New York, for appellant.

Zachary W. Carter, Corporation Counsel, New York (Jessica Miller  
of counsel), for respondent.

Dawne A. Mitchell, The Legal Aid Society, New York (John A.  
Newbery of counsel), attorney for the child.

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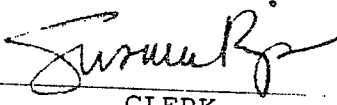
Appeal from order of disposition, Family Court, New York  
County (Susan K. Knipps, J.), entered on or about September 10,  
2015, which, based upon a fact-finding determination that  
respondent mother neglected the subject child and placed the  
child with the Commissioner of the Administration for Children's  
Services until the next permanency hearing and directed the  
mother to engage in services, unanimously dismissed, without  
costs, as moot. Order of fact-finding, same court and Judge,  
entered on or about January 29, 2015, unanimously affirmed,  
without costs.

The finding of neglect is supported by a preponderance of the evidence (see Family Ct Act §§ 1012[f][i][B]; 1046[b][i]). At the time ACS brought the petition, the child was an infant. Hospital records show that the mother was diagnosed with anxiety, schizophrenia, bipolar disorder, and personality disorder. The record demonstrates that the mother's untreated mental illness, aggressive behavior, depression, poor impulse control, and repeated psychiatric hospitalizations for suicidal ideation placed the child at imminent risk of impairment (see *Matter of Tyzavier M. [Shanice M.]*, 155 AD3d 578 [1st Dept 2017]; *Matter of Cerenithy Ecksthine B. [Christian B.]*, 92 AD3d 417, 417-418 [1st Dept 2012]; *Matter of Madeline R.*, 214 AD2d 445 [1st Dept 1995]).

The mother's appeal from the order of disposition is moot, since the dispositional order has expired by its own terms and was superseded by two subsequent permanency orders (see *Matter of Fawaz A. [Franklyn B.C.]*, 112 AD3d 550, 551 [1st Dept 2013]).

THIS CONSTITUTES THE DECISION AND ORDER  
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: MARCH 19, 2019

  
CLERK