

Catalog

AMENDED PETITION NEGLECT CASE.....	1
petition 2020.....	7

FAMILY COURT OF THE STATE OF NEW YORK
CITY OF NEW YORK, COUNTY OF KINGS

Attorney: ALMONTE, R

Judge: WILLIAMS, J

-----x

In the Matter of	:	Docket No: <u>NN-19411-18</u>
	:	
JOE PALOMINO	:	
	:	AMENDED PETITION NEGLECT CASE
	:	
A Child Under Eighteen Years	:	
of Age Alleged to be Neglected by	:	
	:	
ROBERT MALEK	:	
	:	
	:	Child Protective Specialist:
	:	ARDAISHA HUDSON
	:	ACS #: 5236894
	:	Unit #: 273-1
	:	Telephone: 718-245-5975
	:	
	:	
_____	:	
Respondent (s)	:	

-----x

NOTICE: IF YOUR CHILD REMAINS IN FOSTER CARE FOR FIFTEEN (15) OF THE MOST RECENT TWENTY-TWO (22) MONTHS THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD.

TO THE FAMILY COURT:

The undersigned petitioner respectfully shows that:

- Petitioner David A. Hansell, Commissioner of Administration for Children's Services, a Child Protective Agency with offices at 150 William Street, New York, New York, is authorized to file a petition under Article 10 of the Family Court Act.
- JOE PALOMINO is a male child under the age of eighteen years, having been born on 03/15/2004.

3. Said child resides at whose address is CONFIDENTIAL.
4. The father of said child is or is alleged to be JUAN PALOMINO who resides at L.K.A. -779 HENDRIX STREET APT. #1, BROOKLYN, NY, 11212. The father's date of birth is 04/09/1952. The mother of said child is MARGARET INGOGLIA whose address is CONFIDENTIAL. The mother's date of birth is 10/22/1979. The other person legally responsible for the care of said child is ROBERT MALEK , Non-Relative, whose address is CONFIDENTIAL
5. (Upon information and belief), said child is a neglected child in that: (Specify grounds of neglect under Section 1012 of the Family Court Act.)
See Addendum I.
6. (Upon information and belief),
ROBERT MALEK , the Non-Relative of said child
is the person who is responsible for neglect of said child.
7. There currently is not reason to believe, or information that suggests or indicates that the child is a Native American child.

Petitioner is required to obtain education information and to provide that information to foster care providers and other parties to this proceeding. Unless otherwise obtained by release, Petitioner thus seeks a court order to obtain the education records (including special education records) of each child named in this petition who is not placed with a parent(s)/legal guardian(s), and a court order to provide such records to service providers where such records are necessary to enable the service provider to establish and implement a plan of service.

WHEREFORE, Petitioner prays that an order be made determining the said JOE PALOMINO to be a neglected child, otherwise dealing with said child in accordance with the provisions of Article 10 of the Family Court Act.

Dated: 01/02/2020

David A. Hansell

Petitioner

James E. Johnson
Corporation Counsel

Alan W. Sputz
Special Assistant Corp Counsel

Signature of Attorney

of Counsel

Name

Administration for Children Services
330 JAY STREET
12TH FLOOR
BROOKLYN NY 11201
718-802-2790

VERIFICATION

STATE OF NEW YORK)
COUNTY OF KINGS SS.:

ARDAISHA HUDSON, being duly sworn, deposes and says that (s)he is employed by Administration for Children's Services, a Child Protective Agency; and is acquainted with the facts and circumstances of the above-entitled proceeding; that (s)he has read the foregoing petition and knows the contents thereof; that the same is true to (his) (her) own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters (s)he believes it to be true.

Petitioner
David A. Hansell, Commissioner
Administration for Children's
Services
By: ARDAISHA HUDSON
Child Protective Specialist

Sworn to before me, this
2nd day of January 2020

Notary Public

ADDENDUM I AMENDED PETITION

CASE NAME: MARGARET INGOGLIA
CHILD NAME: JOE PALOMINO
CASE NUMBER: 5236894
DATE PET FILED: 07/31/2018
DATE PET AMENDED 01/02/2020

THE CHILDREN:

MARGARET MALEK (DOB 10/29/2014)
JOE PALOMINO (DOB 03/15/2004)

THE RESPONDENT:

ROBERT MALEK

JOE PALOMINO (DOB: 10/29/2004) and MARGARET MALEK (DOB: 10/29/2014) are children under eighteen years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of the alleged father/person legally responsible ("PLR") for their care, ROBERT MALEK (DOB: 04/06/1969), to exercise a minimum degree of care, in that:

1. Respondent PLR ROBERT MALEK holds himself out as the father of the subject child MARGARET MALEK, age 3, and that he has been romantically involved with the non-respondent mother, Margaret Ingoglia for the last four years. The respondent PLR admitted that the non-respondent mother Margaret Malek and the subject child MARGARET MALEK have resided with the respondent PLR in his family home since the child MARGARET MALEK was born. The respondent PLR admitted that the subject child JOE PALOMINO, age 13, has resided in respondent PLR's family home since February 2018. The respondent PLR admitted that he is providing financially for the subject children JOE PALOMINO and MARGARET MALEK in that the respondent PLR pays the bills in the family home and provides clothes and food for the subject children.

2. The respondent PLR ROBERT MALEK fails to supply the children JOE PALOMINO and MARGARET MALEK, with adequate supervision and guardianship, in that:

a. On or about June 29, 2018, the non-respondent mother Margaret Ingoglia stated to the undersigned that respondent PLR "verbally and mentally abuses" the non-respondent mother, controls everything within the family including the money, and the non-respondent mother cannot make any decisions without the respondent PLR's permission. The non-respondent mother stated that the respondent PLR monitors the non-respondent mother's text messages and telephone calls, that the respondent PLR curses at the non-respondent mother in front of the children including calling the non-respondent mother a "bitch," and that the non-respondent mother is afraid of the respondent PLR. The non-respondent mother stated that she is afraid of what the respondent PLR "is capable of" and stated that the respondent PLR threatened the non-respondent mother that if she ever leaves with the subject child MARGARET MALEK, he will go to the nursing home of the maternal grandmother and hurt the maternal grandmother.

b. Upon information and belief, the source being a conversation between the subject child JOE PALOMINO and Child Protective Specialist ("CPS") Kim James on or about June 29, 2018, the subject child stated that the respondent PLR is in a "bad mood everyday" and "threatens to hurt" the non-respondent mother. The subject child stated that both he and the non-respondent mother are being "picked on" by the PLR, and that the subject child "can't take it

anymore." The subject child stated that the respondent PLR makes him "sad."

c. On or about June 29, 2018, the subject child JOE PALOMINO stated to the undersigned that he is "scared" of the respondent PLR and that the subject child JOE PALOMINO has seen the respondent PLR "get in [the non-respondent mothers] face."

d. On or about June 29, 2018, the undersigned spoke with a caseplanner from Catholic Charities, and the caseplanner stated that she has observed the respondent PLR be "very controlling" over the family, and that the non-respondent mother and subject children are not allowed to remain in the family home until the respondent PLR returns from work, until approximately 10:30 P.M.

3. The respondent PLR ROBERT MALEK fails to supply the children JOE PALOMINO and MARGARET MALEK, with adequate supervision and guardianship by engaging in bizarre behavior or acts of a similarly serious nature which unreasonably inflicts harm upon the subject children JOE PALOMINO and MARGARET:

a. Petitioner re-alleges sections 1-2a-d

b. According to ACS case records the respondent PLR ROBERT MALEK has called thirty (30) reports to the State Central Registry against the non-respondent mother alleging that she is abusing and neglecting the subject children. All the reports called in by the respondent father have been investigated by ACS and unfounded. As a result of the respondents actions, the subject child Margaret has been forensically interviewed three (3) times and medically examined. The subject children are frequently woken up in the middle of the night by Emergency Child Protective Services (ECS) investigating the reports called in by the respondent. According to the CPS Hudson, she has informed the respondent of the consequences of calling in cases to the State Central Registry on numerous occasions; but, the respondent continues to make reports without any regards to the impact it has on the subject children.

c. According to the subject child Joe, it is difficult for him to wake up in the morning to go to school because of ECS continuously visiting the home in the middle of the night.

d. According to CPS Yolanda Jones, she has heard the subject child Margaret begging the respondent ROBERT MALEK to not call any more reports against her mother.

Based on the foregoing, the subject children are neglected or at risk of becoming neglected pursuant to Article Ten of the Family Court Act.

FAMILY COURT OF THE STATE OF NEW YORK
CITY OF NEW YORK, COUNTY OF KINGS

Attorney: ALMONTE, R

Judge: WILLIAMS, J

-----x

In the Matter of	:	Docket No: <u>NN-19410-18</u>
	:	
MARGARET MALEK	:	AMENDED PETITION NEGLECT CASE
	:	
A Child Under Eighteen Years	:	
of Age Alleged to be Neglected by	:	
	:	
ROBERT MALEK	:	
	:	Child Protective Specialist:
	:	ARDAISHA HUDSON
	:	ACS #: 5236894
	:	Unit #: 273-1
	:	Telephone: 718-245-5975
	:	
	:	
_____	:	
Respondent (s)	:	
	:	

-----x

NOTICE: IF YOUR CHILD REMAINS IN FOSTER CARE FOR FIFTEEN (15) OF THE MOST RECENT TWENTY-TWO (22) MONTHS THE AGENCY MAY BE REQUIRED BY LAW TO FILE A PETITION TO TERMINATE YOUR PARENTAL RIGHTS AND MAY FILE BEFORE THE END OF THE 15-MONTH PERIOD.

TO THE FAMILY COURT:

The undersigned petitioner respectfully shows that:

1. Petitioner David A. Hansell, Commissioner of Administration for Children's Services, a Child Protective Agency with offices at 150 William Street, New York, New York, is authorized to file a petition under Article 10 of the Family Court Act.

2. MARGARET MALEK is a female child under the age of eighteen years, having been born on 10/29/2014.

3. Said child resides at whose address is CONFIDENTIAL.
4. The father of said child is
or is alleged to be ROBERT MALEK whose address is CONFIDENTIAL.
The father's date of birth is 04/06/1969.
The mother of said child is MARGARET INGOGLIA whose address is
CONFIDENTIAL.
The mother's date of birth is 10/22/1979.
5. (Upon information and belief), said child is a neglected child in
that: (Specify grounds of neglect under Section 1012 of the Family
Court Act.)
See Addendum I.
6. (Upon information and belief),
ROBERT MALEK , the Legal Father of said child
is the person who is responsible for neglect of said child.
7. There currently is not reason to believe, or information that
suggests or indicates that the child is a Native American child.

Petitioner is required to obtain education information and to provide that information to foster care providers and other parties to this proceeding. Unless otherwise obtained by release, Petitioner thus seeks a court order to obtain the education records (including special education records) of each child named in this petition who is not placed with a parent(s)/legal guardian(s), and a court order to provide such records to service providers where such records are necessary to enable the service provider to establish and implement a plan of service.

WHEREFORE, Petitioner prays that an order be made determining the said MARGARET MALEK to be a neglected child, otherwise dealing with said child in accordance with the provisions of Article 10 of the Family Court Act.

Dated: 01/02/2020

David A. Hansell

Petitioner

James E. Johnson
Corporation Counsel

Alan W. Sputz
Special Assistant Corp Counsel

Signature of Attorney

of Counsel

Name

Administration for Children Services
330 JAY STREET
12TH FLOOR
BROOKLYN NY 11201
718-802-2790

VERIFICATION

STATE OF NEW YORK)
COUNTY OF KINGS SS.:

ARDAISHA HUDSON, being duly sworn, deposes and says that (s)he is employed by Administration for Children's Services, a Child Protective Agency; and is acquainted with the facts and circumstances of the above-entitled proceeding; that (s)he has read the foregoing petition and knows the contents thereof; that the same is true to (his) (her) own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters (s)he believes it to be true.

Petitioner
David A. Hansell, Commissioner
Administration for Children's
Services
By: ARDAISHA HUDSON
Child Protective Specialist

Sworn to before me, this
2nd day of January 2020

Notary Public

ADDENDUM I AMENDED PETITION

CASE NAME: MARGARET INGOGLIA
CHILD NAME: MARGARET MALEK
CASE NUMBER: 5236894
DATE PET FILED: 07/31/2018
DATE PET AMENDED 01/02/2020

THE CHILDREN:

MARGARET MALEK (DOB 10/29/2014)
JOE PALOMINO (DOB 03/15/2004)

THE RESPONDENT:

ROBERT MALEK

JOE PALOMINO (DOB: 10/29/2004) and MARGARET MALEK (DOB: 10/29/2014) are children under eighteen years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of the alleged father/person legally responsible ("PLR") for their care, ROBERT MALEK (DOB: 04/06/1969), to exercise a minimum degree of care, in that:

1. Respondent PLR ROBERT MALEK holds himself out as the father of the subject child MARGARET MALEK, age 3, and that he has been romantically involved with the non-respondent mother, Margaret Ingoglia for the last four years. The respondent PLR admitted that the non-respondent mother Margaret Malek and the subject child MARGARET MALEK have resided with the respondent PLR in his family home since the child MARGARET MALEK was born. The respondent PLR admitted that the subject child JOE PALOMINO, age 13, has resided in respondent PLR's family home since February 2018. The respondent PLR admitted that he is providing financially for the subject children JOE PALOMINO and MARGARET MALEK in that the respondent PLR pays the bills in the family home and provides clothes and food for the subject children.

2. The respondent PLR ROBERT MALEK fails to supply the children JOE PALOMINO and MARGARET MALEK, with adequate supervision and guardianship, in that:

a. On or about June 29, 2018, the non-respondent mother Margaret Ingoglia stated to the undersigned that respondent PLR "verbally and mentally abuses" the non-respondent mother, controls everything within the family including the money, and the non-respondent mother cannot make any decisions without the respondent PLR's permission. The non-respondent mother stated that the respondent PLR monitors the non-respondent mother's text messages and telephone calls, that the respondent PLR curses at the non-respondent mother in front of the children including calling the non-respondent mother a "bitch," and that the non-respondent mother is afraid of the respondent PLR. The non-respondent mother stated that she is afraid of what the respondent PLR "is capable of" and stated that the respondent PLR threatened the non-respondent mother that if she ever leaves with the subject child MARGARET MALEK, he will go to the nursing home of the maternal grandmother and hurt the maternal grandmother.

b. Upon information and belief, the source being a conversation between the subject child JOE PALOMINO and Child Protective Specialist ("CPS") Kim James on or about June 29, 2018, the subject child stated that the respondent PLR is in a "bad mood everyday" and "threatens to hurt" the non-respondent mother. The subject child stated that both he and the non-respondent mother are being "picked on" by the PLR, and that the subject child "can't take it

anymore." The subject child stated that the respondent PLR makes him "sad."

c. On or about June 29, 2018, the subject child JOE PALOMINO stated to the undersigned that he is "scared" of the respondent PLR and that the subject child JOE PALOMINO has seen the respondent PLR "get in [the non-respondent mothers] face."

d. On or about June 29, 2018, the undersigned spoke with a caseplanner from Catholic Charities, and the caseplanner stated that she has observed the respondent PLR be "very controlling" over the family, and that the non-respondent mother and subject children are not allowed to remain in the family home until the respondent PLR returns from work, until approximately 10:30 P.M.

3. The respondent PLR ROBERT MALEK fails to supply the children JOE PALOMINO and MARGARET MALEK, with adequate supervision and guardianship by engaging in bizarre behavior or acts of a similarly serious nature which unreasonably inflicts harm upon the subject children JOE PALOMINO and MARGARET:

a. Petitioner re-alleges sections 1-2a-d

b. According to ACS case records the respondent PLR ROBERT MALEK has called thirty (30) reports to the State Central Registry against the non-respondent mother alleging that she is abusing and neglecting the subject children. All the reports called in by the respondent father have been investigated by ACS and unfounded. As a result of the respondents actions, the subject child Margaret has been forensically interviewed three (3) times and medically examined. The subject children are frequently woken up in the middle of the night by Emergency Child Protective Services (ECS) investigating the reports called in by the respondent. According to the CPS Hudson, she has informed the respondent of the consequences of calling in cases to the State Central Registry on numerous occasions; but, the respondent continues to make reports without any regards to the impact it has on the subject children.

c. According to the subject child Joe, it is difficult for him to wake up in the morning to go to school because of ECS continuously visiting the home in the middle of the night.

d. According to CPS Yolanda Jones, she has heard the subject child Margaret begging the respondent ROBERT MALEK to not call any more reports against her mother.

Based on the foregoing, the subject children are neglected or at risk of becoming neglected pursuant to Article Ten of the Family Court Act.