

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D18381
W/hu

_____AD3d_____

Submitted - February 4, 2008

ROBERT A. SPOLZINO, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2006-11808

DECISION & ORDER

In the Matter of Carmen L. (Anonymous).
Suffolk County Department of Social Services,
respondent; Eric M. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of Vanessa M. (Anonymous).
Suffolk County Department of Social Services,
respondent; Eric M. (Anonymous), appellant.
(Proceeding No. 2)

In the Matter of Nathaniel M. (Anonymous).
Suffolk County Department of Social Services,
respondent; Eric M. (Anonymous), appellant.
(Proceeding No. 3)

In the Matter of Victoria M. (Anonymous).
Suffolk County Department of Social Services,
respondent; Eric M. (Anonymous), appellant.
(Proceeding No. 4)

(Docket Nos. N-13770-05, N-13776-05,
N-13780-05, N-13781-05)

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MATTER OF M. (ANONYMOUS), VICTORIA

Arza Feldman, Uniondale, N.Y. (Steven A. Feldman of counsel), for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Gary Rosenthal of counsel),
for respondent.

Danielle I. Schwager, P.C., Central Islip, N.Y., Law Guardian for the children.

In four related child protective proceedings pursuant to Family Court Act article 10, the father appeals from an order of the Family Court, Suffolk County (Freundlich, J.), entered December 8, 2006, which, upon a fact-finding order of the same court dated December 8, 2006, entered upon his default in appearing at the fact-finding hearing, extended supervision of the father by the Suffolk County Department of Social Services until December 8, 2007.

ORDERED that the appeal is dismissed, without costs or disbursements.

The order extending supervision of the father by the Suffolk County Department of Social Services expired by its own terms on December 8, 2007. Thus, the appeal from that order must be dismissed as academic (*see Matter of Eddie J.*, 303 AD2d 587, 588; *Matter of Chavi S.*, 269 AD2d 454). Under other circumstances, this would not preclude review of the fact-finding order, which found that the father violated a prior order of supervision (*see Matter of Eddie J.*, 303 AD2d at 588), however, here the fact-finding order was entered on the father's default (*see Matter of Cynthia Hope A.*, 36 AD3d 803, 804; *Matter of Vanessa M.*, 263 AD2d 542, 543; *Matter of Ashlee X.*, 244 AD2d 707, 709). Thus, the finding that he violated a previous order of supervision cannot be reviewed because no appeal lies from an order that is entered on the default of the appealing party (*see CPLR 5511; Pinchas v Pinchas*, 19 AD3d 673, 674; *Matter of Chavi S.*, 269 AD2d 454).

SPOLZINO, J.P., ANGIOLILLO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

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