

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

D22848
W/kmg

_____AD3d_____

Argued - February 6, 2009

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-00764

DECISION & ORDER

In the Matter of Christine G. (Anonymous).
Administration for Children's Services,
respondent; Lourdes A. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of Samantha A. (Anonymous).
Administration for Children's Services,
respondent; Lourdes A. (Anonymous), appellant.
(Proceeding No. 2)

In the Matter of Willis B. (Anonymous) III.
Administration for Children's Services,
petitioner-respondent; Lourdes A. (Anonymous),
appellant; Willis B. (Anonymous) II, nonparty-
respondent.
(Proceeding No. 3)

In the Matter of Willis B., (Anonymous) II,
respondent v Lourdes A. (Anonymous), appellant.
(Proceeding No. 4)

(Docket Nos. N-35548-06, N-35549-06,
N-35550-06, V-03240-07)

Mark Diamond, New York, N.Y., for appellant.

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MATTER OF G. (ANONYMOUS), CHRISTINE
MATTER OF A. (ANONYMOUS), SAMANTHA
MATTER OF B. (ANONYMOUS), WILLIS III
MATTER OF B. (ANONYMOUS) v A. (ANONYMOUS)

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Barry P. Schwartz and Julie Steiner of counsel), for Administration for Children's Services, respondent in Proceeding Nos. 1 and 2 and petitioner-respondent in Proceeding No. 3.

Elaine McKnight, Brooklyn, N.Y., for Willis B. II, nonparty-respondent in Proceeding No. 3 and respondent in Proceeding No. 4.

Patrick R. Garcia, Brooklyn, N.Y., attorney for the child Willis B. III.

In three related neglect proceedings pursuant to Family Court Act article 10 and a related custody proceeding pursuant to Family Court Act article 6, the mother appeals, as limited by her brief, from so much of an order of the Family Court, Kings County (Olshansky, J.), entered December 17, 2007, as, in effect, denied her motion for the return of her son Willis B. III to her custody pursuant to Family Court Act § 1028, and continued the parole of the subject child to the care of his father pending the determination of the custody proceeding.

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

The mother's contention that she is entitled to relief pursuant to Family Court Act § 1028 has been rendered academic (*see Matter of Kristina R.*, 21 AD3d 560, 563).

Further, in an order dated February 11, 2009, the Family Court, Kings County, returned the subject child to the custody of the mother. Therefore, the appeal from so much of the order entered December 17, 2007, as paroled that child to the care of his father pending a determination of the custody proceeding has also been rendered academic (*see Matter of Miller v Shaw*, 51 AD3d 927).

In view of the foregoing, the instant appeal must be dismissed.

RIVERA, J.P., FLORIO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

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