

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

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_____AD3d_____

Submitted - June 12, 2009

WILLIAM F. MASTRO, J.P.
THOMAS A. DICKERSON
RANDALL T. ENG
L. PRISCILLA HALL, JJ.

2008-04128

DECISION & ORDER

In the Matter of Aaliyah R. (Anonymous).
Suffolk County Department of Social Services,
respondent; Jacqueline McD. (Anonymous), appellant.

(Docket No. NA-1416-08)

Karl E. Bonheim, Riverhead, N.Y., for appellant.

Robert C. Mitchell, Central Islip, N.Y. (Diane B. Groom of counsel), attorney for
the child.

In a child protective proceeding pursuant to Family Court Act article 10, the maternal grandmother appeals from an order of protection of the Family Court, Suffolk County (Freundlich, J.), dated April 3, 2008, which, after a fact-finding hearing, directed that she have no contact with the subject child for a period of one year.

ORDERED that on the Court's own motion, the notice of appeal dated April 29, 2008, is deemed to be a notice of appeal by the maternal grandmother, Jacqueline McD. (*see* CPLR 2001; *Matter of Tagliaferri*, 1 NY3d 605); and it is further,

ORDERED that the appeal from the order of protection is dismissed as academic, without costs or disbursements.

The order of protection expired by its own terms on April 3, 2009, and the determination of the appeal from that order would, under the facts of this case, have no direct effect

September 15, 2009

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upon the parties. Accordingly, the appeal from the order of protection must be dismissed as academic (see *Matter of Beverly R.*, 38 AD3d 668, 669; *Matter of Q.-L. H.*, 27 AD3d 738, 739).

MASTRO, J.P., DICKERSON, ENG and HALL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court