

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

D29099
H/hu

_____AD3d_____

Submitted - November 4, 2010

MARK C. DILLON, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2009-03448

DECISION & ORDER

In the Matter of Max F. (Anonymous), Jr.
Nassau County Department of Social Services,
respondent; Emma F. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of Stella F. (Anonymous).
Nassau County Department of Social Services,
respondent; Emma F. (Anonymous), appellant.
(Proceeding No. 2)

(Docket Nos. N-11260-08, N-11261-08)

Neal D. Futerfas, White Plains, N.Y., for appellant.

John Ciampoli, County Attorney, Mineola, N.Y. (Gerald R. Podlesak of counsel), for respondent.

Joseph R. Faraguna, Sag Harbor, N.Y., attorney for the children.

In two related proceedings pursuant to Family Court Act article 10, the mother appeals from an order of the Family Court, Nassau County (Dane, J.), dated March 27, 2009, which directed that the Nassau County Department of Social Services be given temporary supervision over the family.

November 23, 2010

Page 1.

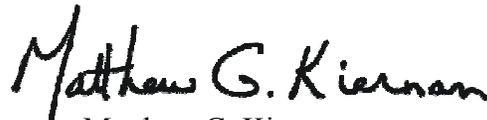
MATTER OF F. (ANONYMOUS), MAX, JR.
MATTER OF F. (ANONYMOUS), STELLA

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

The temporary order of supervision appealed from expired following the issuance of an order of fact-finding and disposition with respect to the underlying neglect petition for Max F., Jr. In addition, Stella F. is now an adult, and the underlying petition with respect to her has been dismissed. Therefore, the rights of the parties will not be directly affected by a determination as to the propriety of the temporary order of supervision (*see Matter of Perez v Sepulveda*, 60 AD3d 1072, 1073; *Matter of Nancy C. v Alison C.*, 57 AD3d 986; *Matter of Cooper-Winfield v Gary*, 9 AD3d 366, 366-367). Further, the issuance of the temporary order of supervision in this case “did not constitute a permanent and significant stigma which might indirectly affect the appellant’s status in potential future proceedings” (*Matter of McClure v McClure*, 176 AD2d 325, 326 [internal quotation marks omitted]; *see Matter of Perez v Sepulveda*, 60 AD3d at 1073; *Matter of Nancy C. v Alison C.*, 57 AD3d 986). Accordingly, the appeal from the temporary order of supervision must be dismissed.

DILLON, J.P., SANTUCCI, DICKERSON and CHAMBERS, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court