

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

D32023
Y/prt

_____AD3d_____

Submitted - June 20, 2011

MARK C. DILLON, J.P.
RANDALL T. ENG
SANDRA L. SGROI
ROBERT J. MILLER, JJ.

2010-06768
2010-06769

DECISION & ORDER

In the Matter of Winona Pi. (Anonymous).
Suffolk County Department of Social Services,
respondent; Winona Pa. (Anonymous), appellant.

(Docket No. N-16863-09)

Gina M. Scelta, Centerport, N.Y., for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Karin A. Bohrer of counsel),
for respondent.

Diane B. Groom, Central Islip, N.Y., attorney for the child.

In a child protective proceeding pursuant to Family Court Act article 10, the mother appeals from (1) an order of fact-finding and disposition of the Family Court, Suffolk County (Quinn, J.), dated June 23, 2010, which, after fact-finding and dispositional hearings, found that she neglected the subject child, released the subject child to the custody of the nonparty father, and directed her to comply with an order of protection of the same court, also dated June 23, 2010, and (2) the order of protection dated June 23, 2010, which directed her to observe certain conditions until June 23, 2011.

ORDERED that the appeals are dismissed as academic, without costs or disbursements.

The appeal from the order of fact-finding and disposition dated June 23, 2010, must

July 5, 2011

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SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES

be dismissed in light of an order of the Family Court, Suffolk County, dated November 10, 2010, entered in a related custody proceeding, which vacated all orders entered with respect to this neglect proceeding. In addition, the appeal from the order of protection must also be dismissed in light of an order of the Family Court, Suffolk County, dated September 27, 2010, which vacated that order of protection. This Court may, in general, take judicial notice of matters of public record (*see e.g. Hunter v New York, Ontario & W.R.R. Co.*, 116 NY 615, 621; *Matter of Scuderi (Scuderi)*, 247 AD2d 393; *High v City of White Plains*, 227 AD2d 525; *Matter of Chasalow v Board of Assessors of County of Nassau*, 176 AD2d 800). Since the order dated November 10, 2010, vacated the order which made a finding of neglect and awarded the father custody of the child, and the order dated September 27, 2010, vacated the order of protection, the mother's appeals have been rendered academic.

DILLON, J.P., ENG, SGROI and MILLER, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court