

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

D34034  
W/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - January 13, 2012

DANIEL D. ANGIOLILLO, J.P.  
THOMAS A. DICKERSON  
LEONARD B. AUSTIN  
JEFFREY A. COHEN, JJ.

2010-09535

DECISION & ORDER

In the Matter of Jovan W. (Anonymous).  
Administration for Children's Services, respondent;  
Ticarrah W. P. (Anonymous), appellant.

(Docket No. N-19465-10)

Yasmin Daley Duncan, Brooklyn, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Leonard Koerner and  
Pamela Seider Dolgow of counsel), for respondent.

Steven C. Bernstein, Brooklyn, N.Y., attorney for the child.

In a neglect proceeding pursuant to Family Court Act article 10, the mother appeals from an order of the Family Court, Kings County (Weinstein, J.), dated September 3, 2010, which, after a hearing, denied her application pursuant to Family Court Act § 1028 for the return of her child Jovan W. pending completion of the proceeding and directed her to undergo a mental health evaluation.

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

The mother's appeal from so much of the order as denied her application for the return of the child Jovan W. pending completion of the proceeding has been rendered academic by the Family Court's completion of the proceeding and its concomitant fact-finding determination of neglect (*see Matter of Charnel T.*, 49 AD3d 427; *Matter of Naila A.*, 39 AD3d 628, 629; *Matter of Eddie J.*, 273 AD2d 239).

February 21, 2012

MATTER OF W. (ANONYMOUS), JOVAN

Page 1.

The mother's remaining contention has also been rendered academic.

ANGIOLILLO, J.P., DICKERSON, AUSTIN and COHEN, JJ., concur.

---

2010-09535

DECISION & ORDER ON MOTION

In the Matter of Jovan W. (Anonymous).  
Administration for Children's Services, respondent;  
Ticarrah W. P. (Anonymous), appellant.

(Docket No. N-19465-10)

---

Motion by the respondent on appeal from an order of the Family Court, Kings County, dated September 3, 2010, to dismiss the appeal as academic. By decision and order of this Court dated August 9, 2011, the motion was held in abeyance and referred to the panel of Justices hearing the appeal for determination upon the argument or submission thereof.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, and upon the submission of the appeal, it is

ORDERED that the motion is denied as academic in light of the determination of the appeal.

ANGIOLILLO, J.P., DICKERSON, AUSTIN and COHEN, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court