

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

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Submitted - April 20, 2012

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2011-04946

DECISION & ORDER

In the Matter of Amiya S. (Anonymous).
Administration for Children's Services, petitioner-
respondent; Twana J.F. (Anonymous), et al.,
respondents-respondents; Joe D. (Anonymous), nonparty-appellant.
(Proceeding No. 1)

In the Matter of Sierra S. D. (Anonymous).
Administration for Children's Services, petitioner-
respondent; Twana J.F. (Anonymous), et al.,
respondents-respondents; Joe D. (Anonymous), nonparty-appellant.
(Proceeding No. 2)

(Docket Nos. N-27399-10, N-27340-10)

Elliot Green, Brooklyn, N.Y., for nonparty-appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Diana Lawless of
counsel), for petitioner-respondent (no brief filed).

Rita A. Pelt, Uniondale, N.Y., for respondent-respondent Twana J.F.

Helene Chowes, New York, N.Y., for respondent-respondent Johnny S.

Steven Banks, New York, N.Y. (Tamara A. Steckler and Claire V. Merkin of
counsel), attorney for the children.

In two related neglect proceedings pursuant to Family Court Act article 10, Joe D.,

November 14, 2012

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MATTER OF S. (ANONYMOUS), AMIYA
MATTER OF D. (ANONYMOUS), SIERRA S.

the father of Sierra S. D., appeals, as limited by his brief, from stated portions of an order of fact-finding and disposition of the Family Court, Kings County (Danoff, J.), dated April 1, 2011, which, inter alia, without a hearing, directed that the respondent Johnny S. have supervised visitation with the child Sierra S. D.

ORDERED that the appeal from so much of the order of fact-finding and disposition as directed that the respondent Johnny S. have supervised visitation with the child Sierra S. D. is dismissed as academic, without costs or disbursements; and it is further,

ORDERED that the order of fact-finding and disposition is affirmed insofar as reviewed, without costs or disbursements.

The appeal from so much of the order of fact-finding and disposition as, without a hearing, directed that the respondent Johnny S. have supervised visitation with the child Sierra S. D. must be dismissed as academic, as that portion of the order has expired (*see Matter of Sylvia J.*, 23 AD3d 560, 561; *Matter of Ciara M.*, 273 AD2d 312, 314).

The appellant's contention that the Family Court erred in placing the children with the Commissioner of Social Services without conducting a dispositional hearing is without merit.

The appellant's remaining contention is not properly before this Court.

MASTRO, J.P., FLORIO, CHAMBERS and ROMAN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court