

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

D35468  
W/ct

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

Argued - May 10, 2012

DANIEL D. ANGIOLILLO, J.P.  
ANITA R. FLORIO  
ARIEL E. BELEN  
CHERYL E. CHAMBERS, JJ.

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2011-04123

DECISION & ORDER

In the Matter of Amerriah S. (Anonymous).  
Administration for Children's Services, respondent;  
Kadiatou Y. (Anonymous), et al., appellants.  
(Proceeding No. 1)

In the Matter of Amir S. (Anonymous).  
Administration for Children's Services, respondent;  
Kadiatou Y. (Anonymous), et al., appellants.  
(Proceeding No. 2)

In the Matter of Anasia S. (Anonymous).  
Administration for Children's Services, respondent;  
Kadiatou Y. (Anonymous), et al., appellants.  
(Proceeding No. 3)

(Docket Nos. N-2168/10, N-2169/10, N-2170/10)

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Christopher J. Robles, Brooklyn, N.Y., for appellant Kadiatou Y.

DeGuerre Law Firm, P.C., Staten Island, N.Y. (Anthony DeGuerre of counsel), for  
appellant Chris S.

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

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MATTER OF S. (ANONYMOUS), AMERRIAH  
MATTER OF S. (ANONYMOUS), AMIR  
MATTER OF S. (ANONYMOUS), ANASIA

Steven Banks, New York, N.Y. (Tamara S. Steckler and Patricia Colella of counsel), attorney for the children.

In three related neglect proceedings pursuant to Family Court Act article 10, the parents appeal from an order of the Family Court, Richmond County (Wolff, J.), dated April 14, 2011, which, after a hearing, denied their application pursuant to Family Court Act § 1028 for the return of their children.

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

The appeal has been rendered academic by the Family Court's subsequent fact-finding determination of neglect (*see Matter of Jovan W. v Ticarrah W.P.*, 92 AD3d 888, 889; *Matter of Naila A.*, 39 AD3d 628; *Matter of Eddie J.*, 273 AD2d 239).

ANGIOLILLO, J.P., FLORIO, BELEN and CHAMBERS, JJ., concur.

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2011-04123

DECISION & ORDER ON MOTION

In the Matter of Amerriah S. (Anonymous).  
Administration for Children's Services, respondent;  
Kadiatou Y. (Anonymous), et al., appellants.  
(Proceeding No. 1)

In the Matter of Amir S. (Anonymous).  
Administration for Children's Services, respondent;  
Kadiatou Y. (Anonymous), et al., appellants.  
(Proceeding No. 2)

In the Matter of Anasia S. (Anonymous).  
Administration for Children's Services, respondent;  
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(Docket Nos. N-2168/10, N-2169/10, N-2170/10)

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Motion by the appellant on an appeal from an order of the Family Court, Richmond County, dated April 14, 2011, to strike the section entitled "Update" in the brief of the attorney for the children on the ground that it refers to matter dehors the record. By decision and order on motion of this Court dated May 7, 2012, the motion was held in abeyance and referred to the panel of

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Justices hearing the appeal for determination upon the reargument or submission of the appeal.

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

ORDERED that the motion is denied.

ANGIOLILLO, J.P., FLORIO, BELEN and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court