

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

D36088
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_____AD3d_____

Argued - September 6, 2012

MARK C. DILLON, J.P.
THOMAS A. DICKERSON
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2010-06704

DECISION & ORDER

In the Matter of Najad D. (Anonymous).
Administration for Children's Services, respondent;
Kiswana M. (Anonymous), appellant.
(Proceeding No. 1)

In the Matter of Najaf D. (Anonymous).
Administration for Children's Services, respondent;
Kiswana M. (Anonymous), appellant.
(Proceeding No. 2)

In the Matter of Nadra Shawwna D. (Anonymous).
Administration for Children's Services, respondent;
Kiswana M. (Anonymous), appellant.
(Proceeding No. 3)

(Docket Nos. NN-27782-06, NN-27784-06,
NN-335544-06, NN-35545-06, NN-33179-07)

Matthew M. Lupoli, Flushing, N.Y., for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Kristin M. Helmers and Norman Corenthal of counsel), for respondent.

Karen P. Simmons, Brooklyn, N.Y. (Janet Neustaetter of counsel), attorney for the child.

In related neglect proceedings pursuant to Family Court Act article 10, the mother

October 3, 2012

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MATTER OF D. (ANONYMOUS), NAJAD
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appeals, as limited by her brief, from so much of an order of disposition of the Family Court, Kings County (Elkins, J.), dated June 25, 2010, as, after a fact-finding hearing, and upon a fact-finding order of the same court dated March 4, 2009, finding that she neglected the subject children, and after a dispositional hearing, placed the subject children with the Commissioner of Social Services of Kings County until the next permanency hearing to be held on November 23, 2010. The appeal brings up for review the fact-finding order dated March 4, 2009.

ORDERED that the appeal from so much of the order of disposition as placed the subject children with the Commissioner of Social Services of Kings County until the next permanency hearing to be held November 23, 2010, is dismissed as academic, without costs or disbursements; and it is further,

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

The appeal from so much of the order of disposition as placed the subject children with the Commissioner of Social Services of Kings County until the next permanency hearing to be held on November 23, 2010, must be dismissed as academic, as the period of placement has already expired (*see Matter of Ifeiyi O.*, 53 AD3d 501). In addition, during the pendency of this appeal, the subject children were returned to the appellant mother. Nevertheless, the neglect findings against the appellant are not academic, since an adjudication of neglect and/or derivative neglect constitutes “a permanent and significant stigma which might indirectly affect the appellant’s status in future proceedings” (*id.* at 501-502; *see Matter of Amber C.*, 38 AD3d 538, 539-540). We conclude that the Family Court’s findings of fact are supported by a preponderance of the credible evidence (*see Matter of Iouke H. [Terrence H.]*, 94 AD3d 889, 891; *Matter of James S. [Kathleen S.]*, 88 AD3d 1006, 1008; *Matter of Javon T.*, 64 AD3d 608, 608-609; Family Ct Act § 1046[b][i]).

The parties’ remaining contentions are without merit, academic, or not properly before this Court.

DILLON, J.P., DICKERSON, AUSTIN and MILLER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court