

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

D36108  
G/kmb

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Submitted - September 11, 2012

RANDALL T. ENG, P.J.  
REINALDO E. RIVERA  
L. PRISCILLA HALL  
SANDRA L. SGROI, JJ.

2011-01774

DECISION & ORDER

In the Matter of Anthony C. (Anonymous), appellant.  
Suffolk County Department of Social Services,  
petitioner-respondent; Juan C. (Anonymous),  
respondent-respondent.  
(Proceeding No. 1)

In the Matter of Anthony C. (Anonymous), appellant.  
Suffolk County Department of Social Services,  
petitioner-respondent; Maria V. (Anonymous),  
respondent-respondent.  
(Proceeding No. 2)

(Docket Nos. N-968/11, N-982/11)

Elizabeth M. Niemi, Amityville, N.Y., attorney for the child, the appellant Anthony C.

Dennis M. Cohen, County Attorney, Central Islip, N.Y. (James G. Bernet of counsel),  
for petitioner-respondent.

Margaret Schaefer, Hauppauge, N.Y., for respondent-respondent Juan C.

Arza R. Feldman, Uniondale, N.Y. (Steven Feldman of counsel), for respondent-  
respondent Maria V.

In two related proceedings pursuant to Family Court Act article 10, Anthony C.

October 10, 2012

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MATTER OF C. (ANONYMOUS), ANTHONY

appeals, as limited by his brief, from so much an order of the Family Court, Suffolk County (Loguercio, J.), dated January 21, 2011, as, without a hearing, directed that he be temporarily removed from the home during the pendency of the proceedings, pursuant to Family Court Act § 1027.

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

The appeal must be dismissed, since the portion of the order that is appealed from, which directed the temporary removal of the subject child pursuant to Family Court Act § 1027, has been rendered academic, in light of a subsequent permanency order dated October 17, 2011, continuing the placement of the child, and the orders of disposition dated November 1, 2011 (*see Matter of Jovan W. v Ticarrah W.D.*, 92 AD3d 888, 889; *Matter of Nicholas B.*, 26 AD3d 764; *Matter of Jabarry W.*, 24 AD3d 218, 219; *see also Matter of Javier R.*, 43 AD3d 1). Contrary to the appellant's contention, this matter does not warrant invoking the exception to the mootness doctrine (*see Matter of Hearst Corp. v Clyne*, 50 NY2d 707, 714).

ENG, P.J., RIVERA, HALL and SGROI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court