

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

407

CAF 17-02163

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

IN THE MATTER OF NYJEEM D.

ONONDAGA COUNTY DEPARTMENT OF CHILDREN AND
FAMILY SERVICES, PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

SHAINA D., RESPONDENT,
AND JOHN D., RESPONDENT-APPELLANT.
(APPEAL NO. 1.)

FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (DANIELLE K. BLACKABY OF
COUNSEL), FOR RESPONDENT-APPELLANT.

ROBERT A. DURR, COUNTY ATTORNEY, SYRACUSE (CATHERINE Z. GILMORE OF
COUNSEL), FOR PETITIONER-RESPONDENT.

RICHARD T. WARD, SYRACUSE, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Onondaga County
(Michael L. Hanuszczak, J.), entered November 9, 2017 in a proceeding
pursuant to Family Court Act article 10. The order, among other
things, temporarily placed the subject child with petitioner.

It is hereby ORDERED that said appeal is unanimously dismissed
without costs.

Memorandum: In these proceedings pursuant to Family Court Act
article 10, petitioner filed an amended petition seeking to modify
prior dispositional orders, entered after the subject children were
adjudicated to be neglected, by directing that the children be removed
from the care of respondent mother and father and placed in the
custody of petitioner. In appeal Nos. 1 and 2, the father appeals
from two temporary orders that, inter alia, removed the subject
children from respondents' care and placed them in the care and
custody of petitioner pending the completion of a hearing on the
amended petition. In appeal Nos. 3 and 4, respondents appeal from
final orders that, inter alia, granted the amended petition and
continued placement of the subject children with petitioner until the
completion of the next permanency hearing in June 2018. We conclude
that the appeals must be dismissed as moot. In each appeal,
respondents challenge only the disposition, and those challenges are
moot inasmuch as it is undisputed that superseding permanency orders
have since been entered, in which respondents stipulated that it would
be in the best interests of the children to continue their placement
with petitioner (*see Matter of Victoria B. [Jonathan M.]*, 164 AD3d

578, 580 [2d Dept 2018]; *Matter of Anthony L. [Lisa P.]*, 144 AD3d 1690, 1691 [4th Dept 2016], *lv denied* 28 NY3d 914 [2017]).

Entered: July 31, 2019

Mark W. Bennett
Clerk of the Court