

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

1549

CAF 08-01180, CAF 08-01423

PRESENT: HURLBUTT, J.P., SMITH, CENTRA, GREEN, AND PINE, JJ.

IN THE MATTER OF ASHLEY L.C., CHRISTEN N.C.
AND ZACHARIAH J.C.

MEMORANDUM AND ORDER

ALLEGANY COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

JAMES L.C. AND DIANNE L.M.,
RESPONDENTS-APPELLANTS.

EDWARD J. DEGNAN, CANISTEO, FOR RESPONDENT-APPELLANT JAMES L.C.

TIMOTHY PATRICK MURPHY, WILLIAMSVILLE, FOR RESPONDENT-APPELLANT DIANNE L.M.

THOMAS A. MINER, COUNTY ATTORNEY, BELMONT (NORA K. CARNES OF COUNSEL),
FOR PETITIONER-RESPONDENT.

DAVID C. BRAUTIGAM, LAW GUARDIAN, HOUGHTON, FOR ASHLEY L.C. AND
CHRISTEN N.C.

DAVID E. CODDINGTON, LAW GUARDIAN, HORNELL, FOR ZACHARIAH J.C.

Appeals from an order of the Family Court, Allegany County (Thomas P. Brown, J.), entered May 27, 2008 in a proceeding pursuant to Family Court Act article 10. The order, among other things, placed respondents' children in the care and custody of petitioner.

It is hereby ORDERED that said appeal from the order insofar as it concerned placement is unanimously dismissed and the order is otherwise affirmed without costs.

Memorandum: Respondent parents appeal from an order that, inter alia, adjudicated their children to be neglected based upon their admission of neglect and placed the children in the care and custody of petitioner. We dismiss as moot respondent mother's appeal from the order insofar as it concerned the placement of the children inasmuch as the placement has expired (*see Matter of Julia R.*, 52 AD3d 1310, 1311, *lv denied* 11 NY3d 709; *Matter of Abbi M.*, 37 AD3d 1084). The mother's remaining contention concerning the order is without merit. Respondent father contends on appeal that he received ineffective assistance of counsel. That contention lacks merit, because the record before us in fact establishes that he received meaningful representation (*see Matter of Derrick C.*, 52 AD3d 1325, 1326, *lv denied* 11 NY3d 705; *Matter of Christopher W.*, 42 AD3d 692, 693). The

father failed to preserve for our review his remaining contention, i.e., that he was denied procedural due process, including notice (see generally *Matter of Vanessa S.*, 20 AD3d 924; *Matter of Longo v Wright*, 19 AD3d 1078, 1078-1079; *Matter of Jamel Isaiah R.*, 18 AD3d 558), and in any event that contention is without merit.