

COURT OF APPEALS NEW FILINGS

Preliminary Appeal Statements processed
by the Court of Appeals Clerk's Office

December 9, 2016 through December 15, 2016

Each week the Clerk's Office prepares a list of recently-filed appeals, indicating short title, jurisdictional predicate, subject matter and key issues. Some of these appeals may not reach decision on the merits because of dismissal, on motion or sua sponte, or because the parties stipulate to withdrawal. Some appeals may be selected for review pursuant to the alternative procedure of Rule 500.11. For those appeals that proceed to briefing in the normal course, the briefing schedule generally will be: appellant's brief to be filed within 60 days after the appeal was taken; respondent's brief to be filed within 45 days after the due date for the filing of appellant's brief; and a reply brief, if any, to be filed within 15 days after the due date for the filing of respondent's brief.

The Court welcomes motions for amicus curiae participation from those qualified and interested in the subject matter of these newly filed appeals. Please refer to Rule 500.23 and direct any questions to the Clerk's Office.

MATTER OF JAMIE J. (WAYNE COUNTY DEPARTMENT OF SOCIAL SERVICES;
MICHELLE E.C.):

4TH Dept. App. Div. order of 11/10/16; affirmance with dissents; sua sponte examination whether the order appealed from finally determines the proceeding within the meaning of the Constitution, whether the order appealed from will be rendered moot in light of continued permanency hearings, and whether appellant is aggrieved by the order appealed from in light of her consent to the continued placement of the child with petitioner;
PARENT, CHILD AND FAMILY - ABUSED OR NEGLECTED CHILD - WHETHER FAMILY COURT LACKED SUBJECT MATTER JURISDICTION TO CONDUCT A PERMANENCY HEARING AND CONTINUE FOSTER CARE PLACEMENT OF THE CHILD FOLLOWING DISMISSAL OF THE NEGLECT PETITION - WHETHER THE APPELLATE DIVISION'S INTERPRETATION OF ARTICLE 10-A OF THE FAMILY COURT ACT RENDERS THE STATUTE UNCONSTITUTIONAL;

Family Court, Wayne County, in a proceeding pursuant to the Family Court Act, among other things, continued the placement of the child with petitioner; App. Div. affirmed.