

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

D55089

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Submitted - March 20, 2018

RUTH C. BALKIN, J.P.  
LEONARD B. AUSTIN  
SANDRA L. SGROI  
ANGELA G. IANNACCI, JJ.

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2016-11298

DECISION & ORDER

In the Matter of Mahar E. (Anonymous).  
Suffolk County Department of Social Services,  
appellant, Mahmuda E. (Anonymous),  
et al., respondents.

(Docket Nos. N-17786-16, N-17787-16)

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Dennis M. Brown, County Attorney, Central Islip, NY (James G. Bernet of counsel),  
for appellant.

Laurette Mulry, Central Islip, NY (John B. Belmonte of counsel), attorney for the  
child.

In a proceeding pursuant to Family Court Act article 10, the petitioner appeals from  
an order of the Family Court, Suffolk County (Philip Goglas, J.), dated October 26, 2016. The order  
directed the temporary removal of the child Mahar E. pursuant to Family Court Act § 1022.

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

The Suffolk County Department of Social Services (hereinafter DSS) appeals from  
an order dated October 26, 2016, which directed the temporary removal of the child Mahar E.  
pursuant to Family Court Act § 1022. That order, however, was superseded five days later by a  
removal order issued pursuant to Family Court Act § 1027, which DSS did not oppose, and from  
which no appeal was taken. Accordingly, DSS waived any issues with respect to the order appealed  
from. Moreover, the removal order pursuant to Family Court Act § 1027 rendered the appeal from

April 18, 2018


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MATTER OF E. (ANONYMOUS), MAHAR

the removal order pursuant to Family Court Act § 1022 academic (*see Matter of Darlene L.*, 38 AD3d 552, 554).

BALKIN, J.P., AUSTIN, SGROI and IANNACCI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court