

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

**512**

**CAF 17-00252**

PRESENT: CENTRA, J.P., DEJOSEPH, NEMOYER, AND WINSLOW, JJ.

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IN THE MATTER OF AMOLLYAH B., BRINNLEY B.,  
BROOKLYN B., AND VANESSAH B.

MEMORANDUM AND ORDER

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JEFFERSON COUNTY DEPARTMENT OF SOCIAL  
SERVICES, PETITIONER-RESPONDENT;

TIFFANY R., RESPONDENT-APPELLANT.

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THE SAGE LAW FIRM GROUP, PLLC, BUFFALO (KATHRYN FRIEDMAN OF COUNSEL),  
FOR RESPONDENT-APPELLANT.

DAVID J. PAULSEN, COUNTY ATTORNEY, WATERTOWN (ARTHUR C. STEVER, IV, OF  
COUNSEL), FOR PETITIONER-RESPONDENT.

CARRIE M. MASON, ADAMS, ATTORNEY FOR THE CHILDREN.

MELISSA L. KOFFS, CHAUMONT, ATTORNEY FOR THE CHILD.

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Appeal from an order of the Family Court, Jefferson County  
(Eugene J. Langone, Jr., J.), entered January 4, 2017 in a proceeding  
pursuant to Family Court Act article 10. The order, inter alia,  
modified the permanency goal for the subject children to placement for  
adoption or placement with a relative.

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

Memorandum: In this proceeding pursuant to Family Court Act  
article 10, respondent mother appeals from an order in which Family  
Court modified the permanency goals with respect to the mother's four  
children from reunification to adoption or placement with a relative.

We conclude that the mother's appeal must be dismissed.  
Initially, we note that the mother did not appeal from the order of  
fact-finding and disposition in which the court made a finding of  
neglect. Consequently, because the mother failed to appeal from that  
order, her contentions with respect to the finding of neglect are not  
properly before us in this appeal from a permanency order (see  
*generally Matter of Arkadian S. [Crystal S.]*, 130 AD3d 1457, 1458 [4th  
Dept 2015], *lv dismissed* 26 NY3d 995 [2015]; *Matter of Breyanna S.*,  
52 AD3d 342, 342-343 [1st Dept 2008], *lv denied* 11 NY3d 711 [2008];  
*Matter of James H.*, 281 AD2d 920, 920-921 [4th Dept 2001], *appeal  
dismissed* 96 NY2d 896 [2001], *cert denied* 534 US 1090 [2002]).  
Furthermore, the mother's challenge to the permanency order must be

dismissed as moot inasmuch as superseding permanency orders have since been entered (see *Matter of Anthony L. [Lisa P.]*, 144 AD3d 1690, 1691 [4th Dept 2016], *lv denied* 28 NY3d 914 [2017]; *Matter of Alexander M. [Michael M.]*, 83 AD3d 1400, 1401 [4th Dept 2011], *lv denied* 17 NY3d 704 [2011]; *Breeyanna S.*, 52 AD3d at 342).

Entered: May 4, 2018

Mark W. Bennett  
Clerk of the Court