

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: November 10, 2005

97343

In the Matter of BRADLEY J.,
a Person in Need of
Supervision.

FRANKLIN COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Respondent;

MEMORANDUM AND ORDER

BRADLEY J.,
Appellant.

Calendar Date: September 6, 2005

Before: Cardona, P.J., Mercure, Crew III, Carpinello and
Rose, JJ.

Richard V. Manning, Law Guardian, Parishville, for
appellant.

Jonathan C. Wool, Franklin County Department of Social
Services, Malone (Jonathan C. Wool of counsel), for respondent.

Cardona, P.J.

Appeal from an order of the Family Court of Franklin County
(Cortese, J.), entered October 22, 2004, which, inter alia,
granted petitioner's application, in a proceeding pursuant to
Family Ct Act article 7, to extend respondent's placement.

Respondent was adjudicated a person in need of supervision
pursuant to Family Ct Act article 7 and placed in petitioner's
custody for a period of 12 months commencing in September 2001.
The placement was twice extended for 12-month periods. Shortly

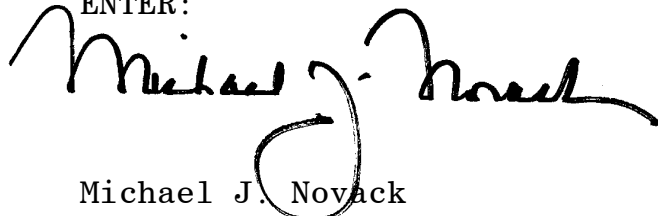
before the expiration of the second extension, petitioner commenced this proceeding seeking an additional 12-month extension and approval of a permanency plan. Following a hearing, Family Court granted the petition, subject to a six-month review of respondent's progress. At that time, respondent appealed. Subsequently, on August 5, 2005, an order on consent was entered, which approved the parties' agreement to extend respondent's placement with petitioner until June 2006.

Initially, we note that respondent does not challenge his adjudication as a person in need of supervision but, rather, appeals from Family Court's October 2004 order extending his placement with petitioner. As such, the August 2005 order on consent, which supercedes the order at issue, renders the instant appeal moot (see Matter of Carella v Ferrara, 9 AD3d 605, 605 [2004]; Matter of Nikita ZZ. [Victoria ZZ.], 307 AD2d 415, 416 [2003]; Matter of Catherine MM. v Ulster County Dept. of Social Servs., 293 AD2d 778, 779 [2002]). While respondent does not address the issue, our review of the record does not reveal any exception to the mootness doctrine.

Mercure, Crew III, Carpinello and Rose, JJ., concur.

ORDERED that the appeal is dismissed, as moot, without costs.

ENTER:

A handwritten signature in black ink, appearing to read "Michael J. Novack". The signature is written in a cursive style with a large, looping initial "M".

Michael J. Novack
Clerk of the Court