

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

Decided and Entered: November 22, 2006

96796

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In the Matter of VIVIAN OO.,  
a Neglected Child.

JAMES OO.,  
Appellant;

TOMPKINS COUNTY DEPARTMENT OF  
SOCIAL SERVICES,  
Respondent.

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MEMORANDUM AND ORDER

In the Matter of VIVIAN OO.,  
a Neglected Child.

CLAIRE OO.,  
Appellant;

TOMPKINS COUNTY DEPARTMENT OF  
SOCIAL SERVICES,  
Respondent.

(And Two Other Related Proceedings.)

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Calendar Date: October 18, 2006

Before: Carpinello, J.P., Rose, Lahtinen and Kane, JJ.

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David M. Parks, Ithaca, for James OO., appellant.

Yeshaya Poyurs, Ithaca, for Claire OO., appellant.

Andrea J. Mooney, Tompkins County Department of Social  
Services, Ithaca, for respondent.

Erin E. McKinley, Law Guardian, Ithaca.

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Rose, J.

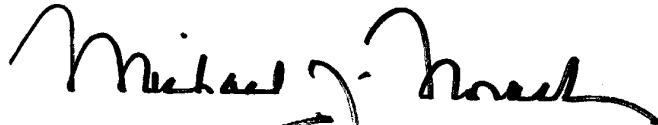
Appeal from an order of the Family Court of Tompkins County (Rowley, J.), entered August 31, 2004, which, inter alia, dismissed petitioners' applications, in four proceedings pursuant to Family Ct Act article 10, to terminate placement of the subject child.

Petitioners' child, born in 2001, was adjudicated as neglected and placed in respondent's care in February 2002. This placement was extended in January 2003 with petitioners' consent. Later in 2003, petitioners separately petitioned for termination of the child's placement. Respondent ultimately cross-petitioned for continued placement and, in other proceedings based upon subsequent events, sought termination of petitioners' parental rights. Following a hearing as to placement, Family Court granted respondent's application for an extension, prompting the current appeals by petitioners. Since that time, however, not only did the order extending placement expire, but the parental rights of both petitioners were terminated by a Family Court order entered November 3, 2005. This Court has now reviewed and affirmed that order as to the father (Matter of Vivian 00. [James 00.], \_\_\_ AD3d \_\_\_, 822 NYS2d 672 [2006]) and as to the mother (Matter of Vivian 00. [Claire 00.], \_\_\_ AD3d \_\_\_ [2006] [decided herewith]). As a result, petitioners' appeal from the order extending placement is moot (see Matter of Norbert YY. [Tammy A.], 28 AD3d 815, 816 [2006]; Matter of Senator NN. [Donna NN.], 21 AD3d 1187, 1188 [2005]; Matter of Natasha F. [George H.], 15 AD3d 788, 789 [2005]). Also, we are unpersuaded that an exception to the mootness doctrine has been demonstrated by the father (see Matter of Norbert YY. [Tammy A.], supra).

Carpinello, J.P., Lahtinen and Kane, JJ., concur.

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

ENTER:



Michael J. Novack  
Clerk of the Court