

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

Decided and Entered: November 30, 2006

99153

In the Matter of KILA DD. and
Others, Abused and Neglected
Children.

SCHOHARIE COUNTY DEPARTMENT OF
SOCIAL SERVICES,

MEMORANDUM AND ORDER

Respondent;

ANTONIO EE.,

Appellant.

Calendar Date: October 19, 2006

Before: Mercure, J.P., Peters, Spain, Carpinello and Kane, JJ.

Tully, Rinckey & Associates, Albany (Greg T. Rinckey of
counsel), for appellant.

David P. Lapinel, Schoharie County Department of Social
Services, Schoharie, for respondent.

Teresa A. Meade, Law Guardian, Middleburgh.

Kane, J.

Appeal from an order of the Family Court of Schoharie
County (Bartlett III, J.), entered October 24, 2005, which
granted petitioner's application, in a proceeding pursuant to
Family Ct Act article 10, to extend the placement of respondent's
children and approved petitioner's permanency plan.

Respondent's three children were placed in foster care in
December 2000. Family Court subsequently adjudicated the

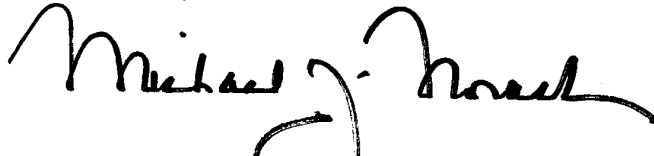
children abused and neglected, and this Court affirmed that determination (28 AD3d 805 [2006]). In March 2002, the court placed the children in petitioner's custody through February 2003. This placement was later extended to March 2005. In January 2005, petitioner filed applications for further extension of the children's placement and to terminate both parents' parental rights, thus freeing the children for adoption. After a hearing, the court extended the placement in foster care and approved a permanency plan of adoption. Respondent appealed. Subsequent to the filing of this appeal, in March 2006, the court adjudicated the children to be permanently neglected and terminated respondent's parental rights.¹

Based on the subsequent order terminating respondent's parental rights, the issues surrounding the order extending placement of his children in foster care are now moot (see Matter of Natasha F. [George H.], 15 AD3d 788, 789 [2005]).

Mercure, J.P., Peters, Spain and Carpinello, 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 fluid and cursive, with a large loop at the end.

Michael J. Novack
Clerk of the Court

¹ Respondent's appeal from this subsequent order is pending before this Court.