

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

Decided and Entered: June 5, 2008

503080

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In the Matter of SAMANTHA H.,  
Alleged to be a Neglected  
Child.

CLINTON COUNTY DEPARTMENT OF  
SOCIAL SERVICES,  
Respondent;

MEMORANDUM AND ORDER

DUANE H.,  
Respondent.

TINA J.,  
Appellant.

(And Another Related Proceeding.)

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Calendar Date: April 28, 2008

Before: Mercure, J.P., Spain, Lahtinen, Kane and Malone Jr., JJ.

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Diane Webster-Brady, Plattsburgh, for appellant.

John Dee, Department of Social Services, Plattsburgh, for  
Clinton County Department of Social Services, respondent.

Rebecca L. Fox, Schuyler Falls, for Traci I., respondent.

Omshanti Parnes, Law Guardian, Plattsburgh.

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Appeals from two orders of the Family Court of Clinton  
County (Lawliss, J.), entered July 17, 2007, which, in a  
proceeding pursuant to Family Ct Act article 10, among other  
things, issued an order of protection.

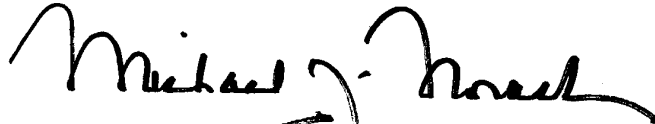
Tina J. is the mother of the subject child (born in 1993) and is not a party to this neglect proceeding against respondent, the child's father. Respondent consented to an order finding Samantha H. and another child to be neglected. Following a dispositional hearing, Family Court issued an order placing Samantha H. in petitioner's custody. In connection with that order, the court also entered an order of protection directing Tina J. to refrain from communicating with and stay 1,000 feet away from the child except during periods of supervised visitation (see Family Ct Act § 1056). The order of protection was to remain in effect until December 28, 2007.

Tina J. now appeals, as limited by her brief, from only the order of protection. That order, however, has both expired by its own terms and been superseded by a subsequent order of protection that directs Tina J. to stay away from the child at all times, with no visitation permitted. Accordingly, this appeal is moot and must be dismissed (see Matter of Senator NN., 21 AD3d 1187, 1188 [2005]; Matter of Marcel S., 15 AD3d 808, 809 [2005]).

Mercure, J.P., Spain, Lahtinen, Kane and Malone Jr., 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