

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

Decided and Entered: April 2, 2009

505257

In the Matter of PAITIN W.
and Others, Alleged to be
Neglected Children.

COLUMBIA COUNTY DEPARTMENT OF
SOCIAL SERVICES,

MEMORANDUM AND ORDER

Respondent;

BRIAN Y.,

Appellant.

Calendar Date: February 11, 2009

Before: Mercure, J.P., Rose, Lahtinen, Malone Jr. and
Kavanagh, JJ.

Arlene Levinson, Public Defender, Hudson (Jessica Howser of
counsel), for appellant.

Columbia County Department of Social Services, Hudson
(James A. Carlucci of counsel), for respondent.

Margaret E. Donnelly, Law Guardian, East Greenbush.

Kavanagh, J.

Appeal from an order of the Family Court of Columbia County
(Czajka, J.), entered July 30, 2008, which granted petitioner's
application, in a proceeding pursuant to Family Ct Act article
10, for an order of protection.

In July 2008, petitioner commenced this proceeding for a
determination that respondent had neglected his girlfriend's

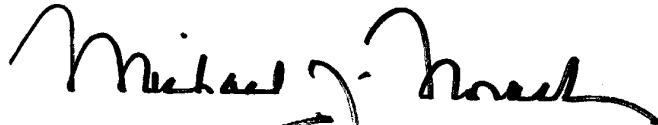
children. In connection with that neglect petition, petitioner sought a temporary order of protection directing that respondent have no contact with his girlfriend's children and, further, that he should have no contact with any children under the age of 21. After a hearing, Family Court issued a temporary order of protection that prohibited respondent from having contact with any child under the age of 21. Respondent now appeals from that temporary order of protection.

The only relief sought by respondent is for modification of the temporary order of protection by deleting the portion of the order that prevented him from having contact with all children under the age of 21. Inasmuch as the temporary order of protection from which respondent appeals expired by its express written terms on December 21, 2008, and there has been no extension of the order, respondent's challenge to the order is moot (see Matter of Marchand v Nazzaro, 55 AD3d 968, 969 [2008]; Matter of Cadejah AA., 25 AD3d 1027, 1028-1029 [2006], lv denied 7 NY3d 705 [2006]; Matter of Senator NN., 21 AD3d 1187, 1188 [2005]; Matter of Noor v Noor, 15 AD3d 788, 789 [2005]; Matter of Schreiber v Schreiber, 2 AD3d 1094, 1095 [2003]). Accordingly, the appeal must be dismissed.

Mercure, J.P., Rose, Lahtinen and Malone Jr., JJ., concur.

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

ENTER:



Michael J. Novack
Clerk of the Court