

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

Decided and Entered: June 2, 2011

510205

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In the Matter of SKYLER R.,  
Alleged to be an Abused  
Child.

DELAWARE COUNTY DEPARTMENT OF  
SOCIAL SERVICES,

MEMORANDUM AND ORDER

Respondent;

KRISTY R.,

Appellant.

(And Another Related Proceeding.)

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Calendar Date: April 21, 2011

Before: Mercure, J.P., Spain, Kavanagh, Stein and Garry, JJ.

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Victor B. Carrascoso, Cooperstown, for appellant.

Porter L. Kirkwood, County Attorney, Delhi, for Delaware  
County Department of Social Services, respondent.

Sandra M. Colatosti, Albany, for George R., respondent.

Robert A. Gouldin, Oneonta, attorney for the child.

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Appeal from an order of the Family Court of Delaware County  
(Becker, J.), entered July 23, 2010, which, in a proceeding  
pursuant to Family Ct Act article 10, temporarily placed  
respondent's child in the custody of petitioner.

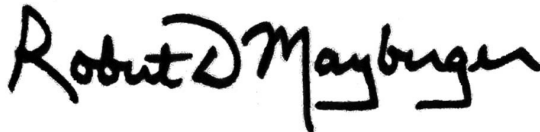
Petitioner commenced this proceeding against respondent  
(hereinafter the mother) the day after the subject child was

born, seeking an adjudication of neglect and the child's removal from the mother and the father, who is the respondent in a related neglect proceeding. Following a preliminary hearing pursuant to Family Ct Act § 1027, Family Court ordered temporary removal of the child and placement with petitioner. Thereafter, the mother and father each stipulated to a finding of neglect, and the mother consented to an order of adjournment in contemplation of dismissal, which continues the child's placement with petitioner until January 2012.<sup>1</sup> Based upon these subsequent events, this appeal by the mother from the temporary removal order is moot, and the exception to the mootness doctrine does not apply (see Matter of Michael A., 79 AD3d 1230, 1231 [2010]; Matter of Kiearah P., 46 AD3d 958, 959 [2007]; see also Matter of Cheyenne A., 56 AD3d 1008, 1009 [2008]). Accordingly, this appeal must be dismissed.

Mercure, J.P., Spain, Kavanagh, Stein and Garry, JJ.,  
concur.

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

ENTER:



Robert D. Mayberger  
Clerk of the Court

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<sup>1</sup> An order of disposition was entered against the father placing the child in petitioner's custody.