

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

Decided and Entered: December 8, 2011

510867

In the Matter of RILEY SS.
and Another, Alleged to be
Permanently Neglected
Children.

DELAWARE COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Appellant;

MEMORANDUM AND ORDER

RICHARD SS.,
Respondent.

(And Another Related Proceeding.)

Calendar Date: October 19, 2011

Before: Spain, J.P., Rose, Malone Jr., Stein and Egan Jr., JJ.

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

Law Office of Christopher A. Pogson, Binghamton
(Christopher A. Pogson of counsel), for respondent.

Malone Jr., J.

Appeal from an order of the Family Court of Delaware County
(Becker, J.), entered July 1, 2010, which, in a proceeding
pursuant to Social Services Law § 384-b, granted respondent's
motion to dismiss the petition.

In August 2009, petitioner commenced this proceeding
seeking to adjudicate the subject children to be permanently

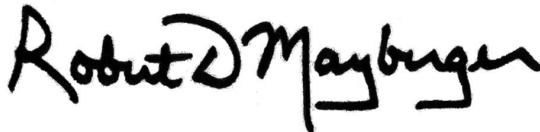
neglected and terminate respondent's parental rights, alleging that, for a period of one year during which the children were in petitioner's care, respondent had failed to substantially and continuously plan for the children's future. Family Court granted respondent's motion to dismiss the petition, finding that the children had not been in petitioner's care for at least one year before the proceeding was commenced. Petitioner appeals.

We take judicial notice of the fact that, subsequent to the entry of the order from which petitioner appeals, respondent voluntarily executed judicial surrenders of his parental rights as to the subject children (see Social Services Law § 383-c [3]). Because respondent's parental rights as to the subject children have been terminated, this appeal must be dismissed as moot (see Matter of Deamari W. [Howard W.], 83 AD3d 1489 [2011]; see also Matter of Riley II. [Sierra II.], 68 AD3d 1312 [2009]).

Spain, J.P., Rose, Stein and Egan Jr., JJ., concur.

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

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court