

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

Decided and Entered: June 4, 2015

519395

In the Matter of CHEYENNE BB.
and Another, Alleged to be
Neglected Children.

SCHOHARIE COUNTY DEPARTMENT OF
SOCIAL SERVICES,
Respondent;

MEMORANDUM AND ORDER

KIMBERLY CC.,
Appellant.

Calendar Date: April 20, 2015

Before: Lahtinen, J.P., Rose, Devine and Clark, JJ.

Thomas F. Garner, Middleburgh, for appellant.

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

Teresa Meade, Middleburgh, attorney for the children.

Lahtinen, J.P.

Appeal from an order of the Family Court of Schoharie
County (Wilhelm, J.), entered April 30, 2014, which granted
petitioner's application, in a proceeding pursuant to Family Ct
Act article 10, to extend the period of petitioner's supervision
of respondent.

In 2010, respondent's two children (born in 2005 and 2006)
were adjudicated neglected and, although the children were
permitted to remain in respondent's home, respondent was placed

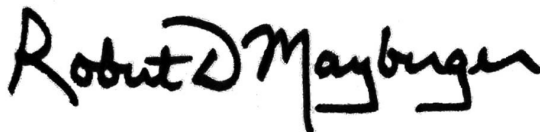
under petitioner's supervision for 12 months. Thereafter, the periods of supervision were annually extended by Family Court. After a hearing in which petitioner presented proof of uncleanliness and safety issues at respondent's home, Family Court again extended supervision. Respondent appeals from such order.

Initially, we note that since the order from which the appeal is taken expired January 17, 2015, this appeal is moot. However, were we to consider respondent's argument we would find it meritless. "Family Court is authorized to make successive extensions of supervision upon a hearing and for good cause shown, and we generally do not disturb such an extension unless it lacks a sound basis in the record" (Matter of Blaize F. [Christopher F.], 74 AD3d 1454, 1455 [2010] [internal quotation marks and citations omitted]). Here, Family Court noted in its bench decision its desire to terminate supervision, but determined that a further extension was necessitated by evidence of, among other things, conditions of acute clutter and filth in the home affecting the children, as well as a lack of minimal consistent efforts by respondent to basic cleanliness. Were this issue properly before us, we would find that a sound basis exists in the record supporting Family Court's decision.

Rose, Devine and Clark, 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