

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

Decided and Entered: February 20, 2020

527493

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In the Matter of BRIAN HH.,  
Appellant,

v

LISA HH.,  
Respondent.

MEMORANDUM AND ORDER

(And Two Other Related Proceedings.)

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Calendar Date: January 9, 2020

Before: Garry, P.J., Mulvey, Aarons, Pritzker and  
Colangelo, JJ.

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Lisa A. Natoli, Norwich, for appellant.

Steven J. Getman, County Attorney, Watkins Glen (Kristin  
E. Hazlitt of counsel), for Schuyler County Department of Social  
Services, respondent.

Sara A. Morton, Elmira, attorney for the child.

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Aarons, J.

Appeal from an order of the Family Court of Schuyler  
County (Morris, J.), entered August 24, 2018, which, among other  
things, dismissed petitioner's application, in a proceeding  
pursuant to Family Ct Act article 6, for custody of the parties'  
child.

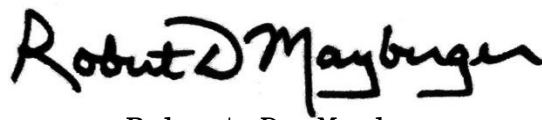
Petitioner (hereinafter the father) and respondent (hereinafter the mother) are the separated parents of a child (born in 2006). The father resided in Tennessee and the parties shared joint legal custody of the child with the father having visitation as agreed. In February 2017, the Schuyler County Department of Social Services commenced the first of these proceedings alleging that the mother neglected the child. Notice of this proceeding was given to the father. Pursuant to an April 2017 order, the child, with the mother's consent, was placed in the custody of a friend. In July 2017, the father filed a petition under Family Ct Act article 6 seeking custody of the child. Following hearings, in an August 2018 order, Family Court dismissed the father's petition. The father appeals.

This Court has been advised that, since the August 2018 order was issued, the father's parental rights have been terminated. In view of this, the father's appeal from the order dismissing his custody petition is moot (see Matter of Serenity KK. [Cynthia KK.], 80 AD3d 818, 818-819 [2011]; Matter of James M. v Linda M., 250 AD2d 684, 684 [1998], appeal dismissed 92 NY2d 918 [1998]). Because the exception to the mootness doctrine does not apply (see generally Matter of Hearst Corp. v Clyne, 50 NY2d 707, 714-715 [1980]), the father's appeal must be dismissed.

Garry, P.J., Mulvey, Pritzker and Colangelo, 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 style with a large, prominent "R" and "M".

Robert D. Mayberger  
Clerk of the Court