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

Decided and Entered: May 23, 2024 CV-22-2094

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In the Matter of PATRICK C.,
Petitioner,
v MEMORANDUM AND ORDER

RACHEL KK.,
Appellant.

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Calendar Date: April 29, 2024

Before: Garry, P.J., Egan Jr., Clark, Lynch and Mackey, JJ.

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*Lisa A. Burgess*, Indian Lake, for appellant.

*Karen R. Crandall*, Schenectady, attorney for the child.

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Garry, P.J.

Appeal from an order of the Family Court of Washington County (Adam D. Michelini, J.), entered November 10, 2022, which, among other things, granted petitioner's application, in a proceeding pursuant to Family Ct Act article 8, for an order of protection.

In May 2022, petitioner filed a family offense petition against respondent – his ex-wife and the mother of his two children (born in 2003 and 2005) – seeking an order of protection. Petitioner alleged that respondent had committed multiple family offenses against him and his now-wife based upon, among other things, threatening voicemails and emails he had received from her as well as two incidents when she had made physical contact with his person. Following a fact-finding hearing, Family Court found that respondent had committed aggravated harassment in the second degree (*see* Penal Law §

240.30 [2]), multiple incidents of harassment in the second degree (*see* Penal Law § 240.26 [1]) and disorderly conduct (*see* Penal Law § 240.20 [2]) and issued a two-year no-contact order of protection for the benefit of petitioner and his wife. Respondent appeals.

Respondent does not challenge Family Court's finding that she committed the family offenses resulting in the issuance of the order of protection and admits to her underlying conduct. Instead, respondent's sole contention on appeal is that Family Court erred in imposing the no-contact provision included in the order, as she and petitioner need to communicate regarding the needs of the younger child and asks that this Court modify the order of protection to allow for this communication. However, the younger child turned 18 during the pendency of this appeal and therefore the parties no longer need to communicate regarding issues of custody and visitation, and either party may communicate directly with the younger child regarding her needs. For this reason, the sole contention raised by respondent has been rendered moot, as granting the limited relief sought "would not result in [any] immediate and practical consequences" to the parties (*Matter of Amy TT. v Ryan UU.*, 183 AD3d 988, 990 [3d Dept 2020] [internal quotation marks and citations omitted]; *see Matter of Jasmin NN. v Jasmin C.*, 167 AD3d 1274, 1277 [3d Dept 2018]; *cf. Matter of Daniel QQ. v Tanya RR.*, 217 AD3d 1080, 1081 [3d Dept 2023]). Furthermore, the exception to the mootness doctrine does not apply.[1]

Egan Jr., Clark, Lynch and Mackey, JJ., concur.

[1] To the extent the attorney for the younger child requested certain affirmative relief not sought by respondent, she is barred from seeking this relief as she did not file a notice of appeal (*see Matter of Charity K. v Sultani L.*, 202 AD3d 1346, 1349 [3d Dept 2022]).

ORDERED that the order is affirmed, without costs.

ENTER:

Robert D. Mayberger
Clerk of the Court