

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

Decided and Entered: June 18, 2026

CV-24-1616

In the Matter of JEFFREY O.,
Appellant,

v

CASEY Q.,
Respondent.

MEMORANDUM AND ORDER

(And Other Related Proceedings.)

Calendar Date: April 22, 2026

Before: Aarons, J.P., Reynolds Fitzgerald, Powers, Corcoran and Ryba, JJ.

John A. Cirando, Syracuse, for appellant.

Christopher Hammond, Cooperstown, for respondent.

Michelle I. Rosien, Philmont, attorney for the child.

Aarons, J.P.

Appeal from an order of the Family Court of Cortland County (Julie Campbell, J.), entered September 24, 2024, which, in proceedings pursuant to Family Ct Act articles 6 and 8, denied petitioner's motion to, among other things, remove the attorney for the child.

Petitioner (hereinafter the father) and respondent (hereinafter the mother) are the parents of a child (born in 2017).¹ In June 2024, following a hearing, Family Court (Alexander, J.) issued two orders of protection in favor of each party against the other. Thereafter, in September 2024, the father moved by order to show cause to remove the attorney for the child (hereinafter AFC) for ineffective assistance of counsel and professional misconduct. Family Court (Campbell, J.) declined to sign the show-cause order and, in a separate decision and order, dismissed the father's motion for lack of jurisdiction. This appeal ensued.

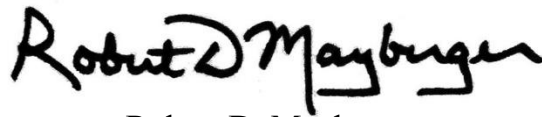
This appeal is dismissed. A party may not appeal as of right from a nondispositional order issued in a Family Ct Act proceeding (*see* Family Ct Act § 1112 [a]; *Matter of James R. v Jennifer S.*, 188 AD3d 1509, 1510 n 1 [3d Dept 2020]). Acknowledging that he did not seek leave to appeal but purporting to cite important and novel issues respecting the AFC's representation, the father requests that we treat his notice of appeal as an application for leave to appeal and grant that application (*see Matter of Brandon J. v Leola K.*, 229 AD3d 918, 919 n 2 [3d Dept 2024], *lv dismissed* 43 NY3d 933 [2025], 43 NY3d 934 [2025]; *Matter of Sosa v Serrano*, 130 AD3d 636, 636 [2d Dept 2015]). We disagree with the father's assessment of the merits of his appeal and decline his request (*see Matter of Casey Q. v Jeffrey O.*, 244 AD3d 1519, 1521 [3d Dept 2025]; *Matter of Walter Q. v Stephanie R.*, 237 AD3d 1297, 1298 [3d Dept 2025], *lv dismissed* 44 NY3d 963 [2025]).

Reynolds Fitzgerald, Powers, Corcoran and Ryba, JJ., concur.

¹ The parties have previously appeared before this Court, as described in our prior decisions as well as in two companion appeals heard in the April 2026 term (*Matter of Jeffrey O. v Casey Q.*, ___ AD3d ___ [3d Dept 2026] [appeal No. CV-24-1454, decided herewith]; *Matter of Jeffrey O. v Casey Q.*, ___ AD3d ___ [3d Dept 2026] [appeal No. CV-24-1530, decided herewith]; *Matter of Casey Q. v Jeffrey O.*, 244 AD3d 1519 [3d Dept 2025]; *Matter of Casey Q. v Jeffrey O.*, 237 AD3d 1270 [3d Dept 2025]).

ORDERED that the appeal is dismissed, 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