

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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CAF 08-01830

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, GREEN, AND GORSKI, JJ.

IN THE MATTER OF SARAH A.

ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

WAYNE A., RESPONDENT-APPELLANT.

DAVID J. PAJAK, ALDEN, FOR RESPONDENT-APPELLANT.

JOSEPH T. JARZEMBEK, BUFFALO, FOR PETITIONER-RESPONDENT.

DAVID C. SCHOPP, LAW GUARDIAN, THE LEGAL AID BUREAU OF BUFFALO, INC.,
BUFFALO (CHARLES D. HALVORSEN OF COUNSEL), FOR SARAH A.

Appeal from an order of the Family Court, Erie County (Margaret O. Szczur, J.), entered August 19, 2008 in a proceeding pursuant to Social Services Law § 384-b. The order denied the motion of respondent to vacate a default order terminating his parental rights.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: Respondent father appeals from an order denying his second motion to vacate a default order terminating his parental rights with respect to his child based upon findings that he abandoned and permanently neglected her. On a prior appeal from the order denying the father's first motion to vacate the default order, we reversed the order, granted the motion, vacated the default order of fact-finding and disposition, and remitted the matter to Family Court for a hearing on the petition (*Matter of Sarah A.*, 60 AD3d 1293). Inasmuch as the father has already obtained the full relief he now seeks, the appeal is moot (*see generally T.D. v New York State Off. of Mental Health*, 91 NY2d 860, 862).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court