

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

1072

CAF 11-00700

PRESENT: SCUDDER, P.J., SMITH, CENTRA, GREEN, AND GORSKI, JJ.

IN THE MATTER OF AUSTIN M. AND ANNA M.

OSWEGO COUNTY DEPARTMENT OF SOCIAL SERVICES,
PETITIONER-APPELLANT;

MEMORANDUM AND ORDER

SARAH H., RESPONDENT-RESPONDENT.

DALE M., INTERVENOR-RESPONDENT.

NELSON LAW FIRM, MEXICO (ANNALISE M. DYKAS OF COUNSEL), FOR
PETITIONER-APPELLANT.

THE FIX LAW FIRM, OSWEGO (ROBERT H. FIX OF COUNSEL), FOR
INTERVENOR-RESPONDENT.

CHARLES H. CIESZESKI, ATTORNEY FOR THE CHILDREN, FULTON, FOR AUSTIN M.
AND ANNA M.

Appeal from an order of the Family Court, Oswego County (Kimberly M. Seager, J.), entered March 28, 2011 in a proceeding pursuant to Family Court Act article 10. The order, among other things, placed the subject children in the custody of Dale M.

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

Memorandum: In this proceeding pursuant to Family Court Act article 10, petitioner appeals from an order that placed the children with the intervenor herein, who is the father of the children at issue. Since the entry of the order on appeal, Family Court issued another order after a lengthy permanency hearing and again placed the children with their father. This appeal must therefore be dismissed as moot (*see Matter of Stephon Elijah G.*, 63 AD3d 640; *Matter of Destiny HH.*, 63 AD3d 1230, 1231, *lv denied* 13 NY3d 706; *Matter of Julia R.*, 52 AD3d 1310, 1311, *lv denied* 11 NY3d 709).

Entered: November 10, 2011

Patricia L. Morgan
Clerk of the Court