

182 A.D.3d 708

Supreme Court, Appellate Division,
Third Department, New York.

In the Matter of NICHOLAS L., Appellant,

v.

ERICA M., Respondent.

(And Another Related Proceeding.)

526807

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Decided and Entered: April 9, 2020

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Calendar Date: February 13, 2020

Appeal from an order of the Family Court of Greene County (Tailleur, J.), entered April 30, 2018, which, in two proceedings pursuant to Family Ct Act article 6, granted respondent's motion to dismiss the petitions.

Attorneys and Law Firms

[Dana L. Salazar](#), East Greenbush, for appellant.

Coops [DiPaola Silverman, PLLC](#), Albany ([Joseph R. Williams](#) of counsel), for respondent.

[Alexander W. Bloomstein](#), Hillsdale, attorney for the children.

Before: [Garry, P.J.](#), [Lynch](#), [Mulvey](#) and [Aarons, JJ.](#)

MEMORANDUM AND ORDER

[Aarons, J.](#)

Petitioner (hereinafter the father) and respondent (hereinafter the mother) are the unmarried parents of twins (born in 2008). In 2017, the father commenced this proceeding seeking to modify a prior order of custody. The mother moved to dismiss the petition on the basis that Family Court lacked jurisdiction. In an April 2018 order, the court granted the mother's motion. The father appeals.

Even if we agreed with the father that Family Court had jurisdiction over this matter, we have been advised that, since the issuance of the April 2018 order, the father's parental rights have been terminated and the children have been adopted by the mother's husband. In view of this, the father's appeal from the April 2018 order is moot (*see Matter of Sade J. v. Schenectady County Dept. of Social Servs.*, 172 A.D.3d 1831, 1832, 99 N.Y.S.3d 724 [2019]; *Matter of Grisel R. v. Felix R.*, 163 A.D.3d 824, 824–825, 79 N.Y.S.3d 658 [2018]). We also find that the exception to the mootness doctrine does not apply (*see Matter of Karlee JJ. [Jessica JJ.]*, 105 A.D.3d 1304, 1305, 964 N.Y.S.2d 686 [2013]).

[Garry, P.J.](#), [Lynch](#) and [Mulvey, JJ.](#), concur.

ORDERED that the appeal is dismissed, as moot, without costs.

All Citations

182 A.D.3d 708, 119 N.Y.S.3d 918 (Mem), 2020 N.Y. Slip Op. 02208