

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

Matter of A.K. (A.B.)

2025 NY Slip Op 06906 (Supreme Court of the State of New York Appellate Division First Department 2025) ·
No. Docket No. NN-07552/24; Appeal No. 5360; Case No. 2025-01030 · Decided December 11, 2025

SUMMARY

The Appellate Division, First Department dismissed as moot a mother's appeal from a Family Court permanency order continuing a child's placement in the custody of the Commissioner of Social Services. The appeal became moot after a subsequent order released the child to the mother's care, and the court declined to apply an exception to the mootness doctrine.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kern, J.P.; Friedman, J.; Rodriguez, J.; Pitt-Burke, J.; Rosado, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 11, 2025
DOCKET	Docket No. NN-07552/24; Appeal No. 5360; Case No. 2025-01030
DISPOSITION	dismissed
PROCEDURAL POSTURE	A.B. appealed from a Family Court permanency hearing order that continued the child's placement in the custody of the Commissioner of Social Services. The Appellate Division dismissed the appeal as moot.
STANDARD OF REVIEW	The court reviewed whether the appeal remained justiciable and whether an exception to the mootness doctrine warranted appellate review.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	A.B. v. Administration for Children's Services

TOPICS

mootness

family law procedure

appellate procedure

child custody

parental rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the mother's appeal from the February 13, 2025 permanency hearing order was rendered moot when a later order released the child to the mother's care.
2. Whether the appeal warranted an exception to the mootness doctrine because the issue was likely to recur, sufficiently substantial or novel, or likely to evade review.

HOLDINGS

1. The appeal was moot because the February 13, 2025 permanency hearing order was superseded by the February 21, 2025 order releasing the child to the mother's care, thereby granting the mother the relief she sought.
2. No exception to the mootness doctrine applied because the record did not show that the issue was likely to recur, sufficiently substantial or novel to warrant review despite mootness, or one that typically evades review.

KEY QUOTATIONS

*“The mother received the very relief she would have received if her oral application during the February 11, 2025 permanency hearing for termination of the child's foster care placement and return to the mother's care and custody had been granted” (*1)*

*“The record does not demonstrate that the issue raised below is likely to recur, or that it is sufficiently substantial or novel to warrant hearing the appeal despite its mootness” (*1)*

FACTUAL BACKGROUND

Following a permanency hearing, the child was placed in the custody of the Commissioner of Social Services. The mother sought termination of the foster-care placement and return of the child to her care and custody. Before the appeal was decided, a February 21, 2025 order released the child to the mother's care, providing the relief sought.

PROCEDURAL HISTORY

Family Court, New York County, entered an order on or about February 13, 2025, continuing the child's placement with the Commissioner of Social Services until the next permanency hearing. During the pendency of the appeal, a February 21, 2025 order released the child to the mother's care, superseding the appealed order. The First Department dismissed the appeal as moot and declined to apply an exception to the mootness doctrine.

DISPOSITION

dismissed

CASES CITED

- Matter of Breyanna S., 52 AD3d 342, 342 (1st Dept 2008), lv denied 11 NY3d 711 (2008)
- Matter of Jabarry W., 24 AD3d 218, 219 (1st Dept 2005), lv denied 6 NY3d 711 (2006)
- Matter of Javier R. [Robert R.], 43 AD3d 1, 3 (1st Dept 2007)
- Matter of Kayla C. [Stephanie C.], 187 AD3d 434 (1st Dept 2020), lv dismissed 36 NY3d 1073 (2021)
- In the Matter of Joshua J. [Tameka J.], 2025 NY Slip Op 03010, *3, *5

OPINION

Matter of A.K. (A.B.) 2025 NY Slip Op 06906

PER CURIAM.

Matter of A.K. (A.B.) (2025 NY Slip Op 06906) Matter of A.K. (A.B.) 2025 NY Slip Op 06906 Decided on December 11, 2025 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: December 11, 2025 Before: Kern, J.P., Friedman, Rodriguez, Pitt-Burke, Rosado, JJ. Docket No. NN-07552/24|Appeal No. 5360|Case No. 2025-01030| [*1]In the Matter of A.K., Jr., A Child Under Eighteen Years of Age, etc., A.B., Respondent-Appellant, Administration for Children's Services, Petitioner-Respondent, A.K.L., Respondent-Respondent. Neighborhood Defender Service of Harlem, New York (Michael Weinstein of counsel), for, appellant. Muriel Goode-Trufant, Corporation Counsel, New York (Lauren L. O'Brien of counsel), for Administration for Children's Services, respondent. Karen Freedman, Lawyers for Children, New York (Shirim Nothenberg of counsel), attorney for the child. Appeal from order, Family Court, New York County (Janet L. McFarland, J.), entered on or about February 13, 2025, which, after a permanency hearing, continued the subject child's placement in the custody of the Commissioner of Social Services until the completion of the next permanency hearing on July 7, 2025, unanimously dismissed, without costs, as moot. Petitioner mother's appeal from Family Court's February 13, 2025 permanency hearing order has been rendered moot by the fact that the order appealed from was superseded by the February 21, 2025 order releasing the child to the mother's care (see Matter of Breyanna S. , 52 AD3d 342, 342 [1st Dept 2008], lv denied 11 NY3d 711 [2008]; Matter of Jabarry W. , 24 AD3d 218, 219 [1st Dept 2005], lv denied 6 NY3d 711 [2006]). The mother received the very relief she would have received if her oral application during the February 11, 2025 permanency hearing for termination of the child's foster care placement and return to the mother's care and custody had been granted (see Matter of Javier R. [Robert R.] , 43 AD3d 1, 3 [1st Dept 2007]). Contrary to the contention of the mother and the attorney for the child, this matter does not warrant invoking an exception to the mootness doctrine (see Matter of Kayla C. [Stephanie C.] , 187 AD3d 434 [1st Dept 2020], lv dismissed 36 NY3d 1073 [2021]). The record does not demonstrate that the issue raised below is likely to recur, or that it is sufficiently substantial or novel to warrant hearing the appeal despite its mootness (In the Matter of Joshua J. [Tameka J.] , _NY3d_, 2025 NY Slip Op 03010, *3 [2025]). Moreover, the issue is not one that

typically evades review because a respondent parent may seek expedited review of permanency orders under Family Court Act § 1121 (see id. at *5 [internal quotation marks omitted]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: December 11, 2025

PER CURIAM.

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