

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

Matter of James G.

2020 NY Slip Op 07272 (N.Y. Ct. App. 2020) · No. D-3920/18 · Decided December 3, 2020

SUMMARY

The New York Appellate Division, First Department dismissed as moot an appeal from an order extending a juvenile delinquency respondent's placement with the Administration for Children's Services. The court held that the appellant had completed the placement, was not challenging the juvenile delinquency adjudication, and that the extension was otherwise procedurally proper and a provident exercise of discretion.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Renwick, J.P.; Manzanet-Daniels, J.; Mazzarelli, J.; Singh, J.; Scarpulla, J.
JURISDICTION	New York
DECIDED	December 3, 2020
DOCKET	D-3920/18
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a Family Court order granting, on consent, the presentment agency's petition to extend the appellant's placement with the Administration for Children's Services for five and one-half months.
STANDARD OF REVIEW	The court reviewed the Family Court's discretionary placement-extension determination for whether it was a provident exercise of discretion.
PRECEDENTIAL VALUE	published appellate decision
PARTIES	James G., a Person Alleged to be a Juvenile Delinquent v. Presentment Agency

TOPICS

mootness

appellate procedure

family law procedure

PRACTICE AREAS

family law

juvenile delinquency

appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal from the placement-extension order remained justiciable after the appellant completed the placement.
2. Whether the placement extension was procedurally defective.
3. Whether the Family Court providently exercised its discretion in granting the placement extension.

HOLDINGS

1. The appeal was moot because the appellant had completed the placement and was not challenging any juvenile delinquency adjudication.
2. Even if the appeal were not moot, the extension of placement was not procedurally defective and constituted a provident exercise of discretion.

KEY QUOTATIONS

*“Because appellant has completed his placement, and because he is not challenging any juvenile delinquency adjudication, this appeal is moot” (*1)*

*“In any event, the extension of placement was not procedurally defective, and it was a provident exercise of discretion.” (*1)*

FACTUAL BACKGROUND

The appellant was a person alleged to be a juvenile delinquent who had been placed with the Administration for Children's Services. On consent, the Family Court granted a petition extending that placement for an additional five and one-half months. By the time of appellate review, the appellant had completed the placement and was not challenging any underlying juvenile delinquency adjudication.

PROCEDURAL HISTORY

The Bronx County Family Court entered an order on or about December 12, 2019, extending the appellant's placement with the Administration for Children's Services. The appellant appealed, but completed the placement while the appeal was pending and did not challenge any juvenile delinquency adjudication. The Appellate Division dismissed the appeal as moot and alternatively stated that the extension was not procedurally defective and was a provident exercise of discretion.

DISPOSITION

dismissed

CASES CITED

- Matter of Omari W., 104 A.D.3d 460 (1st Dep't 2013)

OPINION

PER CURIAM.

Matter of James G. (2020 NY Slip Op 07272) Matter of James G. 2020 NY Slip Op 07272 Decided on December 03, 2020 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 03, 2020 Before: Renwick, J.P., Manzanet-Daniels, Mazzairelli, Singh, Scarpulla, JJ. Docket No. D-3920/18 Appeal No. 12519 Case No. 2020-00139 [*1]In the Matter of James G., a Person Alleged to be a Juvenile Delinquent, Appellant.

Presentment Agency. Dawne A. Mitchell, The Legal Aid Society, New York (Raymond E. Rogers of counsel), for appellant. James E. Johnson, Corporation Counsel, New York (Cynthia Kao of counsel), for presentment agency. Appeal from order, Family Court, Bronx County (Peter J. Passidomo. J.), entered on or about December 12, 2019, which granted on consent respondent's petition to extend appellant's placement with the Administration for Children's Services for an additional five and one-half month period, unanimously dismissed, without costs, as moot.

Because appellant has completed his placement, and because he is not challenging any juvenile delinquency adjudication, this appeal is moot (see e.g. Matter of Omari W., 104 AD3d 460 [1st Dept 2013]). We have considered and rejected appellant's arguments on the subject of mootness.

In any event, the extension of placement was not procedurally defective, and it was a provident exercise of discretion. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: December 3, 2020