

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

Matter of N.C. v. C.C.

2025 NY Slip Op 06806 (N.Y. Ct. App. 2025) · No. V-24108/22 · Decided December 9, 2025

SUMMARY

The Appellate Division, First Department dismissed as moot a grandmother's appeal from an order dismissing her amended petition for custody and denying leave to add a visitation claim. The court held that the custody appeal was academic because the child had been adopted by foster parents and noted that Family Court properly found the grandmother lacked standing because the child had been freed for adoption.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Moulton, J.P.; Kapnick, J.; Mendez, J.; Shulman, J.; Hagler, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	December 9, 2025
DOCKET	V-24108/22
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner grandmother appealed from a Family Court order that dismissed with prejudice her amended petition seeking custody of the child and denied her cross-motion to further amend the petition to add a visitation cause of action.
PRECEDENTIAL VALUE	published
PARTIES	N.C. v. C.C., St. Dominic's Family Services

TOPICS

- child custody
- standing
- mootness
- appellate procedure
- adoption

PRACTICE AREAS

- family law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the appeal from dismissal of the grandmother's custody petition remained justiciable after the child was adopted by her foster parents.
2. Whether Family Court properly dismissed the custody petition for lack of standing because the child had already been freed for adoption.

HOLDINGS

1. The appeal was academic and had to be dismissed as moot because the child had been adopted by her foster parents.
2. Family Court properly granted the motion to dismiss because the child had already been freed for adoption, depriving the petitioner of standing to pursue the custody petition.

KEY QUOTATIONS

*“The appeal from the order dismissing appellant's petition for custody of the child is academic given that the child has been adopted by her foster parents” (*1)*

*“In any event, Family Court properly granted the motion to dismiss the petition for lack of standing, as the child had already been freed for adoption” (*1)*

FACTUAL BACKGROUND

The petitioner was the child's grandmother and sought custody through an amended Family Court petition. The child had already been freed for adoption and was subsequently adopted by her foster parents. The foster care agency moved to dismiss, and the grandmother sought permission to add a visitation cause of action.

PROCEDURAL HISTORY

Family Court, Bronx County, granted the foster care agency's motion to dismiss the grandmother's amended custody petition for lack of standing and denied her request to add a visitation claim. While the appeal was pending, the child was adopted by her foster parents. The Appellate Division unanimously dismissed the appeal as moot and stated that Family Court had properly dismissed the custody petition.

DISPOSITION

dismissed

CASES CITED

- Matter of Axel W. [Jacqueline S.], 233 AD3d 501 (1st Dept 2024)
- Matter of Sandra M. v Che M., 204 AD3d 491 (1st Dept 2022)
- Matter of Carmen P. v Administration for Children's Servs., 149 AD3d 577, 577 (1st Dept 2017)

OPINION

Matter of N.C. v. C.C. 2025 NY Slip Op 06806

PER CURIAM.

Matter of N.C. v C.C. (2025 NY Slip Op 06806) Matter of N.C. v C.C. 2025 NY Slip Op 06806
Decided on December 09, 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 09,
2025 Before: Moulton, J.P., Kapnick, Mendez, Shulman, Hagler, JJ. V-24108/22|Docket No. V-
24108/22|Appeal No. 5307|Case No. 2025-02301| [*1]In the Matter of N.C., Petitioner-Appellant,
v C.C., et al., Respondents-Respondents. Geoffrey P. Berman, Larchmont, for appellant. Leventhal
Mullaney & Blinkoff, LLP, Roslyn (Jeffrey Blinkoff of counsel), for St. Dominic's Family
Services, respondent. Dawne A. Mitchell, The Legal Aid Society, New York (Claire V. Merkin of
counsel), attorney for the child. Appeal from order, Family Court, Bronx County (Fiordaliza A.
Rodriguez, J.), entered on or about April 1, 2025, which granted respondent foster care agency's
motion to dismiss with prejudice petitioner grandmother's amended petition seeking custody of the
subject child and denied her cross-motion to further amend the petition to include a cause of action
for visitation, unanimously dismissed, without costs, as moot. The appeal from the order
dismissing appellant's petition for custody of the child is academic given that the child has been
adopted by her foster parents (see Matter of Axel W. [Jacqueline S.] , 233 AD3d 501 [1st Dept
2024]; Matter of Sandra M. v Che M. , 204 AD3d 491 [1st Dept 2022]. In any event, Family Court
properly granted the motion to dismiss the petition for lack of standing, as the child had already
been freed for adoption (see Matter of Carmen P. v Administration for Children's Servs., 149
AD3d 577, 577 [1st Dept 2017]).THIS CONSTITUTES THE DECISION AND ORDER OF THE
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