

**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

OPINION

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 SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: December 9, 2025

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