

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

Matter of Jonnilyn C. v. Amy D.

2025 NY Slip Op 06947 (App. Div. 3d Dep't 2025) · No. CV-24-1876 · Decided December 11, 2025

SUMMARY

The New York Appellate Division, Third Department dismissed as moot an appeal from a one-year stay-away order of protection issued in a Family Court family-offense proceeding. The order had expired, and it was issued without an admission or finding that the respondent had committed a family offense, leaving no enduring consequences warranting review.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Ceresia, J.; Pritzker, J.P.; Reynolds Fitzgerald, J.; McShan, J.; Powers, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	December 11, 2025
DOCKET	CV-24-1876
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from a Family Court order granting an application for an order of protection in a Family Court Act article 8 family-offense proceeding.
STANDARD OF REVIEW	The court reviewed whether the appeal remained justiciable under the mootness doctrine and whether an exception to that doctrine applied.
PRECEDENTIAL VALUE	Published appellate opinion
PARTIES	Amy D. v. Jonnilyn C.

TOPICS

- mootness
- appellate procedure
- family law procedure
- domestic violence
- family law

PRACTICE AREAS

- family law
- appellate procedure
- mootness
- domestic violence

QUESTIONS PRESENTED

1. Whether the appeal from the expired one-year order of protection remained justiciable.
2. Whether an exception to the mootness doctrine applied despite the expiration of the order.

HOLDINGS

1. The appeal was moot because the order of protection had expired and was not based on an admission or finding that the grandmother committed a family offense, leaving no enduring consequences from such a finding.
2. No exception to the mootness doctrine applied.

KEY QUOTATIONS

*“Given that, and recognizing that “this order of protection was not issued with a finding that the [grandmother] had committed a family offense, [such that] the ‘enduring consequences’ that may result from such a finding do not result here,” this appeal is moot” ([*1])*

FACTUAL BACKGROUND

The mother sought an order of protection against the grandmother, alleging aggressive and abusive conduct, excessive texts and calls, and an attempt to have the mother evicted by contacting her landlord. Family Court initially issued a temporary order, and the parties later agreed to a one-year stay-away order without any admission or finding of a family offense. The order expired by its own terms before the appellate decision.

PROCEDURAL HISTORY

Jonnilyn C. filed a family-offense petition seeking an order of protection against Amy D. After Family Court issued a temporary refrain-from order, the parties agreed on the date set for trial to a one-year stay-away order without an admission or finding that Amy D. committed a family offense. Family Court entered the agreed order, Amy D. appealed, and the order expired while the appeal was pending.

DISPOSITION

dismissed

CASES CITED

- Matter of Jacob L. v. Heather L., 228 AD3d 1191, 1192 n (3d Dep't 2024)
- Matter of Smith v. Morrison, 196 AD3d 772, 773 n (3d Dep't 2021)
- Matter of Noelia F. [Noel G.], 204 AD3d 1122, 1123 (3d Dep't 2022)

OPINION

PER CURIAM.

Matter of Jonnilyn C. v Amy D. (2025 NY Slip Op 06947) Matter of Jonnilyn C. v Amy D. 2025 NY Slip Op 06947 Decided on December 11, 2025 Appellate Division, Third 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 CV-24-1876 [*1] In the Matter of Jonnilyn C., Respondent, v Amy D., Appellant.

Calendar Date: October 15, 2025 Before: Pritzker, J.P., Reynolds Fitzgerald, Ceresia, McShan and Powers, JJ. Noreen McCarthy, Keene Valley, for appellant. Barbara Ann Montena, Ballston Spa, for respondent. Ceresia, J. Appeal from an order of the Family Court of St. Lawrence County (Efsthia Kyriakopoulos, Referee), entered October 28, 2024, which granted petitioner's application, in a proceeding pursuant to Family Ct Act article 8, for an order of protection.

Petitioner (hereinafter the mother), who has two children (born in 2020 and 2023), filed a family offense petition against respondent (hereinafter the grandmother) wherein she sought an order of protection against the grandmother.

In her petition, the mother claimed that she feared for her safety and that of the children because, among other things, the grandmother had acted in an aggressive and abusive manner toward the mother in front of the children, texted and called her excessively, and contacted the mother's landlord to try to have her evicted. Following an ex parte court appearance, Family Court (Moses, J.) issued a temporary refrain-from order of protection in favor of the mother and the children.

On the day that trial was set to commence, the parties agreed to a resolution of the matter whereby a one-year stay-away order of protection would be issued without an admission from or finding of fact against the grandmother. Family Court (Kyriakopoulos, Referee) issued that order, and the grandmother appeals.

The order of protection has expired by its own terms. Given that, and recognizing that "this order of protection was not issued with a finding that the [grandmother] had committed a family offense, [such that] the 'enduring consequences' that may result from such a finding do not result here," this appeal is moot (Matter of Jacob L. v Heather L., 228 AD3d 1191, 1192 n [3d Dept 2024], quoting Matter of Smith v Morrison, 196 AD3d 772, 773 n [3d Dept 2021]; see Matter of Noelia F. [Noel G.], 204 AD3d 1122, 1123 [3d Dept 2022]).

The grandmother has not argued, nor do we find, that the exception to the mootness doctrine applies. Pritzker, J.P., Reynolds Fitzgerald, McShan and Powers, JJ., concur. ORDERED that the appeal is dismissed, as moot, without costs.

PER CURIAM.

Matter of Jonnilyn C. v Amy D. (2025 NY Slip Op 06947) Matter of Jonnilyn C. v Amy D. 2025 NY Slip Op 06947 Decided on December 11, 2025 Appellate Division, Third 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 CV-24-1876 [*1] In the Matter of Jonnilyn C., Respondent, v Amy D., Appellant.

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