

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Matter of Ashana R. (Paul R.)

2026 NY Slip Op 00778 · No. 2025-01707 · Decided February 11, 2026

SUMMARY

The Appellate Division, Second Department affirmed an order finding that the father violated the conditions of a suspended judgment in a permanent-neglect proceeding. The court upheld lifting the suspended judgment, terminating the father's parental rights, and transferring custody and guardianship of the child to the Orange County Department of Social Services for adoption.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Colleen D. Duffy, J.P.; Linda Christopher, J.; Barry E. Warhit, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	February 11, 2026
DOCKET	2025-01707
DISPOSITION	affirmed
PROCEDURAL POSTURE	The father appealed from a Family Court order that, after a hearing, found him in violation of the terms and conditions of a suspended judgment, lifted the suspended judgment, terminated his parental rights, and transferred custody and guardianship of the child to the Orange County Department of Social Services for adoption.
STANDARD OF REVIEW	A suspended judgment may be lifted after a hearing upon a finding, by a preponderance of the evidence, that the parent failed to comply with one or more conditions. The Family Court's credibility findings receive great deference because it had direct access to the parties and was in the best position to evaluate their testimony, character, and sincerity.
PRECEDENTIAL VALUE	Published opinion

PARTIES

Paul R. (Anonymous) v. Orange County Department of Social Services

TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

standard of review

PRACTICE AREAS

family law

termination of parental rights

child welfare

QUESTIONS PRESENTED

1. Whether the Family Court properly found that the father violated one or more conditions of the suspended judgment by a preponderance of the evidence.
2. Whether the Family Court properly lifted the suspended judgment and terminated the father's parental rights after finding the violations.
3. Whether the evidence supported the determination that termination of the father's parental rights and freeing the child for adoption were in the child's best interests.

HOLDINGS

1. A Family Court may lift a suspended judgment after a hearing when it finds by a preponderance of the evidence that the parent failed to comply with one or more conditions of the suspended judgment.
2. The Family Court properly found, by a preponderance of the evidence, that the father failed to comply with several terms and conditions of the suspended judgment.
3. The evidence supported the Family Court's determination that it was in the child's best interests to terminate the father's parental rights and free the child for adoption.

KEY QUOTATIONS

“The Family Court may lift a suspended judgment after a hearing if it finds, by a preponderance of the evidence, that the parent failed to comply with one or more of the conditions of the suspended judgment” (at 1)

“The court's credibility findings should be accorded great deference, as it had direct access to the parties and was in the best position to evaluate their testimony, character, and sincerity” (at 1)

FACTUAL BACKGROUND

The father had been found to have permanently neglected the subject child, and the Family Court imposed a suspended judgment subject to specified terms and conditions. DSS later alleged that he violated those conditions. Following a hearing, the Family Court found by a preponderance of the evidence that he failed to comply with several conditions and determined that termination of his parental rights and freeing the child for adoption served the child's best interests.

PROCEDURAL HISTORY

The Orange County Department of Social Services commenced a proceeding under Social Services Law § 384-b to terminate the father's parental rights on the ground of permanent neglect. The Family Court found permanent neglect and terminated the father's parental rights but imposed a suspended judgment with conditions. After DSS moved to enforce the suspended judgment, the Family Court held a hearing, found that the father violated several conditions, lifted the suspended judgment, terminated his parental rights, and transferred custody and guardianship to DSS. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Marish G. [Maria E.G.], 215 AD3d 966, 966
- Matter of Derrick D.A. [Shavonna L.L.D.], 134 AD3d 928, 929
- Matter of Derrick D.A. [Schavonna L.L.D.], 134 AD3d at 929
- Matter of Christyn Ann D., 26 AD3d 491, 492
- Matter of Hailey B. [Melissa B.], 152 AD3d 677, 678
- Matter of William U.L. [Rachel D.H.], 139 AD3d 732, 733

OPINION

Matter of Ashana R. (Paul R.) 2026 NY Slip Op 00778

PER CURIAM.

Matter of Ashana R. (Paul R.) (2026 NY Slip Op 00778) Matter of Ashana R. (Paul R.) 2026 NY Slip Op 00778 Decided on February 11, 2026 Appellate Division, Second 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 on February 11, 2026

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department COLLEEN D. DUFFY, J.P.

LINDA CHRISTOPHER

BARRY E. WARHIT

ELENA GOLDBERG VELAZQUEZ, JJ. 2025-01707

(Docket No. B-2763-23/24A) [*1]In the Matter of Ashana R. (Anonymous). Orange County Department of Social Services, respondent; Paul R. (Anonymous), appellant. Alex Smith, Middletown, NY, for appellant. Richard B. Golden, County Attorney, Goshen, NY (Peter R. Schwarz of counsel), for respondent. Kathleen L. Bloom, New Windsor, NY, attorney for the child. DECISION & ORDER In a proceeding pursuant to Social Services Law § 384-b, the father appeals from an order of the Family Court, Orange County (Christine P. Krahulik, J.), dated

December 12, 2024. The order, after a hearing, found that the father violated the terms and conditions of a suspended judgment contained in an order of the same court dated November 21, 2023, lifted the suspended judgment, terminated the father's parental rights, and transferred custody and guardianship of the subject child to the Orange County Department of Social Services for the purpose of adoption. ORDERED that the order dated December 12, 2024, is affirmed, without costs or disbursements. The Orange County Department of Social Services (hereinafter DSS) commenced this proceeding pursuant to Social Services Law § 384-b to terminate the father's parental rights to the subject child on the ground of permanent neglect. In an order dated November 21, 2023, the Family Court found that the father permanently neglected the child and terminated the father's parental rights, but imposed a suspended judgment with certain terms and conditions. Thereafter, DSS moved to find the father to be in violation of the terms and conditions of the suspended judgment, to lift the suspended judgment, and to terminate the father's parental rights. After a hearing, in an order dated December 12, 2024, the court found that the father violated the terms and conditions of the suspended judgment, lifted the suspended judgment, terminated the father's parental rights, and transferred custody and guardianship of the child to DSS for the purpose of adoption. The father appeals. The Family Court may lift a suspended judgment after a hearing if it finds, by a preponderance of the evidence, that the parent failed to comply with one or more of the conditions of the suspended judgment (see Matter of Marish G. [Maria E.G.] , 215 AD3d 966, 966 ; Matter of Derrick D.A. [Shavonna L.L.D.] , 134 AD3d 928, 929). The court's credibility findings should be accorded great deference, as it had direct access to the parties and was in the best position to evaluate their testimony, character, and sincerity (see Matter of Derrick D.A. [Schavonna L.L.D.] , 134 AD3d [*2]at 929; Matter of Christyn Ann D. , 26 AD3d 491, 492). Here, the court properly found, by a preponderance of the evidence, that the father failed to comply with several of the terms and conditions of the suspended judgment (see Matter of Hailey B. [Melissa B.] , 152 AD3d 677, 678 ; Matter of Derrick D.A. [Schavonna L.L.D.] , 134 AD3d at 929). Further, the evidence adduced at the hearing supported the Family Court's determination that it was in the child's best interests to terminate the father's parental rights and free the child for adoption (see Matter of William U.L. [Rachel D.H.] , 139 AD3d 732, 733 ; Matter of Derrick D.A. [Shavonna L.L.D.] , 134 AD3d at 929). The father's remaining contention is without merit. DUFFY, J.P., CHRISTOPHER, WARHIT and GOLDBERG VELAZQUEZ, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court