

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

Matter of A.G.

2026 NY Slip Op 02450 · No. Docket No. G-24377/22 N-2110/18 V-16010/23 V-24861/22; Appeal No. 6453;
Case No. 2024-02062 · Decided April 23, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed a Family Court order appointing the petitioner as guardian of the child and dismissing the parents' custody petitions. The court held that the petitioner established extraordinary circumstances supporting nonparent guardianship and that awarding guardianship to her was in the child's best interests.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Kennedy, J.; González, J.; Pitt-Burke, J.; Rosado, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	April 23, 2026
DOCKET	Docket No. G-24377/22 N-2110/18 V-16010/23 V-24861/22; Appeal No. 6453; Case No. 2024-02062
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Family Court order entered after a hearing that appointed petitioner as the subject child's guardian and dismissed the parents' custody petitions.
STANDARD OF REVIEW	The guardianship determination was reviewed for whether it was supported by a sound and substantial basis in the record, with deference to the Family Court's opportunity to observe the witnesses and hear their testimony.
PRECEDENTIAL VALUE	Published
PARTIES	K.T. et al. v. J.W.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether J.W. established extraordinary circumstances sufficient to confer standing to seek nonparent guardianship of the child.
2. Whether awarding guardianship to J.W., rather than custody to either parent, was in the child's best interests.

HOLDINGS

1. J.W. established extraordinary circumstances conferring standing to seek nonparent guardianship because the child had been in J.W.'s exclusive care and custody since infancy and J.W. had assumed full responsibility for the child's daily needs, while the parents had maintained limited involvement and failed to demonstrate feasible plans for the child's return.
2. Awarding guardianship to J.W. was in the child's best interests and was supported by a sound and substantial basis in the record.

KEY QUOTATIONS

*“Family Court properly found that petitioner established extraordinary circumstances conferring standing to seek nonparent guardianship of the subject child” (*1)*

*“Family Court’s determination that it was in the best interests of the child to award guardianship to petitioner, who has cared for the child since infancy, is supported by a sound and substantial basis in the record” (*2)*

FACTUAL BACKGROUND

The child was placed with J.W. immediately after birth in August 2018 as a result of neglect proceedings against the mother and remained in J.W.'s exclusive care and custody. The mother had only sporadic supervised contact, provided no financial support, lacked stable housing, and had not fully engaged in services or addressed the conditions that placed her children at risk. The father visited sporadically, provided no financial support, lacked suitable housing for the child, and showed little knowledge of or involvement in the child's medical and educational needs. J.W. provided a loving and stable home, met the child's needs, and had a strong bond with the child, who expressed a strong preference to remain with J.W.

PROCEDURAL HISTORY

The Family Court, Bronx County, granted J.W.'s petition for guardianship of the child and dismissed the custody petitions of the father and mother. The Appellate Division, First Department, unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- Matter of Bennett v Jeffreys, 40 NY2d 543, 549 [1976]
- Matter of T.G.V., 242 AD3d 476, 476 [1st Dept 2025]
- Matter of Caleesta S. [Daphne M.], 200 AD3d 504, 505 [1st Dept 2021]
- Matter of Caron C.G.G. [Alicia G. — Jasmine D.], 165 AD3d 476, 476 [1st Dept 2018]
- Matter of Prince T.A.M.-F., 224 AD3d 509, 509 [1st Dept 2024]
- Matter of Chloe F.C. [Laura A.M. — Steven J.C.], 231 AD3d 426, 426 [1st Dept 2024]
- Eschbach v Eschbach, 56 NY2d 167, 171 [1982]
- Matter of Milagros R. v Quazay S.-R., 202 AD3d 419, 419-420 [1st Dept 2022]
- Matter of Nicolas Jude B. [Rosetta B.], 195 AD3d 402, 403 [1st Dept 2021], lv denied 37 NY3d 905 [2021]
- Melissa C.D. v Rene I.D., 117 AD3d 407, 408 [1st Dept 2014]
- Matter of Jason Jiyell J., 203 AD3d 460, 462 [1st Dept 2022]

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