

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

Matter of Ivan C. Jr. (Ivan C.)

2026 NY Slip Op 03440 (N.Y. Ct. App. 2026) · No. 2024-05975; Docket Nos. N-9245-20, N-9246-20, N-9247-20, N-9248-20 · Decided June 3, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order of fact-finding in related Family Court Act article 10 proceedings. The court held that the petitioner's evidence did not establish abuse or neglect by a preponderance of the evidence, and it deferred to the Family Court's credibility determinations concerning inconsistencies in the appellant's testimony.

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.; Paul Wooten, J.; Helen Voutsinas, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	June 3, 2026
DOCKET	2024-05975; Docket Nos. N-9245-20, N-9246-20, N-9247-20, N-9248-20
DISPOSITION	affirmed
PROCEDURAL POSTURE	The subject child Julissa O. appealed from an order of fact-finding of the Family Court, Queens County, entered after a fact-finding hearing in a Family Court Act article 10 child protective proceeding.
STANDARD OF REVIEW	The petitioner must establish abuse or neglect by a preponderance of the evidence. The Appellate Division gives great deference and great weight to the hearing court's credibility determinations and factual findings, particularly where conflicting testimony makes the matter turn on witness credibility.
PRECEDENTIAL VALUE	Published

PARTIES

Julissa O. (Anonymous), subject child v. Administration for Children's Services

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QUESTIONS PRESENTED

1. Whether the petitioner proved by a preponderance of the evidence that Julissa O. had been abused or neglected.
2. Whether the Family Court's credibility determinations and factual findings should be disturbed where the testimony was conflicting and the subject child's inconsistencies were central to the allegations.

HOLDINGS

1. The petition was properly denied and the proceeding properly dismissed because the record, taken as a whole, failed to prove the allegations against Julissa O. by a preponderance of the evidence.
2. The Family Court's credibility determinations and factual findings were entitled to great deference and great weight and provided no basis for appellate disturbance.

KEY QUOTATIONS

"Great deference is given to the Family Court's credibility determinations, as it is in the best position to assess the credibility of the witnesses having had the opportunity to view the witnesses, hear the testimony, and observe their demeanor" (*1)

FACTUAL BACKGROUND

The proceedings arose under Family Court Act article 10 and concerned allegations of abuse or neglect involving several children, including Julissa O. At the fact-finding hearing, the testimony concerning the allegations against Julissa O. was conflicting, and inconsistencies in her testimony were central to the petition's allegations. The Family Court found her testimony incredible and concluded that the record did not establish the allegations by a preponderance of the evidence.

PROCEDURAL HISTORY

The Family Court denied the petition with respect to Julissa O. and dismissed the proceeding. The Appellate Division affirmed the order insofar as appealed from, without costs or disbursements.

DISPOSITION

affirmed

CASES CITED

- Matter of Julia M.M. [Luis V.], 247 AD3d 769, 769-770
- Matter of Chance F. [Roy F.], 238 AD3d 1037, 1037
- Matter of Janiyah S. [Pedro H.], 226 AD3d 909, 911
- Matter of Oliver A. [Oguis A.-D.], 167 AD3d 867, 868
- Matter of Ashlyn M. [Robert J.], 228 AD3d 939, 941
- Matter of Naima E. [Daryl M.], 227 AD3d 901, 902
- Matter of Ziyoda S. [Nilufar S.], 240 AD3d 705, 705
- Matter of Gerald W. [Anne R.], 129 AD3d 979, 980
- Matter of Kadri K. [Kevin K.], 246 AD3d 1090, 1092
- Matter of Tarahji N. [Bryan N.-Divequa C.], 197 AD3d 1317, 1319
- Matter of Zaniah T. [Deshaun T.], 216 AD3d 1173, 1175

OPINION

Matter of Ivan C. Jr. (Ivan C.) 2026 NY Slip Op 03440

PER CURIAM.

Matter of Ivan C. Jr. (Ivan C.) - 2026 NY Slip Op 03440 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Matter of Ivan C. Jr. (Ivan C.) 2026 NY Slip Op 03440 June 3, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. In the Matter of Ivan C. (Anonymous), Jr. Administration for Children's Services, petitioner; Ivan C. (Anonymous), respondent. (Proceeding No. 1) In the Matter of Juliette C. (Anonymous). Administration for Children's Services, petitioner; Ivan C. (Anonymous), respondent. (Proceeding No. 2) In the Matter of Julissa O. (Anonymous), nonparty-appellant. Administration for Children's Services, petitioner; Ivan C. (Anonymous), respondent. (Proceeding No. 3) In the Matter of Lorenzo C. (Anonymous). Administration for Children's Services, petitioner; Ivan C. (Anonymous), respondent. (Proceeding No. 4) Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 3, 2026 2024-05975, (Docket Nos. N-9245-20, N-9246-20, N-9247-20, N-9248-20) Colleen D. Duffy, J.P. Paul Wooten Helen Voutsinas James P. McCormack, JJ. Twyla Carter, New York, NY (Dawne A. Mitchell and Judith Stern of counsel), attorney for the child Julissa O., the appellant. Placidus Aguwa, Jamaica, NY, attorney for the children Ivan C., Jr., Juliette C., and Lorenzo C. [*1] DECISION & ORDER In related proceedings pursuant to Family Court Act article 10, the subject child Julissa

O. appeals from an order of fact-finding of the Family Court, Queens County (Elenor Reid-Cherry, J.), dated June 21, 2024. The order of fact-finding, insofar as appealed from, after a hearing, denied the petition with respect to the appellant, and dismissed the proceeding. ORDERED that the order of fact-finding is affirmed insofar as appealed from, without costs or disbursements. At a fact-finding hearing in a child protective proceeding pursuant to Family Court Act article 10, the petitioner has the burden of establishing, by a preponderance of the evidence, that the subject child had been abused or neglected (see Family Ct Act § 1046[b][i]; Matter of Julia M.M. [Luis V.] , 247 AD3d 769 , 769-770; Matter of Chance F. [Roy F.] , 238 AD3d 1037 , 1037). Great deference is given to the Family Court's credibility determinations, as it is in the best position to assess the credibility of the witnesses having had the opportunity to view the witnesses, hear the [*2] testimony, and observe their demeanor (see Matter of Janiyah S. [Pedro H.] , 226 AD3d 909 , 911; Matter of Oliver A. [Oguis A.-D.] , 167 AD3d 867 , 868). Where, as here, there is conflicting testimony and the matter turns upon the credibility of the witnesses, the factual findings of the hearing court must be accorded great weight (see Matter of Ashlyn M. [Robert J.] , 228 AD3d 939 , 941; Matter of Naima E. [Daryl M.] , 227 AD3d 901 , 902). Here, the record, taken as a whole, failed to prove by a preponderance of the evidence the allegations in the petition with respect to the appellant. (see Matter of Ziyoda S. [Nilufar S.] , 240 AD3d 705 , 705; Matter of Gerald W. [Anne R.] , 129 AD3d 979, 980). While minor inconsistencies in a child's testimony do not render such testimony incredible (see Matter of Kadri K. [Kevin K.] , 246 AD3d 1090 , 1092; Matter of Tarahji N. [Bryan N.-Divequa C.] , 197 AD3d 1317, 1319), in this case the inconsistencies in the appellant's testimony were central to the allegations in the petition with respect to the appellant and rendered her testimony incredible as a matter of law. Contrary to the appellant's contention, there is no basis to disturb the Family Court's credibility determinations (see Matter of Ashlyn M. [Robert J.] , 228 AD3d at 941; Matter of Zaniah T. [Deshaun T.] , 216 AD3d 1173, 1175). Accordingly, the Family Court properly denied the petition with respect to the appellant and dismissed the proceeding. DUFFY, J.P., WOOTEN, VOUTSINAS and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.