

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

TOPICS

family law procedure

evidence

standard of review

appellate procedure

PRACTICE AREAS

family law

child protective proceedings

evidence

appellate procedure

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

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/supreme-court-of-the-state-of-new-york-appellate-division-second-judicial-department-supreme-court-o/2026/matter-of-ivan-c-jr-ivan-c-1jdz64ps>