

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

Matter of Storm A. H. (Jahmel W.)

2026 NY Slip Op 00773 · No. 2024-10742 · Decided February 11, 2026

SUMMARY

The Appellate Division, Second Department affirmed an order terminating a father's parental rights on the ground of permanent neglect and transferring guardianship and custody of the child for adoption. The court held that the petitioner made diligent efforts to strengthen the parent-child relationship and that the father failed to plan for the child's return despite those efforts.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; William G. Ford, J.; Carl J. Landicino, J.; Susan Quirk, J.
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	February 11, 2026
DOCKET	2024-10742
DISPOSITION	affirmed
PROCEDURAL POSTURE	The father appealed from an order of fact-finding and disposition of the Family Court, Queens County, entered in a proceeding under Social Services Law § 384-b. The order found permanent neglect, terminated the father's parental rights, and transferred guardianship and custody of the child for adoption.
STANDARD OF REVIEW	The court reviewed whether the petitioner established permanent neglect by clear and convincing evidence and whether the Family Court properly terminated parental rights and declined to impose a suspended judgment.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Jahmel W. v. Graham Windham, Commissioner of the Administration for Children's Services of the City of New York

TOPICS

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QUESTIONS PRESENTED

1. Whether the petitioner established by clear and convincing evidence that it made diligent efforts to encourage and strengthen the parent-child relationship.
2. Whether the father failed, despite those diligent efforts and his physical and financial ability to do so, to maintain contact with the child or plan for the child's future.
3. Whether a suspended judgment was appropriate under the circumstances.

HOLDINGS

1. The petitioner established by clear and convincing evidence that it fulfilled its statutory duty to make diligent efforts to encourage and strengthen the parent-child relationship.
2. The Family Court properly found that the father permanently neglected the child because, despite the agency's diligent efforts, he failed to plan for the child's return and failed to consistently maintain contact or provide information relevant to planning.
3. A suspended judgment was not appropriate because the child had lived with the foster parent for most of the child's life, was strongly bonded to the foster parent, and was well cared for in that home.

KEY QUOTATIONS

“In a proceeding to terminate parental rights because of permanent neglect, the agency must demonstrate by clear and convincing evidence that it has fulfilled its statutory duty to exercise diligent efforts to encourage and strengthen the parent-child relationship” ([*1])

“Once the agency demonstrates that it made diligent efforts to strengthen the parental relationship, it bears the burden of proving that, during the relevant period of time, the parent failed to maintain contact with the child or plan for the child's future, although physically and financially able to do so” ([*2])

FACTUAL BACKGROUND

The agency kept the father apprised of the child's welfare, explored the possibility of placement with the paternal grandmother proposed by the father, and scheduled consistent visitation. Despite those efforts, the father failed to consistently attend visits, suggest viable planning resources, or provide information needed to assess whether he had suitable housing. The child had lived with the foster parent for most of the child's life, was strongly bonded to the foster parent, and was well cared for in that home.

PROCEDURAL HISTORY

Graham Windham commenced a proceeding to terminate the father's parental rights on the ground of permanent neglect. After fact-finding and dispositional hearings, the Family Court found by clear and convincing evidence

that the father permanently neglected the child, terminated his parental rights, and transferred guardianship and custody to Graham Windham and the Commissioner of the Administration for Children's Services for adoption. The Appellate Division affirmed insofar as appealed from.

DISPOSITION

affirmed

CASES CITED

- Matter of Dynasty S.G. [Paula G.], 228 AD3d 657, 658
- Matter of Alexis M.B. [Jaclyn R.P.], 224 AD3d 679, 680
- Matter of Benz G. [Nadia B.], 241 AD3d 684, 685, 687
- Matter of Drevon L. [Tiron L.], 180 AD3d 909, 910
- Matter of Orazio R. [Nanci P.], 233 AD3d 689, 690
- Matter of Justin A.G.M. [Richard G.V.], 167 AD3d 1016, 1017
- Matter of Ahking-Tyheem C.J. [Letitia M.E.], 238 AD3d 754, 757
- Matter of Amira W.H. [Tamara T.H.], 207 AD3d 546, 548