

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

Matter of Caia N. (Terri N.)

2026 NY Slip Op 02117 · No. 2023-05667, 2023-05690 · Decided April 8, 2026

SUMMARY

The Appellate Division, Second Department, affirmed Family Court orders restricting the mother's ability to file additional petitions or motions without leave of court. The court held that the restrictions were a proper exercise of discretion because the mother had engaged in vexatious litigation and repeatedly sought the same relief based on the same allegations. The court also noted related appellate proceedings concerning the dismissal and reinstatement of a neglect petition.

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.; Barry E. Warhit, J.; Donna-Marie E. Golia, J.; Phillip Hom, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	April 8, 2026
DOCKET	2023-05667, 2023-05690
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from two Family Court orders restricting her ability to file additional motions, petitions, or applications without prior court approval.
STANDARD OF REVIEW	Abuse of discretion; whether the Family Court providently exercised its discretion in restricting further filings.
PRECEDENTIAL VALUE	Published
PARTIES	Terri N. (Anonymous), mother v. Administration for Children's Services, Harriet N. (Anonymous), petitioner-respondent, Attorney for the child

TOPICS

sanctions

appellate procedure

family law procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Family Court properly exercised its discretion by requiring the mother to obtain prior court approval before filing additional motions or petitions.
2. Whether the mother's remaining contention was properly before the Appellate Division on appeal.

HOLDINGS

1. A party may forfeit the generally recognized right of free access to the courts by abusing the judicial process through meritless, vexatious litigation motivated by spite or ill will; based on the mother's repeated applications seeking the same relief on the same allegations, the Family Court providently exercised its discretion in requiring prior court approval for further filings.
2. The mother's remaining contention was not properly before the Appellate Division and therefore was not considered.

KEY QUOTATIONS

*"While public policy generally mandates free access to the courts, a party may forfeit that right if that party abuses the judicial process by engaging in meritless litigation motivated by spite or ill will" ([*2])*

FACTUAL BACKGROUND

The Administration for Children's Services filed a petition alleging that Terri N. neglected the subject child. The mother repeatedly filed applications seeking the same relief based on the same allegations, and the Appellate Division characterized the resulting litigation as vexatious and an abuse of the judicial process. The Family Court therefore required her to obtain leave before filing additional motions or petitions.

PROCEDURAL HISTORY

In related proceedings under Family Court Act articles 10 and 6, the Family Court issued orders dated August 23, 2022, and January 6, 2023, enjoining the mother from filing additional motions or petitions without leave of court. The mother appealed from both orders. The Appellate Division affirmed the orders without costs or disbursements. The opinion also noted that, in a separate appeal, the court had reversed dismissal of the neglect petition and remitted for a dispositional hearing.

DISPOSITION

affirmed

CASES CITED

- Matter of Unger v Koren Ha, 234 AD3d 783, 785
- Matter of Freyer v Macruari, 234 AD3d 755, 758
- Matter of Isaac S. [Miriam S.], 178 AD3d 829, 830
- Scholar v Timinisky, 87 AD3d 577, 579
- Matter of Ram v Estate of Hershowitz, 149 AD3d 959, 960
- Matter of Manwani v Manwani, 286 AD2d 767, 768
- Matter of Caia N. [Terri N.], 231 AD3d 1033

OPINION

PER CURIAM.

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Matter of Caia N. (Terri N.)

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April 8, 2026

Appellate Division, Second Department

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In the Matter of Caia N. (Anonymous).

Administration for Children's Services, respondent; Terri N. (Anonymous), appellant. (Proceeding No. 1.)

In the Matter of Harriet N. (Anonymous), petitioner-respondent, Terri N. (Anonymous), appellant, Administration for Children's Services, respondent-respondent, et al., respondent. (Proceeding No. 2.)

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 8, 2026

2023-05667, 2023-05690, (Docket Nos. N-9601-20, V-8687-21)

Lara J. Genovesi, J.P.

Barry E. Warhit

Donna-Marie E. Golia

Phillip Hom, JJ.

Yasmin Daley Duncan, Brooklyn, NY, for appellant.

Steven Banks, Corporation Counsel, New York, NY (Amy McCamphill and D. Alan Rosinus, Jr., of counsel), for Administration for Children's Services, respondent in Proceeding No. 1 and respondent-respondent in Proceeding No. 2.

Cheryl Charles-Duval, Brooklyn, NY, for Harriet N., petitioner-respondent in Proceeding No. 2.

Twyla Carter, New York, NY (Dawne A. Mitchell and John A. Newbery of counsel), attorney for the child.

DECISION & ORDER

In a proceeding pursuant to Family Court Act article 10, and a

related proceeding pursuant to Family Court Act article 6, the mother appeals from (1) an order of the Family Court, Kings County (Melody Glover, J.), dated August 23, 2022, and (2) an order of the same court dated January 6, 2023.

The order dated August 23, 2022, enjoined the mother from filing any additional motions without leave of court. The order dated January 6, 2023, enjoined the mother from filing any petitions or motions without leave of court.

ORDERED that the orders are affirmed, without costs or disbursements.

The Administration for Children's Services (hereinafter the agency) filed a petition alleging that the mother neglected the subject child.

After a fact-finding hearing, in an order dated May 23, 2023, the Family Court dismissed the neglect petition, finding that the agency failed to establish that the mother neglected the child (hereinafter the dismissal order).

The agency and the child separately appealed from the dismissal order. In a decision and order dated October 23, 2024, this Court reversed the dismissal order and reinstated the petition, found that the mother neglected the child, and remitted the matter to the Family Court for a dispositional hearing and a determination [2] thereafter (*see* *Matter of Caia N. [Terri N.]*, 231 AD3d 1033).

In an order dated August 23, 2022, the Family Court enjoined the mother from filing any additional motions without leave of court.

In an order dated January 6, 2023, the court enjoined the mother from filing any petitions or motions without leave of court. The mother appeals from both orders.

The Family Court providently exercised its discretion in precluding the mother from filing any additional motions or petitions without leave of court. While public policy generally mandates free access to the courts, a party may forfeit that right if that party abuses the judicial process by engaging in meritless litigation motivated by spite or ill will (*see* *Matter of Unger v Koren Ha*, 234 AD3d 783, 785; *Matter of Freyer v Macruari*, 234 AD3d 755, 758).

Here, the record reflects that the mother abused the judicial process through vexatious litigation (*see* *Matter of Isaac S. [Miriam S.]*, 178 AD3d 829, 830; *Scholar v Timinisky*, 87 AD3d 577, 579).

The mother has brought multiple applications seeking the same relief based on the same allegations (*see* *Matter of Ram v Estate of Hershowitz*, 149 AD3d 959, 960; *Matter of Manwani v Manwani*, 286 AD2d 767, 768).

Under the circumstances presented, the court providently exercised its discretion in prohibiting the mother from filing any further petitions without prior court approval (*see* *Matter of Unger v Koren Ha*, 234 AD3d at 785-786).

The mother's remaining contention is not properly before this Court on appeal.

GENOVESI, J.P., WARHIT, GOLIA and HOM, JJ., concur.

ENTER:

Darrell M. Joseph

Clerk of the Court

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