

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

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appellate procedure

family law procedure

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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

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