

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

Matter of Christian J.C. (Jorge C.)

2025 NY Slip Op 06857 · No. 2024-02852; Family Court Docket No. B-10938-21 · Decided December 10, 2025

SUMMARY

The Appellate Division, Second Department, reversed the Family Court's order terminating the father's parental rights based on permanent neglect. Although the petitioner established diligent efforts to strengthen the parent-child relationship, it failed to prove by clear and convincing evidence that the father substantially and continuously failed to maintain contact with the child or plan for the child's future. The petition was denied insofar as asserted against the father, and the proceeding was dismissed against him.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Linda Christopher, J.; Carl J. Landicino, J.; Laurence L. Love, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 10, 2025
DOCKET	2024-02852; Family Court Docket No. B-10938-21
DISPOSITION	reversed
PROCEDURAL POSTURE	The father appealed from a Family Court order of fact-finding and disposition that adjudicated the child permanently neglected, terminated the father's parental rights, and transferred custody and guardianship to the petitioner and the Commissioner of Social Services for adoption.
STANDARD OF REVIEW	The Appellate Division reviewed the Family Court's determination on the law and the facts and assessed whether permanent neglect was established by clear and convincing evidence.
PRECEDENTIAL VALUE	published
PARTIES	Jorge C. (Anonymous) v. New Alternatives for Children, Inc., et al.

TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

PRACTICE AREAS

family law

termination of parental rights

child welfare

QUESTIONS PRESENTED

1. Whether the petitioner established by clear and convincing evidence that it made diligent efforts to strengthen the parent-child relationship.
2. Whether the petitioner established by clear and convincing evidence that the father substantially and continuously failed to maintain contact with the child or plan for the child's future, although physically and financially able to do so.
3. Whether the Family Court properly adjudicated the child permanently neglected and terminated the father's parental rights.

HOLDINGS

1. In a permanent-neglect proceeding, the agency must establish by clear and convincing evidence that it fulfilled its statutory duty to exercise diligent efforts to encourage and strengthen the parent-child relationship. The petitioner satisfied that requirement here.
2. The petitioner failed to prove by clear and convincing evidence that the father substantially and continuously failed during the relevant period to maintain contact with the child or plan for the child's future, although physically and financially able to do so.
3. The Family Court erred in adjudicating the child permanently neglected by the father and terminating the father's parental rights.

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])

“In sum, the record supports the conclusion that the father planned for the future of the child to the extent he was physically and financially able to do so” ([*2])

FACTUAL BACKGROUND

The petitioner developed a service plan for the father, arranged parental access, referred him to substance-abuse and parenting-skills programs, and monitored his progress. Although the father initially had limited contact and did not visit the child for approximately three months, he thereafter consistently attended parental access and substantially complied with the petitioner's requirements. Progress notes described the father-child relationship as flourishing, and the record did not support the finding that the father lacked insight into his treatment needs or the child's special needs.

PROCEDURAL HISTORY

New Alternatives for Children, Inc. commenced a proceeding under Social Services Law § 384-b to terminate the father's parental rights on the ground of permanent neglect. After fact-finding and dispositional hearings, the Family Court, Queens County, ruled against the father. The Appellate Division reversed insofar as appealed from, denied the petition against the father, and dismissed the proceeding against him.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No remand was ordered. The petition was denied insofar as asserted against the father, and the proceeding was dismissed insofar as asserted against him.

CASES CITED

- Matter of Ryder S.R. [Shaquana R.], 236 A.D.3d 1045, 1046
- Matter of Kalebh-Xavier X.O. [Jessica-Maria M.], 240 A.D.3d 696, 698
- Matter of Shimon G. [Batsheva G.], 206 A.D.3d 732, 733
- Matter of Alexis M.B. [Jaclyn R.P.], 224 A.D.3d 679, 681
- Matter of Daniel J.L. [Sayid L.], 213 A.D.3d 939, 940
- Matter of Makari A.H. [Letoya A.J.-H.], 239 A.D.3d 739, 741
- Matter of Geddiah S.R. [Seljeana P.], 195 A.D.3d 725, 726
- Matter of Endoran E.H. [Elliot R.H.], 132 A.D.3d 762, 763-764
- Matter of Winstoniya D. [Tammi G.], 123 A.D.3d 705, 707

OPINION

PER CURIAM.

Matter of Christian J.C. (Jorge C.) (2025 NY Slip Op 06857) Matter of Christian J.C. (Jorge C.) 2025 NY Slip Op 06857 Decided on December 10, 2025 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided on December 10, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department BETSY BARROS, J.P. LINDA CHRISTOPHER CARL J. LANDICINO LAURENCE L. LOVE, JJ. 2024-02852 (Docket No. B-10938-21) [*1]In the Matter of Christian J. C. (Anonymous). New Alternatives for Children, Inc., petitioner- respondent; Jorge C. (Anonymous), appellant, et al., respondent.

Center for Family Representation, Inc., New York, NY (Tehra Coles and Charles S. Rosenberg of counsel), for appellant. Dawn M. Shammass, New York, NY, for petitioner-respondent. Twyla Carter, New York, NY (Dawne A. Mitchell, Marcia Egger, and Judith Stern of counsel), attorney for the child. DECISION & ORDER In a proceeding pursuant to Social Services Law § 384-b, the father appeals from an order of fact-finding and disposition of the Family Court, Queens County (Joan L. Piccirillo, J.), dated April 2, 2024.

The order of fact-finding and disposition, insofar as appealed from, after fact-finding and dispositional hearings, found that the father permanently neglected the subject child, terminated the father's parental rights, and transferred custody and guardianship of the subject child to the petitioner and the Commissioner of Social Services of the City of New York for the purpose of adoption.

ORDERED that the order of fact-finding and disposition is reversed insofar as appealed from, on the law and the facts, without costs or disbursements, the petition is denied insofar as asserted against the father, and the proceeding is dismissed insofar as asserted against the father.

The petitioner commenced this proceeding pursuant to Social Services Law § 384-b, inter alia, to terminate the father's parental rights to the subject child on the ground of permanent neglect. Following fact-finding and dispositional hearings, the Family Court found that the father permanently neglected the child, terminated the father's parental rights, and transferred custody and guardianship of the child to the petitioner and the Commissioner of Social Services of the City of New York for the purpose of adoption.

The father appeals. "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" (Matter of Ryder S.R. [Shaquana R.], 236 AD3d 1045, 1046 [internal quotation marks omitted]; see Social Services Law § 384-b[3][g][i]; [4][d]; [7][a], [f]).

"Once the agency demonstrates that it made diligent efforts to strengthen the parental relationship, it bears the burden of proving by clear and convincing evidence, that for a period of one year following the child's placement with the agency, the parent failed to [*2]maintain contact with the child or, alternatively, failed to plan for the future of the child, although physically and financially able to do so" (Matter of Kalebh-Xavier X.O.

[Jessica-Maria M.], 240 AD3d 696, 698 [internal quotation marks omitted]; see Social Services Law § 384-b[3][g][i]; [7][a]). "A parent who has only partially complied with his or her service plan and who has not gained insight into the issues that caused the removal of the child has not planned for the child's future" (Matter of Shimon G. [Batsheva G.], 206 AD3d 732, 733; see Matter of Kalebh-Xavier X.O.

[Jessica-Maria M.], 240 AD3d at 698). Here, the petitioner demonstrated, by clear and convincing evidence, that it made diligent efforts to strengthen the parent-child relationship by, among other things, developing an appropriate service plan for the father, scheduling regular parental access between the father and the child, providing referrals for the father to substance abuse and parenting skills programs, and monitoring the father's progress in the programs (see Social Services Law § 384-b[7][f]; Matter of Alexis M.B.

[Jaclyn R.P.], 224 AD3d 679, 681; Matter of Daniel J.L. [Sayid L.], 213 AD3d 939, 940). However, contrary to the Family Court's determination, the petitioner failed to establish, by clear and convincing evidence, that during the relevant period of time, the father failed substantially and continuously to maintain contact with the child or plan for the child's future, although physically and financially able to do so (see Social Services Law § 384-b[7][a]; Matter of Makari A.H.

[Letoya A.J.-H.], 239 AD3d 739, 741; Matter of Geddiah S.R. [Seljeana P.], 195 AD3d 725, 726). Although the father initially had only limited contact with the petitioner and failed to visit with the child for a period of approximately three months, the father thereafter consistently attended parental access with the child and substantially complied with all the terms set forth by the petitioner.

In addition, the petitioner's progress notes established that the relationship between the father and the child was "flourishing" (see Matter of Makari A.H. [Letoya A.J.-H.], 239 AD3d at 741; Matter of Endoran E.H. [Elliot R.H.], 132 AD3d 762, 763-764). Further, the record does not support the court's finding that the father lacked insight into his substance abuse treatment needs and the child's special needs.

In sum, the record supports the conclusion that the father planned for the future of the child to the extent he was physically and financially able to do so (see Social Services Law § 384-b[7][a]). Therefore, the Family Court erred in adjudicating the child permanently neglected by the father and terminating the father's parental rights (see Matter of Makari A.H.

[Letoya A.J.-H.], 239 AD3d at 741; Matter of Winstoniya D. [Tammi G.], 123 AD3d 705, 707). The parties' remaining contentions either need not be reached in light of our determination or are without merit. BARROS, J.P., CHRISTOPHER, LANDICINO and LOVE, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

PER CURIAM.

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The father appeals. "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" (Matter of Ryder S.R. [Shaquana R.], 236 AD3d 1045, 1046 [internal quotation marks omitted]; see Social Services Law § 384-b[3][g][i]; [4][d]; [7][a], [f]).

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In addition, the petitioner's progress notes established that the relationship between the father and the child was "flourishing" (see Matter of Makari A.H. [Letoya A.J.-H.], 239 AD3d at 741; Matter of Endoran E.H. [Elliot R.H.], 132 AD3d 762, 763-764). Further, the record does not support the court's finding that the father lacked insight into his substance abuse treatment needs and the child's special needs.

In sum, the record supports the conclusion that the father planned for the future of the child to the extent he was physically and financially able to do so (see Social Services Law § 384-b[7][a]). Therefore, the Family Court erred in adjudicating the child permanently neglected by the father and terminating the father's parental rights (see Matter of Makari A.H.

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