

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

Matter of Jayron J. (Ronecia H.)

2026 NY Slip Op 01639 (N.Y. Ct. App. 2026) · No. 31 CAF 24-02054 · Decided March 20, 2026

SUMMARY

The New York Appellate Division, Fourth Department dismissed the mother's appeal from the fact-finding order as moot or terminated upon entry of the dispositional order, and unanimously affirmed the dispositional order placing the children in the custody of the Erie County Department of Social Services. The court held that the petitioner established a prima facie case of abuse based on the child's injuries, that the mother failed to rebut the presumption of culpability, and that the finding of derivative abuse of the other children was supported by the evidence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Lindley, J.P.; Bannister, J.; Ogden, J.; Nowak, J.; DelConte, J.
JURISDICTION	New York Appellate Division, Fourth Department
DECIDED	March 20, 2026
DOCKET	31 CAF 24-02054
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from a Family Court dispositional order in a Family Court Act article 10 child-abuse proceeding; the mother also separately appealed from the fact-finding decision.
STANDARD OF REVIEW	Whether the findings of abuse and derivative abuse were supported by a preponderance of the evidence in the record.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	Ronecia H. v. Erie County Department of Social Services

TOPICS

- family law procedure
- appellate procedure
- evidence
- burden of proof
- presumptions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the mother's direct appeal from the fact-finding decision remained available after Family Court entered a subsequent dispositional order.
2. Whether the petitioner established a prima facie case of abuse under Family Court Act § 1046(a)(ii) despite being unable to identify the precise time of the injuries or which caregiver caused them.
3. Whether the mother rebutted the presumption of parental culpability after the petitioner established a prima facie case.
4. Whether the finding that the mother derivatively abused her other three children was supported by a preponderance of the evidence.

HOLDINGS

1. A respondent's right of direct appeal from a fact-finding order terminates upon the subsequent entry of a dispositional order; therefore, the appeal from the fact-finding decision was dismissed.
2. The petitioner established a prima facie case of child abuse by showing that the child suffered injuries that would ordinarily not occur absent an act or omission of the respondent and that the respondent was a caregiver at the time of the injuries.
3. After the petitioner established a prima facie case, the burden of going forward shifted to the mother, and she failed to rebut the presumption of parental culpability.
4. The finding that the mother derivatively abused her other three children was supported by a preponderance of the evidence.

KEY QUOTATIONS

“we conclude that the mother's right of direct appeal from the fact-finding order in appeal No. 1 terminated with the subsequent entry of the order of disposition” (at 1)

“petitioner's inability to pinpoint the exact time and date of the child's injuries and to link the cause of those injuries to a specific caregiver, i.e., either the mother or the uncle, is not fatal to the establishment of petitioner's prima facie case of abuse” (at 2)

“The abuse of the child “demonstrates such an impaired level of judgment by the [mother] as to create a substantial risk of harm for any child in her care”” (at 2)

FACTUAL BACKGROUND

The subject child sustained numerous injuries, including a subdural hematoma, retinal hemorrhaging, and various bruises. The mother and the children's uncle were caregivers during the relevant period, but the petitioner could not identify the exact time of the injuries or determine which caregiver caused them. The mother failed to rebut the resulting presumption of parental culpability, and the evidence supported a finding that her conduct demonstrated impaired judgment creating a substantial risk of harm to her other children.

PROCEDURAL HISTORY

Family Court, Erie County, determined that the mother and the children's uncle abused one of the mother's twin sons and that the mother derivatively abused her other three children. Family Court subsequently entered a dispositional order placing the children in the custody of the Erie County Department of Social Services. The Appellate Division dismissed the direct appeal from the fact-finding decision because the subsequent dispositional order terminated the mother's right to appeal directly from that decision, and unanimously affirmed the dispositional order.

DISPOSITION

other

CASES CITED

- Matter of Silas W. [Natasha W.], 207 AD3d 1234, 1234 (4th Dept 2022)
- Downstairs Cabaret, Inc. v Wesco Ins. Co., 187 AD3d 1642, 1643 (4th Dept 2020)
- Nicol v Nicol, 179 AD3d 1472, 1473 (4th Dept 2020)
- Matter of Mea V. [Brandon V.], 210 AD3d 1408, 1408 (4th Dept 2022)
- Matter of Philip M., 82 NY2d 238, 243-244 (1993)
- Matter of Grayson R.V. [Jessica D.] [appeal No. 2], 200 AD3d 1646, 1648-1649 (4th Dept 2021), lv denied 38 NY3d 909 (2022)
- Matter of Devre S. [Carlee C.], 74 AD3d 1848, 1849 (4th Dept 2010)
- Matter of Kevin V. [Sarah L.], 229 AD3d 1159, 1160 (4th Dept 2024)
- Matter of Dorian C. [Cyncere G.], 233 AD3d 1516, 1519 (4th Dept 2024), lv denied 43 NY3d 904 (2025)
- Matter of Chandler W. [Caitlyn M.], 237 AD3d 1564, 1566 (4th Dept 2025), lv denied 44 NY3d 905 (2025)

OPINION

PER CURIAM.

Matter of Jayron J. (Ronecia H.) (2026 NY Slip Op 01639) Matter of Jayron J. (Ronecia H.) 2026 NY Slip Op 01639 Decided on March 20, 2026 Appellate Division, Fourth 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 March 20, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Fourth Judicial Department PRESENT: LINDLEY, J.P., BANNISTER, OGDEN, NOWAK, AND DELCONTE, JJ. 31 CAF 24-02054 [*1]IN THE MATTER OF JAYRON J., JAYAIRE J., JAYDEN J., AND JAYLEN J. ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, PETITIONER-RESPONDENT; and RONECIA H., RESPONDENT-APPELLANT.

(APPEAL NO. 2.) CAITLIN M. CONNELLY, BUFFALO, FOR RESPONDENT-APPELLANT. JULIE VILJOEN, BUFFALO, FOR PETITIONER-RESPONDENT. Appeal from an order of the

Family Court, Erie County (Shannon E. Filbert, J.), dated December 6, 2024, in a proceeding pursuant to Family Court Act article 10.

The order, among other things, placed the subject children in the custody of petitioner. It is hereby ED that the order so appealed from is unanimously affirmed without costs. Memorandum: In this proceeding pursuant to Family Court Act article 10, respondent mother appeals in appeal No. 1 from a decision determining, inter alia, that she and the uncle abused one of her twin sons (child) and derivatively abused her other three children.

In appeal No. 2, the mother appeals from a dispositional order placing the children in the custody of petitioner. As a preliminary matter, assuming, arguendo, that the paper appealed from in appeal No. 1 met the essential requirements of an order and we treated it as such (see Matter of Silas W. [Natasha W.], 207 AD3d 1234, 1234 [4th Dept 2022]; Downstairs Cabaret, Inc. v Wesco Ins.

Co., 187 AD3d 1642, 1643 [4th Dept 2020]; Nicol v Nicol, 179 AD3d 1472, 1473 [4th Dept 2020]; see generally CPLR 2219 [a]), we conclude that the mother's right of direct appeal from the fact-finding order in appeal No. 1 terminated with the subsequent entry of the order of disposition, and we therefore dismiss appeal No. 1 (see Matter of Mea V. [Brandon V.], 210 AD3d 1408, 1408 [4th Dept 2022]).

Family Court Act § 1046 (a) (ii) "provides that a prima facie case of child abuse or neglect may be established by evidence of (1) an injury to a child which would ordinarily not occur absent an act or omission of [the] respondent[], and (2) that [the] respondent[was a] caretaker[] of the child at the time the injury occurred" (Matter of Philip M., 82 NY2d 238, 243 [1993]; see Matter of Grayson R.V.

[Jessica D.] [appeal No. 2], 200 AD3d 1646, 1648 [4th Dept 2021], lv denied 38 NY3d 909 [2022]). Once the petitioner "establishe[s] a prima facie case, the burden of going forward shifts to respondent[] to rebut the evidence of parental culpability" (Philip M., 82 NY2d at 244; see generally Matter of Devre S. [Carlee C.], 74 AD3d 1848, 1849 [4th Dept 2010]).

We conclude that petitioner established that the child suffered numerous injuries, including a subdural hematoma, retinal hemorrhaging, and various bruises, that would not ordinarily occur absent an act or omission of the mother (see Matter of Kevin V. [Sarah L.], 229 AD3d 1159, 1160 [4th Dept 2024]; Grayson R.V., 200 AD3d at 1646; see generally Philip M., 82 NY2d at 243).

Contrary to the mother's contention, although the mother and the uncle were caregivers for the child during the relevant time frame, petitioner's inability to pinpoint the exact [*2]time and date of the child's injuries and to link the cause of those injuries to a specific caregiver, i.e., either the mother or the uncle, is not fatal to the establishment of petitioner's prima facie case of abuse (see Kevin V., 229 AD3d at 1160).

We further conclude that the mother failed to rebut the presumption of culpability (see Grayson R.V., 200 AD3d at 1649). We also conclude that Family Court's finding of derivative abuse of the three other children by the mother is supported by a preponderance of the evidence in the record (see Family Ct Act § 1046 [a] [i]; [b] [i]).

The abuse of the child " 'demonstrates such an impaired level of judgment by the [mother] as to create a substantial risk of harm for any child in her care' " (Matter of Dorian C. [Cyncere G.], 233 AD3d 1516, 1519 [4th Dept 2024], lv denied 43 NY3d 904 [2025]; see Matter of Chandler W. [Caitlyn M.], 237 AD3d 1564, 1566 [4th Dept 2025], lv denied 44 NY3d 905 [2025]).

Entered: March 20, 2026 Ann Dillon Flynn Clerk of the Court