

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

Matter of Elijah L. Jr. (Elijah L.)

2026 NY Slip Op 03963 · No. 2025-02019; 2025-02399 · Decided June 24, 2026

SUMMARY

The Appellate Division, Second Department, reversed orders terminating the father's parental rights to two children on the ground of permanent neglect. The court held that the foster care agency failed to prove by clear and convincing evidence that it made diligent efforts to strengthen the parent-child relationship, including arranging parental access, providing service referrals, and assisting with housing.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Second Judicial Department                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | Valerie Brathwaite Nelson, J.P.; Barry E. Warhit, J.; Phillip Hom, J.; Lisa S. Ottley, J.                                                                                                                                                                                                                      |
| JURISDICTION          | Supreme Court of the State of New York, Appellate Division, Second Department                                                                                                                                                                                                                                  |
| DECIDED               | June 24, 2026                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 2025-02019; 2025-02399                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | reversed                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | The father appealed from two Family Court orders of disposition terminating his parental rights based on permanent neglect and transferring custody and guardianship of the children for adoption.                                                                                                             |
| STANDARD OF REVIEW    | The Appellate Division reviewed the Family Court's determination on the law and the facts. The petitioner was required to establish by clear and convincing evidence that it had exercised diligent efforts to strengthen the parent-child relationship before a permanent-neglect finding could be sustained. |
| PRECEDENTIAL VALUE    | Published New York Appellate Division decision                                                                                                                                                                                                                                                                 |
| PARTIES               | Elijah L. (Anonymous), father v. SCO Family of Services, petitioner-respondent, Commissioner of Social Services of the City of New York                                                                                                                                                                        |

## TOPICS

termination of parental rights

parental rights

family law procedure

appellate procedure

family law

## PRACTICE AREAS

family law

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## QUESTIONS PRESENTED

1. Whether the foster-care agency proved by clear and convincing evidence that it exercised diligent efforts to encourage and strengthen the relationship between the father and the children, as required before termination of parental rights for permanent neglect.
2. Whether the petitions should be denied and the proceedings dismissed against the father because the agency failed to establish the required diligent efforts.

## HOLDINGS

1. A foster-care agency seeking termination of parental rights for permanent neglect must first prove 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 failed to meet that burden because the evidence did not show that it arranged parental access, referred the father to services, or assisted him with suitable housing.
2. Because the petitioner failed to establish diligent efforts, the Family Court should have denied the petitions and dismissed the proceedings insofar as they were asserted against the father.

## KEY QUOTATIONS

*“When a foster care agency brings a proceeding to terminate parental rights on the ground of permanent neglect, it must, as a threshold matter, prove 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])

*“An agency must always determine the particular problems facing a parent with respect to the return of his or her child and make affirmative, repeated, and meaningful efforts to assist the parent in overcoming these handicaps”* ([\*1])

## FACTUAL BACKGROUND

The proceedings concerned two children, Elijah L., Jr., and Lanijah L., and sought termination of their father's parental rights on the ground of permanent neglect. At the fact-finding hearing, the evidence did not establish that SCO Family of Services arranged parental access, referred the father to services, or assisted him in obtaining suitable housing. The Family Court nevertheless found permanent neglect and later terminated the father's parental rights for purposes of adoption.

## PROCEDURAL HISTORY

SCO Family of Services commenced related proceedings under Social Services Law § 384-b to terminate the father's parental rights to two children on the ground of permanent neglect. After a fact-finding hearing, the Family Court found permanent neglect, and after a dispositional hearing it terminated the father's parental rights and transferred custody and guardianship to the petitioner and the Commissioner of Social Services for adoption. The Appellate Division reversed, vacated the permanent-neglect finding, denied the petitions insofar as asserted against the father, and dismissed the proceedings against him.

## DISPOSITION

reversed

## CASES CITED

- Matter of Angelina J.W. [Tanya J.W.], 217 AD3d 773, 774
- Matter of Kasey R.L.R. [Sharreise B.], 233 AD3d 877, 878
- Matter of Karina J.M. [Carmen Enid G.], 145 AD3d 893, 894
- Matter of Shelia G., 61 NY2d 368, 385
- Matter of Syiah C. M. [Shatasia C.M.], 240 AD3d 596, 596-597
- Matter of Elijah W.L. [Omisa S.C.], 146 AD3d 782, 784
- Matter of Joshua R. [Joseph R.], 2 AD3d 528, 529

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