

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

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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

OPINION

Matter of Elijah L. Jr. (Elijah L.) 2026 NY Slip Op 03963

PER CURIAM.

Matter of Elijah L. Jr. (Elijah L.) - 2026 NY Slip Op 03963 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Matter of Elijah L. Jr. (Elijah L.) 2026 NY Slip Op 03963 June 24, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. In the Matter of Elijah L. (Anonymous), Jr. SCO Family of Services, petitioner-respondent; Elijah L. (Anonymous), appellant, et al., respondent. (Proceeding No. 1) In the Matter of Lanijah L. (Anonymous). SCO Family of Services, petitioner-respondent; Elijah L. (Anonymous), appellant, et al., respondent. (Proceeding No. 2) Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 24, 2026 2025-02019, 2025-02399, (Docket Nos. B-4210-17, B-4211-17) Valerie Brathwaite Nelson, J.P. Barry E. Warhit Phillip Hom Lisa S. Ottley, JJ. Lisa A. Manfro, Port Washington, NY, for appellant. Leventhal Mullaney & Blinkoff, LLP, Roslyn, NY (Jeffrey Blinkoff of counsel), for petitioner-respondent. Terrence J. Worms, Flushing, NY, attorney for the children. [*1] DECISION & ORDER In related proceedings pursuant to Social Services Law § 384-b, the father appeals from

two orders of disposition of the Family Court, Queens County (Emily Ruben, J.) (one as to each child), both dated November 12, 2024. The orders of disposition, upon an order of fact-finding and disposition of the same court dated March 1, 2024, made after a fact-finding hearing, finding, inter alia, that the father permanently neglected the subject children Elijah L., Jr., and Lanijah L., and a decision of the same court dated October 7, 2024, made after a dispositional hearing, terminated the father's parental rights as to those children and transferred custody and guardianship of those children to the petitioner and the Commissioner of Social Services of the City of New York for the purpose of adoption. ORDERED that the orders of disposition are reversed, on the law and the facts, without costs or disbursements, so much of the order of fact-finding and disposition dated March 1, 2024, as found that the father permanently neglected the subject children Elijah L., Jr., and Lanijah L. is vacated, the petitions relating to those children, insofar as asserted against the father, are denied, and the proceedings relating to those children, insofar as asserted against the father, are dismissed. The petitioner commenced these proceedings pursuant to Social Services Law § 384-b, inter alia, to terminate the father's parental rights to the subject children Elijah L., Jr., and [*2] Lanijah L. (hereinafter together the children) on the ground of permanent neglect. Following a fact-finding hearing, the Family Court, among other things, found that the father permanently neglected the children. Thereafter, the court terminated the father's parental rights to the children and transferred custody and guardianship of the children to the petitioner and the Commissioner of Social Services of the City of New York for the purpose of adoption. These appeals ensued. "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" (Matter of Angelina J.W. [Tanya J.W.] , 217 AD3d 773, 774 [internal quotation marks omitted]; see Social Services Law § 384-b[7][a]). "Those efforts must include counseling, making suitable arrangements for parental access, providing assistance to the parents to resolve the problems preventing the child's discharge, and advising the parents of the child's progress and development" (Matter of Kasey R.L.R. [Sharreise B.] , 233 AD3d 877 , 878 [internal quotation marks omitted]; see Matter of Karina J.M. [Carmen Enid G.] , 145 AD3d 893, 894). "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" (Matter of Shelia G ., 61 NY2d 368, 385). Here, the petitioner failed to meet its initial burden of establishing by clear and convincing evidence that it exercised diligent efforts to strengthen the parental relationship between the father and the children (see Social Services Law § 384-b[7][a], [f]). The evidence adduced at the fact-finding hearing failed to establish that the petitioner arranged any parental access between the father and the children, referred the father to any services, or assisted the father with obtaining suitable housing. In light of the petitioner's failure to meet its burden of establishing its diligent efforts, the Family Court should have denied the petitions and dismissed the proceedings insofar as asserted against

the father with respect to the children (see 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). The parties' remaining contentions either are without merit or need not be reached in light of our determination. BRATHWAITE NELSON, J.P., WARHIT, HOM and OTTLEY, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.