

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

Matter of Ragnar B.-N. (Gary B.-N.)

2026 NY Slip Op 00711 · No. 906 CAF 24-01742 · Decided February 11, 2026

SUMMARY

The Appellate Division, Fourth Department dismissed a father's appeal from an order terminating his parental rights on the ground of permanent neglect and freeing the child for adoption. The court held that the father's challenges concerned a finding of permanent neglect entered on consent, which was beyond appellate review, while noting that the validity of the consent could be challenged through a motion to vacate or withdraw consent.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Whalen, P.J.; Curran, J.; Montour, J.; Smith, J.; DelConte, J.
JURISDICTION	New York Supreme Court, Appellate Division, Fourth Department
DECIDED	February 11, 2026
DOCKET	906 CAF 24-01742
DISPOSITION	dismissed
PROCEDURAL POSTURE	Respondent father appealed from a Family Court order terminating his parental rights on the ground of permanent neglect and freeing the child for adoption.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	Gary B.-N. v. Oneida County Department of Family and Community Services

TOPICS

- termination of parental rights
- family law procedure
- appellate procedure
- preservation of error
- adoption

PRACTICE AREAS

- family law
- termination of parental rights
- appellate procedure

QUESTIONS PRESENTED

1. Whether the father's appeal challenging the permanent-neglect finding could be reviewed when that finding was entered on his consent.
2. Whether a party may challenge the validity of consent to a permanent-neglect finding by preserving the issue through a motion to vacate the finding or withdraw consent.

HOLDINGS

1. An appeal challenging a permanent-neglect finding entered on the respondent father's consent must be dismissed because the finding is beyond appellate review.
2. A party may challenge whether consent to a permanent-neglect finding was given knowingly, voluntarily, and intelligently by preserving the contention through a motion to vacate the finding or withdraw consent.

KEY QUOTATIONS

*"We conclude that the appeal must be dismissed inasmuch as the father's contentions are directed at the order finding permanent neglect, which "was entered on consent of [the father] and thus is beyond appellate review"" ([*1])*

FACTUAL BACKGROUND

The proceeding concerned the parental rights of Gary B.-N. with respect to a subject child. Family Court found permanent neglect, terminated the father's parental rights, and freed the child for adoption. The permanent-neglect finding had been entered on the father's consent.

PROCEDURAL HISTORY

The Oneida County Department of Family and Community Services commenced a proceeding under Social Services Law § 384-b in Family Court, Oneida County. Family Court entered an order on July 2, 2024, terminating the father's parental rights and freeing the child for adoption. The Appellate Division dismissed the appeal because the father's challenges concerned a permanent-neglect finding entered on his consent.

DISPOSITION

dismissed

CASES CITED

- Matter of Raymond H. [Dana C.], 186 AD3d 1125, 1126 (4th Dept 2020)
- Matter of Aiden T. [Melissa S.], 164 AD3d 1663, 1665 (4th Dept 2018), lv denied 32 NY3d 917 (2019)
- Matter of Bryan W., 299 AD2d 929, 930 (4th Dept 2002), lv denied 99 NY2d 506 (2003)
- Matter of Abigail H. [Daniel D.], 172 AD3d 1922, 1923 (4th Dept 2019), lv denied 34 NY3d 901 (2019)
- Matter of Dah' Marii G. [Cassandra G.], 156 AD3d 1479, 1480 (4th Dept 2017)
- Matter of Xavier O.V. [Sabino V.], 117 AD3d 1567, 1567 (4th Dept 2014), lv denied 24 NY3d 903 (2014)

OPINION

Matter of Ragnar B.N. (Gary B.N.) 2026 NY Slip Op 00711
PER CURIAM.

Matter of Ragnar B.N. (Gary B.N.) (2026 NY Slip Op 00711) Matter of Ragnar B.N. (Gary B.N.)
2026 NY Slip Op 00711 Decided on February 11, 2026 Appellate Division, Fourth Department
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opinion is uncorrected and subject to revision before publication in the Official Reports. Decided
on February 11, 2026

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Fourth Judicial Department PRESENT: WHALEN, P.J., CURRAN,
MONTOUR, SMITH, AND DELCONTE, JJ.

906 CAF 24-01742

[*1]IN THE MATTER OF RAGNAR B.-N. ONEIDA COUNTY DEPARTMENT OF FAMILY
AND COMMUNITY SERVICES, PETITIONER-RESPONDENT; GARY B.-N., RESPONDENT-
APPELLANT. JOHN ROWLEY, SPENCER, FOR RESPONDENT-APPELLANT. WALTER
BURKARD, MANLIUS, ATTORNEY FOR THE CHILD. Appeal from an order of the Family
Court, Oneida County (Julia Brouillette, J.), entered July 2, 2024, in a proceeding pursuant to
Social Services Law § 384-b. The order, among other things, terminated respondent's parental
rights with respect to the subject child. It is hereby ORDERED that said appeal is unanimously
dismissed without costs. Memorandum: In this proceeding pursuant to Social Services Law § 384-
b, respondent father appeals from an order that, inter alia, terminated his parental rights with
respect to the subject child on the ground of permanent neglect and freed the child for adoption.
We conclude that the appeal must be dismissed inasmuch as the father's contentions are directed at
the order finding permanent neglect, which "was entered on consent of [the father] and thus is
beyond appellate review" (Matter of Raymond H. [Dana C.] , 186 AD3d 1125 , 1126 [4th Dept
2020] [internal quotation marks omitted]; see Matter of Aiden T. [Melissa S.] , 164 AD3d 1663 ,
1665 [4th Dept 2018], lv denied 32 NY3d 917 [2019]; Matter of Bryan W. , 299 AD2d 929, 930
[4th Dept 2002], lv denied 99 NY2d 506 [2003]). We note that a party may challenge whether the
consent to the entry of the finding of permanent neglect was given knowingly, voluntarily and
intelligently by preserving the contention through a motion to vacate the finding of permanent
neglect or to withdraw their consent (see Matter of Abigail H. [Daniel D.] , 172 AD3d 1922 ,
1923 [4th Dept 2019], lv denied 34 NY3d 901 [2019]; Matter of Dah ' Marii G. [Cassandra G.] ,
156 AD3d 1479, 1480 [4th Dept 2017]; Matter of Xavier O.V. [Sabino V.] , 117 AD3d 1567, 1567
[4th Dept 2014], lv denied 24 NY3d 903 [2014]). Entered: February 11, 2026 Ann Dillon Flynn
Clerk of the Court