

**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.

OPINION

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 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 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