

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

Matter of Amiyah C. (Wanda T.)

2026 NY Slip Op 00740 · No. 976 CAF 24-01397 · Decided February 11, 2026

SUMMARY

The New York Supreme Court, Appellate Division, Fourth Department affirmed an order terminating the father's parental rights on the ground of permanent neglect. The court held that the petitioner made diligent efforts, the father failed to plan for the child's future, the Family Court properly drew a negative inference from his failure to testify, and he received meaningful representation.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Fourth Judicial Department
WRITING FOR THE COURT	Whalen, P.J.; Lindley, J.; Ogden, J.; Nowak, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Department
DECIDED	February 11, 2026
DOCKET	976 CAF 24-01397
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent father appealed from a Family Court order terminating respondents' parental rights to the subject child on the ground of permanent neglect.
PRECEDENTIAL VALUE	Published
PARTIES	Marcus C. v. Onondaga County Department of Children and Family Services

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure

PRACTICE AREAS

- family law
- termination of parental rights
- child welfare

QUESTIONS PRESENTED

1. Whether the petitioner established diligent efforts to encourage and strengthen the parent-child relationship as required for a permanent-neglect determination.
2. Whether the father failed to plan for the child's future despite the petitioner's diligent efforts.
3. Whether Family Court properly drew a negative inference from the father's failure to testify at the fact-finding hearing.
4. Whether the father received effective assistance of counsel.
5. Whether the father preserved, and was entitled to, a suspended judgment.

HOLDINGS

1. The petitioner established that it exercised diligent efforts to encourage and strengthen the parent-child relationship as required by Social Services Law § 384-b (7) (a).
2. Despite the petitioner's diligent efforts, the father failed to plan for the child's future, supporting termination of his parental rights for permanent neglect.
3. Family Court properly drew the strongest possible negative inference against the father after he failed to testify at the fact-finding hearing.
4. The father was not denied effective assistance of counsel because the record viewed in its totality showed that he received meaningful representation.
5. The father's contention that the court should have granted a suspended judgment was unpreserved, and in any event a suspended judgment was not warranted under the circumstances.

KEY QUOTATIONS

*“Diligent efforts include reasonable attempts at providing counseling, scheduling regular visitation with the child, providing services to the parent[] to overcome problems that prevent the discharge of the child into their care, and informing the parent[] of [the] child's progress” ([*1])*

*“‘[T]o plan for the future of the child' shall mean to take such steps as may be necessary to provide an adequate, stable home and parental care for the child” ([*1])*

*“the record, viewed in totality, reveals that the father received meaningful representation” ([*1]-[*2])*

FACTUAL BACKGROUND

The petitioner developed a service plan for the father that included mental-health treatment, domestic-violence services, anger-management counseling, substance-abuse evaluation, and clinical visitation services. The petitioner also communicated concerns about the father's continuing volatile relationship with the child's mother. Despite those efforts, the father failed to complete or make adequate progress in recommended services, continued his relationship with the mother, and failed to testify at the fact-finding hearing.

PROCEDURAL HISTORY

The Onondaga County Department of Children and Family Services commenced a proceeding under Social Services Law § 384-b in Family Court, Onondaga County. Family Court entered an order on July 29, 2024, terminating respondents' parental rights, among other relief. The Fourth Department unanimously affirmed the order without costs.

DISPOSITION

affirmed

CASES CITED

- Matter of Jessica Lynn W., 244 A.D.2d 900, 900-901 (4th Dep't 1997)
- Matter of Albina H. [John H.], 229 A.D.3d 1169, 1170 (4th Dep't 2024), lv denied, 42 N.Y.3d 903 (2024)
- Matter of Ariana F.F. [Robert E.F.], 202 A.D.3d 1440, 1442 (4th Dep't 2022)
- Matter of Carter H. [Seth H.], 191 A.D.3d 1359, 1360 (4th Dep't 2021)
- Matter of Nykira H. [Chellsie B.-M.], 181 A.D.3d 1163, 1165 (4th Dep't 2020)
- Matter of Matilda B. [Gerald B.], 187 A.D.3d 1677, 1679 (4th Dep't 2020), lv denied, 36 N.Y.3d 905 (2021)
- Matter of Moses K.B. [Ezra B.B.], 239 A.D.3d 1479, 1479-1480 (4th Dep't 2025)
- Matter of Mea V. [Brandon V.], 235 A.D.3d 1242, 1243 (4th Dep't 2025)

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