

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Matter of Gionni LL. (Beatriz LL.)

2026 NY Slip Op 02705 · No. CV-25-0749 · Decided April 30, 2026

SUMMARY

The Appellate Division, Third Department affirmed an order terminating the mother's parental rights after finding that she permanently neglected her child. The court held that termination, rather than a suspended judgment, was in the child's best interests given the mother's continued substance-abuse issues, inconsistent visitation, and lack of meaningful progress toward reunification.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Reynolds Fitzgerald, J.; Aarons, J.P.; Pritzker, J.; Fisher, J.; McShan, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	April 30, 2026
DOCKET	CV-25-0749
DISPOSITION	affirmed
PROCEDURAL POSTURE	Beatriz LL. appealed from a Family Court order that adjudicated her child permanently neglected and terminated her parental rights. On appeal, she argued that Family Court should have entered a suspended judgment instead of terminating her parental rights.
STANDARD OF REVIEW	A dispositional determination following an adjudication of permanent neglect is reviewed to determine whether it is supported by a sound and substantial basis in the record.
PRECEDENTIAL VALUE	published
PARTIES	Beatriz LL. v. Ulster County Department of Social Services

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Family Court abused its discretion or otherwise erred by terminating the mother's parental rights rather than entering a suspended judgment after an adjudication of permanent neglect.
2. Whether termination of parental rights was supported by the child's best interests and a sound and substantial basis in the record.

HOLDINGS

1. The sole concern at the dispositional hearing is the best interests of the child, and no particular disposition, including returning the child to the parent, is presumed to serve those interests.
2. A suspended judgment is appropriate only when the parent has made significant progress such that a brief grace period could demonstrate the parent's ability to be fit, and the delay is consistent with the child's best interests.
3. Family Court properly determined that the child's best interests were served by terminating the mother's parental rights rather than issuing a suspended judgment.

KEY QUOTATIONS

*“Following an adjudication of permanent neglect, the sole concern at a dispositional hearing is the best interests of the child, and there is no presumption that any particular disposition, including the return of a child to a parent, promotes such interests” (*1)*

*“While the court may decide to issue a suspended judgment rather than terminating parental rights, a suspended judgment is only appropriate where a parent has made significant progress such that a brief grace period would allow him or her to demonstrate the ability to be a fit parent, and such delay is consistent with the child's best interests” (*1-*2)*

FACTUAL BACKGROUND

The child, born in 2019 and diagnosed with autism and other developmental delays, was removed from the mother's care in May 2023 after the mother was found asleep in a vehicle with the child and tested positive for alcohol and cocaine. The mother consented to a neglect finding based on alcohol impairment, but she did not successfully complete or meaningfully engage in substance-abuse treatment. By the February 2025 dispositional hearing, she was not enrolled in treatment, had been inconsistent with visitation, had not seen the child since December 2024, and had made no significant progress toward reunification. The child had developed a strong bond with foster parents who provided a structured and supportive environment and were willing to adopt him.

PROCEDURAL HISTORY

After the child was removed from the mother's care and placed in foster care, the mother consented to a finding of neglect based on alcohol impairment. The Ulster County Department of Social Services commenced a permanent-neglect proceeding in August 2024. Following fact-finding and dispositional hearings, Family Court found permanent neglect, determined that termination rather than a suspended judgment served the child's best

interests, and entered an order terminating the mother's parental rights on March 12, 2025. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Y. SS. [E. SS.], 243 AD3d 1131, 1133-1134 (3d Dept 2025)
- Matter of Edrick PP. [Alexis QQ.], 221 AD3d 1307, 1308 (3d Dept 2023)
- Matter of Carmela D. [Shameeka G.], 232 AD3d 1126, 1131 (3d Dept 2024)
- Matter of Issac Q. [Kimberly R.], 212 AD3d 1049, 1054 (3d Dept 2023)
- Matter of Gabriel J. [Christina I.], 232 AD3d 1093, 1097-1098 (3d Dept 2024)
- Matter of Daimeon MM. [Laurie MM.], 230 AD3d 1416, 1419-1420 (3d Dept 2024)

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