

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)

OPINION

Matter of Gionni LL. (Beatriz LL.) 2026 NY Slip Op 02705

PER CURIAM.

Matter of Gionni LL. (Beatriz LL.) - 2026 NY Slip Op 02705 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 Gionni LL. (Beatriz LL.) 2026 NY Slip Op 02705 April 30, 2026 Appellate Division, Third 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 Gionni LL., Alleged to be a Permanently Neglected Child. Ulster County Department of Social Services, Respondent; Beatriz LL., Appellant. Decided and Entered: April 30, 2026 CV-25-0749 Calendar Date: March 26, 2026 Before: Aarons, J.P., Pritzker, Reynolds Fitzgerald, Fisher And Mcshan, JJ. Lindsay H. Kaplan, Kingston, for appellant. Ulster County Department of Social Services, Kingston (Heather D. Harp, New Paltz, of counsel), for respondent. Donna C. Chin, Kinderhook, attorney for the child. [*1] Reynolds Fitzgerald, J. Appeal from an order of the Family Court of Ulster County (Keri Savona, J.), entered March 12, 2025, which granted petitioner's application, in a proceeding pursuant to Social Services Law § 384-b, to adjudicate the subject child to be permanently neglected, and terminated respondent's parental rights. Respondent (hereinafter the mother) is the mother of the subject child (born in 2019) who has special needs, having been diagnosed with autism and other developmental delays. FN1 In April 2023, the mother was arrested for driving while intoxicated and endangering the welfare of a child after being found asleep on the side of the road with the child in the car. The child was removed from the mother's care after the mother tested positive for alcohol and cocaine, and was placed in foster care in May 2023. Thereafter, the mother consented to a finding of

neglect by reason of impairment by alcohol, rendering her unable to care for the child. As she was not in any type of substance abuse treatment at the time, the risk to the child remained and the child's placement in foster care was continued. In August 2024, petitioner commenced the instant proceeding alleging that the mother had permanently neglected the child. Following a fact-finding hearing, Family Court determined that, despite diligent efforts made by petitioner and its contract foster care agency Kidspeace, the mother never successfully completed or even meaningfully engaged in substance abuse treatment and thus had permanently neglected the child. FN2 A dispositional hearing was held in February 2025, wherein Family Court rendered a bench decision specifically finding that the best interests of the child would not be served by a suspended judgment but, rather, by terminating the mother's parental rights and freeing the child for adoption. A conforming dispositional order was thereafter entered on March 12, 2025, and the mother appeals from said order. On appeal, the mother's sole contention is that Family Court should have granted her a suspended judgment rather than terminating her parental rights. "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" (Matter of Y. SS. [E. SS.] , 243 AD3d 1131 , 1133-1134 [3d Dept 2025] [internal quotation marks, brackets and citations omitted]; see Matter of Edrick PP. [Alexis QQ.] , 221 AD3d 1307 , 1308 [3d Dept 2023]). "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" (Matter of Carmela D. [Shameeka G.] , 232 AD3d 1126 , 1131 [3d Dept 2024] [internal quotation marks, brackets [*2] and citation omitted], lvs denied 43 NY3d 903 [2025], 43 NY3d 903 [2025]; see Matter of Issac Q. [Kimberly R.] , 212 AD3d 1049, 1054 [3d Dept 2023], lv denied 39 NY3d 913 [2023]). At the dispositional hearing, the program manager overseeing the child's foster care placement testified that the child has been in foster care with the same parents since June 2023, and that they provide a highly structured environment, including a set routine and sensory toys. FN3 She stated that the foster parents work well with the child's school providers, his neurologist, developmental doctor, and that they work with the autism population. The manager also stated that the foster parents are very nurturing, supportive and are well bonded with the child, he is much calmer when he is with the foster parents, they are a source of comfort to him and the child is involved in all aspects of their lives including extended family activities, trips and vacations. She further stated that when the child arrived at the foster parents' residence he could not speak, but he has made progress and is now speaking some words. The program manager repeatedly testified that the foster parents are very much willing to be the adoptive parents of the child. FN4 The mother testified that she has not successfully participated in drug treatment programs. To her credit, she was candid in her admissions that she enrolled in outpatient drug treatment and was discharged for failing to attend consistently and for having

positive drug test results and that she terminated her inpatient drug treatment against advice. Although she stated that within a few weeks prior to the dispositional hearing she engaged in telephone screening for a drug treatment program, at the time of the dispositional hearing she was not enrolled in any drug treatment program. The mother further testified that she loves her child, yet conceded that she had been inconsistent with visitations, had not seen the child since December 2024 and had not made any significant progress toward reunification. FN5 Considering the record in its entirety, the length of time the child has been in foster care and the mother's repeated failure to remedy her substance abuse addictions, we conclude that Family Court's determination that the best interests of the child would be served by termination of the mother's parental rights, rather than a suspended judgment, is supported by a sound and substantial basis in the record (see Matter of Carmela D. [Shameeka G.] , 232 AD3d at 1131; Matter of Gabriel J. [Christina I.] , 232 AD3d 1093 , 1097-1098 [3d Dept 2024], lv denied 43 NY3d 901 [2025]; Matter of Daimeon MM. [Laurie MM.] , 230 AD3d 1416 , 1419-1420 [3d Dept 2024], lv denied 42 NY3d 910 [2025]). FN6 Aarons, J.P., Pritzker, Fisher and McShan, JJ., concur. ORDERED that the order is affirmed, without costs. Footnotes Footnote 1 The child's birth father's rights were terminated for abandonment of the child by Family Court on November 11, 2024 and he is not a party to this appeal. Footnote 2 The mother failed to appear at the September 10, 2024 fact-finding hearing, appeared by telephone for the November 11, 2024 continuation of the fact-finding hearing and failed to appear at the December 11, 2024 continuation of the fact-finding hearing. Footnote 3 The program manager testified that there was a two-month period in spring 2024 when the child was placed in a different foster home. Footnote 4 The manager testified at both the permanent neglect fact-finding hearing and the dispositional hearing that the foster parents are an adoptive resource for the child. Footnote 5 In fact, the mother's visitations were suspended because the child was upset, aggressive and harmful to himself and others after visiting with the mother. Footnote 6 We note that the attorney for the child supports termination of the mother's parental rights as being in the child's best interests. 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.

PER CURIAM.

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<p>Calendar Date: March 26, 2026</p> <p>Before: Aarons, J.P., Pritzker, Reynolds Fitzgerald,
Fisher And Mcshan, JJ.</p> <div> <p>Lindsay H. Kaplan, Kingston, for appellant.</p> <p>Ulster
County Department of Social Services, Kingston (Heather D. Harp, New Paltz, of counsel), for
respondent.</p> <p>Donna C. Chin, Kinderhook, attorney for the child.</p> </div> [*1]
 <p>Reynolds Fitzgerald, J.</p> <p>Appeal from an order of the Family Court of Ulster
County (Keri Savona, J.), entered March 12, 2025, which granted petitioner's application, in a
proceeding pursuant to Social Services Law § 384-b, to adjudicate the subject child to be
permanently neglected, and terminated respondent's parental rights.</p> <p>Respondent
(hereinafter the mother) is the mother of the subject child (born in 2019) who has special needs,
having been diagnosed with autism and other developmental delays.^{FN1} In April
2023, the mother was arrested for driving while intoxicated and endangering the welfare of a child
after being found asleep on the side of the road with the child in the car. The child was removed
from the mother's care after the mother tested positive for alcohol and cocaine, and was placed in
foster care in May 2023. Thereafter, the mother consented to a finding of neglect by reason of
impairment by alcohol, rendering her unable to care for the child. As she was not in any type of
substance abuse treatment at the time, the risk to the child remained and the child's placement in
foster care was continued.</p> <p>In August 2024, petitioner commenced the instant proceeding
alleging that the mother had permanently neglected the child. Following a fact-finding hearing,
Family Court determined that, despite diligent efforts made by petitioner and its contract foster
care agency Kidspeace, the mother never successfully completed or even meaningfully engaged in
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best interests of the child, and there is no presumption that any particular disposition, including the
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1131, 1133-1134 [3d Dept 2025] [internal quotation marks, brackets and citations omitted]; *see* Matter of Edrick PP. [Alexis QQ.], 221 AD3d 1307, 1308 [3d Dept 2023]). "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" (*Matter of Carmela D. [Shameeka G.]*, 232 AD3d 1126, 1131 [3d Dept 2024] [internal quotation marks, brackets and citation omitted], *lvs denied* 43 NY3d 903 [2025], 43 NY3d 903 [2025]; *see* Matter of Issac Q. [Kimberly R.], 212 AD3d 1049, 1054 [3d Dept 2023], *lv denied* 39 NY3d 913 [2023]).

At the dispositional hearing, the program manager overseeing the child's foster care placement testified that the child has been in foster care with the same parents since June 2023, and that they provide a highly structured environment, including a set routine and sensory toys.^{FN3} She stated that the foster parents work well with the child's school providers, his neurologist, developmental doctor, and that they work with the autism population. The manager also stated that the foster parents are very nurturing, supportive and are well bonded with the child, he is much calmer when he is with the foster parents, they are a source of comfort to him and the child is involved in all aspects of their lives including extended family activities, trips and vacations. She further stated that when the child arrived at the foster parents' residence he could not speak, but he has made progress and is now speaking some words. The program manager repeatedly testified that the foster parents are very much willing to be the adoptive parents of the child.^{FN4}

The mother testified that she has not successfully participated in drug treatment programs. To her credit, she was candid in her admissions that she enrolled in outpatient drug treatment and was discharged for failing to attend consistently and for having positive drug test results and that she terminated her inpatient drug treatment against advice. Although she stated that within a few weeks prior to the dispositional hearing she engaged in telephone screening for a drug treatment program, at the time of the dispositional hearing she was not enrolled in any drug treatment program. The mother further testified that she loves her child, yet conceded that she had been inconsistent with visitations, had not seen the child since December 2024 and had not made any significant progress toward reunification.^{FN5}

Considering the record in its entirety, the length of time the child has been in foster care and the mother's repeated failure to remedy her substance abuse addictions, we conclude that Family Court's determination that the best interests of the child would be served by termination of the mother's parental rights, rather than a suspended judgment, is supported by a sound and substantial basis in the record (*see* Matter of Carmela D. [Shameeka G.], 232 AD3d at 1131; *Matter of Gabriel J. [Christina I.]*, 232 AD3d 1093, 1097-1098 [3d Dept 2024], *lv denied* 43 NY3d 901 [2025]; *Matter of Daimeon MM. [Laurie MM.]*, 230 AD3d 1416, 1419-1420 [3d Dept 2024], *lv denied* 42 NY3d 910 [2025]).^{FN6}

Aarons, J.P., Pritzker, Fisher and McShan, JJ., concur.

ORDERED that the order is

affirmed, without costs.

Footnotes

Footnote 1

The child's birth father's rights were terminated for abandonment of the child by Family Court on November 11, 2024 and he is not a party to this appeal.

Footnote 2

The mother failed to appear at the September 10, 2024 fact-finding hearing, appeared by telephone for the November 11, 2024 continuation of the fact-finding hearing and failed to appear at the December 11, 2024 continuation of the fact-finding hearing.

Footnote 3

The program manager testified that there was a two-month period in spring 2024 when the child was placed in a different foster home.

Footnote 4

The manager testified at both the permanent neglect fact-finding hearing and the dispositional hearing that the foster parents are an adoptive resource for the child.

Footnote 5

In fact, the mother's visitations were suspended because the child was upset, aggressive and harmful to himself and others after visiting with the mother.

Footnote 6

We note that the attorney for the child supports termination of the mother's parental rights as being in the child's best interests.

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