

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

Matter of N.V. (Araceli H.)

2025 NY Slip Op 06977 (1st Dep't 2025) · No. Docket No. NA-16259/21; Appeal No. 5380; Case No. 2023-06224 · Decided December 16, 2025

SUMMARY

The Appellate Division, First Department unanimously affirmed a Bronx County Family Court order finding that the respondent stepfather sexually abused the subject child. The court held that a preponderance of the evidence supported findings that the stepfather was legally responsible for the child and that the child's testimony was sufficiently corroborated; it also upheld the exclusion of questions concerning the child's prior bad acts.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Moulton, J.P.; Kennedy, J.; Mendez, J.; Michael, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 16, 2025
DOCKET	Docket No. NA-16259/21; Appeal No. 5380; Case No. 2023-06224
DISPOSITION	affirmed
PROCEDURAL POSTURE	Carlos R., the respondent stepfather, appealed from a Family Court order of fact-finding and disposition that found he sexually abused the subject child.
STANDARD OF REVIEW	The court reviewed whether a preponderance of the evidence supported the Family Court's fact-finding determinations and deferred to the Family Court's credibility findings absent a basis to disturb them.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Carlos R. v. Administration for Children's Services

TOPICS

- family law
- evidence
- relevance
- appellate procedure
- standard of review

PRACTICE AREAS

family law

child protective proceedings

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether a preponderance of the evidence supported Family Court's findings that the respondent stepfather was legally responsible for the child and sexually abused her.
2. Whether the child's testimony was sufficiently corroborated by other evidence.
3. Whether Family Court properly declined to disturb its credibility findings.
4. Whether Family Court properly precluded questions concerning the child's prior bad acts as irrelevant.

HOLDINGS

1. A preponderance of the evidence supported Family Court's findings that the respondent stepfather was a person legally responsible for the child and sexually abused her on three occasions.
2. There was no reason to disturb Family Court's credibility findings.
3. Family Court properly precluded questions regarding the child's prior bad acts on relevance grounds.

FACTUAL BACKGROUND

The respondent stepfather was found to be a person legally responsible for an eight-year-old child and to have sexually abused her on three occasions while she slept in the same bed as the mother and stepfather. The child's testimony was corroborated by out-of-court statements to Child Protective Services and school officials, as well as by the stepfather's testimony that the child slept in the marital bed during the relevant period. Family Court also precluded questions concerning the child's prior bad acts on relevance grounds.

PROCEDURAL HISTORY

After a fact-finding hearing, Family Court, Bronx County, entered an order on or about October 25, 2023, finding that the respondent stepfather was legally responsible for the child and had sexually abused her. The Appellate Division, First Department, unanimously affirmed the order without costs.

DISPOSITION

affirmed

CASES CITED

- Matter of Alexis W. [Efrain V.], 159 AD3d 547, 547 (1st Dep't 2018)
- Matter of K.A. [Rayfie T.], 231 AD3d 608, 609 (1st Dep't 2024)
- Matter of S.T.B. [Gerald C.], 225 AD3d 414, 415 (1st Dep't 2024)
- Matter of J.M. [Jennifer L.], 239 AD3d 539, 540 (1st Dep't 2025)
- Matter of Alexis W. [Efrain V.], 159 AD3d 547, 548 (1st Dep't 2018)

OPINION

PER CURIAM.

Matter of N.V. (Araceli H.) (2025 NY Slip Op 06977) Matter of N.V. (Araceli H.) 2025 NY Slip Op 06977 Decided on December 16, 2025 Appellate Division, First 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 and Entered: December 16, 2025 Before: Moulton, J.P., Kennedy, Mendez, Michael, Chan, JJ. Docket No. NA-16259/21|Appeal No. 5380|Case No. 2023-06224| [*1]In the Matter of N.V., A Child Under Eighteen Years of Age, etc., Araceli H., Respondent, Carlos R. Respondent-Appellant, Administration for Children's Services, Petitioner-Respondent.

Law Office of Bryan Greenberg, LLC, New York (Bryan Greenberg of counsel), for appellant. Muriel Goode-Trufant, Corporation Counsel, New York (MacKenzie Fillow of counsel), for respondent. Dawne A. Mitchell, The Legal Aid Society, New York (Amy Hausknecht of counsel), attorney for the child. Order of fact-finding and disposition (one paper), Family Court, Bronx County (Cynthia Lopez, J.), entered on or about October 25, 2023, which found, after a hearing, that respondent stepfather had sexually abused the subject child, unanimously affirmed, without costs.

A preponderance of the evidence supports Family Court's findings that the stepfather was a person legally responsible for the child and that he sexually abused the eight year old child on three occasions while the child slept in the same bed as the mother and stepfather (see Matter of Alexis W. [Efrain V.], 159 AD3d 547, 547 [1st Dept 2018]; see also Matter of K.A.

[Rayfie T.], 231 AD3d 608, 609 [1st Dept 2024]). The child's testimony was amply corroborated by out-of-court statements to Child Protective Services and school officials, and by the stepfather's own testimony that the child slept in the marital bed during the relevant period (see Matter of S.T.B. [Gerald C.], 225 AD3d 414, 415 [1st Dept 2024]). There is no reason to disturb the court's credibility findings (see Matter of J.M.

[Jennifer L.], 239 AD3d 539, 540 [1st Dept 2025]). Contrary to the stepfather's contentions, the court properly precluded questions regarding the child's prior bad acts on relevance grounds (see Alexis W., 159 AD3d at 548). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: December 16, 2025

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[Jennifer L.], 239 AD3d 539, 540 [1st Dept 2025]). Contrary to the stepfather's contentions, the court properly precluded questions regarding the child's prior bad acts on relevance grounds (see Alexis W., 159 AD3d at 548). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: December 16, 2025