

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

Matter of Jefferson D.O.M. (Maria T.M.S.)

2026 NY Slip Op 02983 · No. 2026-03450, 2026-03452; Family Court Docket Nos. G-1591-26, G-1679-26 ·
Decided May 13, 2026

SUMMARY

The Appellate Division, Second Department, reversed two Family Court orders that dismissed a petition to appoint the subject child's mother as guardian and denied the child's motion for special immigrant juvenile status findings. The court reinstated and granted the guardianship petition, finding that the child's age could be established without a particular type of documentary evidence and that appointment of the mother was in the child's best interests. The court also found that the child was unmarried and under 21, dependent on a juvenile court, unable to reunify with his deceased father, and that returning him to Honduras would not be in his best interests.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; Paul Wooten, J.; Laurence L. Love, J.; Elena Goldberg Velazquez, J.
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	May 13, 2026
DOCKET	2026-03450, 2026-03452; Family Court Docket Nos. G-1591-26, G-1679-26
DISPOSITION	reversed
PROCEDURAL POSTURE	The subject child appealed from two Family Court orders that, without a hearing, dismissed the mother's guardianship petition and denied as moot the child's motion for special immigrant juvenile status findings.
STANDARD OF REVIEW	Review on the law, on the facts, and in the exercise of discretion; the Appellate Division conducted an independent factual review of the record.
PRECEDENTIAL VALUE	Published intermediate appellate decision

PARTIES

Jefferson D. O. M., also known as Jefferson J. A. M., the subject child
v. Maria T. M. S., respondent-respondent, et al., respondent

TOPICS

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QUESTIONS PRESENTED

1. Whether the Family Court could dismiss a Family Court Act § 661(a) guardianship petition solely because of discrepancies between submitted birth certificates when sworn affirmations established that the child was under 21.
2. Whether appointment of the mother as guardian was in the child's best interests.
3. Whether the record supported the requisite SIJS findings that the child was under 21 and unmarried, dependent on a juvenile court, unable to reunify with his father because of a qualifying basis under state law, and would not be served by return to Honduras.

HOLDINGS

1. The Family Court erred by dismissing the guardianship petition based on discrepancies between birth certificates because Family Court Act § 661(a) does not require submission of a particular type of evidence, including a birth certificate, to establish the juvenile's age.
2. The child's best interests would be served by appointing the mother as guardian, and the guardianship petition should therefore be granted.
3. The child was dependent on a juvenile court, unmarried, and under 21; reunification with his father was not viable because the father was deceased; and returning the child to Honduras would not be in his best interests. The child was therefore entitled to the requested SIJS-related declaration and findings.

KEY QUOTATIONS

*“Since there is no express requirement to submit a birth certificate in a proceeding such as this pursuant to Family Court Act § 661(a) (see Matter of Jose S.S.G. [Elmer W.G.G.—Norma C.G.C.], 217 AD3d 864, 865; Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.], 216 AD3d at 1169), and the child and the mother averred in their sworn affirmations that the child was under 21 years old, the Family Court erred by dismissing the petition based on discrepancies between copies of two birth certificates submitted by the child.” ([*2])*

*“Pursuant to 8 USC § 1101(a)(27)(J) (as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub L 110-457, 122 US Stat 5044) and 8 CFR 204.11, a special immigrant is a resident alien who is, inter alia, under 21 years of age, unmarried, and dependent upon a juvenile court or legally committed to an individual appointed by a state or juvenile court.” ([*2])*

*“Further, based upon our independent factual review, we find that the record supports a finding that reunification of the child with his father is not a viable option due to parental abuse, neglect, abandonment, or a similar basis found under state law, since the father is deceased.” ([*2])*

FACTUAL BACKGROUND

The subject child sought appointment of his mother as guardian and sought SIJS-related findings. The child and mother submitted sworn affirmations stating that he was under 21, and the mother attested that the Guatemalan birth certificate was accurate despite discrepancies between submitted birth certificates. The child's father was deceased, and the record included evidence that the child faced threats of violence in Honduras, his previous country of nationality and last habitual residence.

PROCEDURAL HISTORY

The child commenced a Family Court Act article 6 proceeding to appoint his mother as guardian and later moved for findings necessary to petition USCIS for special immigrant juvenile status. The Family Court, Richmond County, dismissed the guardianship petition based on discrepancies in submitted birth certificates and denied the SIJS motion as moot. The Appellate Division reversed both orders, reinstated and granted the guardianship petition, appointed the mother guardian, and granted the SIJS motion with the required findings.

DISPOSITION

reversed

REMAND INSTRUCTIONS

No further remand was ordered. The Appellate Division itself reinstated and granted the guardianship petition, appointed the mother guardian, granted the SIJS motion, and made the required declaration and findings.

CASES CITED

- Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.], 216 AD3d 1167, 1169
- Matter of Jose S.S.G. [Elmer W.G.G.—Norma C.G.C.], 217 AD3d 864, 865-867
- Matter of Euceda v Romero, 233 AD3d 680, 682
- Matter of Marisol N.H., 115 AD3d 185, 191
- Matter of Mardin A.M.-I. [Reyna E.M.-I.—Mardin H.], 187 AD3d 913, 913-914
- Matter of Saul E.M.L. v Edmundo M.M., 244 AD3d 1126, 1127
- Matter of Trudy-Ann W. v Joan W., 73 AD3d 793, 795
- Matter of Denia M.E.C. v Carlos R.M.O., 161 AD3d 853, 855
- Matter of Carlos A.M. v Maria T.M., 141 AD3d 526, 528
- Matter of Grechel L.J., 167 AD3d 1011, 1013-1014
- Matter of Argueta v Santos, 166 AD3d 608, 610
- Matter of A.M.G. v Gladis A.G., 162 AD3d 768, 769

OPINION

Matter of Jefferson D.O.M. (Maria T.M.S.) 2026 NY Slip Op 02983

PER CURIAM.

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Matter of Jefferson D.O.M. (Maria T.M.S.)

2026 NY Slip Op 02983

May 13, 2026

Appellate Division, Second Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

In the Matter of Jefferson D. O. M. (Anonymous), also known as Jefferson J. A. M. (Anonymous), appellant. Maria T. M. S. (Anonymous), respondent-respondent, et al., respondent.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on May 13, 2026

2026-03450, 2026-03452, (Docket Nos. G-1591-26, G-1679-26)

Mark C. Dillon, J.P.

Paul Wooten

Laurence L. Love

Elena Goldberg Velazquez, JJ.

Twyla Carter, New York, NY (Adriene Holder and Janet Claire Lê of counsel), attorney for the child, the appellant.

Joan Iacono, Scarsdale, NY, for respondent-respondent.

[*1]

DECISION & ORDER

In a proceeding pursuant to Family Court Act article 6, the subject child appeals from two orders of the Family Court, Richmond County (Peter F. DeLizzo, J.), both dated March 27, 2026. The first order, insofar as appealed from, dismissed, without a hearing, the petition to appoint the mother as guardian of the subject child. The second order denied, without a hearing, the subject child's motion for the issuance of an order, inter alia, making specific findings so as to enable him to petition the United States Citizenship and Immigration Services for special immigrant juvenile status pursuant to 8 USC § 1101(a)(27)(J).

ORDERED that the first order is reversed insofar as appealed from, on the law, on the facts, and in the exercise of discretion, without costs or disbursements, the petition to appoint the mother as guardian of the subject child is reinstated and granted, and the mother is appointed as the guardian of the subject child; and it is further,

ORDERED that the second order is reversed, on the law, on the facts, and in the exercise of discretion, without costs or disbursements, the subject child's motion for the issuance of an order, inter alia, making specific findings so as to enable the subject child to petition the United States Citizenship and Immigration Services for special immigrant juvenile status pursuant to 8 USC § 1101(a)(27)(J) is granted, it is declared that the subject child is dependent on a juvenile court, and it is found that the subject child is

unmarried and under 21 years of age, that reunification with his father is not viable due to parental abuse, neglect, abandonment, or a similar basis found under state law, and that it would not be in the subject child's best interests to be returned to Honduras, his previous country of nationality and last habitual residence.

The subject child, Jefferson D. O. M., also known as Jefferson J. A. M., commenced this proceeding pursuant to Family Court Act article 6 to have his mother, Maria T. M. S. (hereinafter the mother), appointed as his guardian. The child subsequently moved for the issuance of an order, inter alia, making specific findings so as to enable the child to petition the United States Citizenship and Immigration Services (hereinafter USCIS) for special immigrant juvenile status (hereinafter SIJS) pursuant to 8 USC § 1101(a)(27)(J).

In an order dated March 27, 2026, the Family Court, among other things, without a hearing, dismissed the petition on the ground of "FACIALLY INSUFFICIENT" birth certificates submitted by the child. In a separate order dated March 27, 2026, the court denied the child's motion as "MOOT" in light of the dismissal of the petition. The child appeals from both orders.

"Although an application to USCIS for SIJS must be supported by '[d]ocumentary evidence of the [applicant's] age, in the form of a valid birth certificate, official government-issued identification, or other document that in USCIS' discretion establishes the [applicant's] age' (8 CFR 204.11[d][2]), in proceedings pursuant to Family Court Act § 661(a), the Family Court is only required to ascertain the juvenile's age, and there is no statutory requirement that a petitioner submit any particular evidence to establish the juvenile's age" (*Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.]*, 216 AD3d 1167, 1169; *see* 8 CFR 204.11[d][2]; SCPA 1706[1]). Since there is no express requirement to submit a birth certificate in a proceeding such as this pursuant to Family Court Act § 661(a) (*see Matter of Jose S.S.G. [Elmer W.G.G.—Norma C.G.C.]*, 217 AD3d 864, 865; *Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.]*, 216 AD3d at 1169), and the child and the mother averred in their sworn affirmations that the child was under 21 years old, the Family Court erred by dismissing the petition based on discrepancies between copies of two birth certificates submitted by the child. Moreover, the mother attested that the Guatemalan birth certificate was the child's accurate certificate of birth.

"When considering guardianship appointments, the [child's] best interests [are] paramount" (*Matter of Euceda v Romero*, 233 AD3d 680, 682 [internal quotation marks omitted]; *see* Family Ct Act § 661[a]; SCPA 1707[1]). "[I]n determining whether it is in the best interests of a child to grant a guardianship petition, it is entirely consistent with the legislative aim of the SIJS statute to consider the plight the child would face if returned to his or her native country" (*Matter of Marisol N.H.*, 115 AD3d 185, 191).

Here, based upon our independent review of the record, we find that the child's best interests would be served by the appointment of the mother as his guardian (*see Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.]*, 216 AD3d at 1169; *Matter of Mardin A.M.-I. [Reyna E.M.-I.—Mardin H.]*, 187 AD3d 913, 914).

Furthermore, the Family Court should have granted the child's motion for the issuance of an order making the requisite declaration and specific findings so as to

enable the child to petition USCIS for SIJS. "Pursuant to 8 USC § 1101(a)(27)(J) (as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub L 110-457, 122 US Stat 5044) and 8 CFR 204.11, a special immigrant is a resident alien who is, inter alia, under 21 years of age, unmarried, and dependent upon a juvenile court or legally committed to an individual appointed by a state or juvenile court" (*Matter of Saul E.M.L. v Edmundo M.M.*, 244 AD3d 1126, 1127 [internal quotation marks omitted]; *see* *Matter of Trudy-Ann W. v Joan W.*, 73 AD3d 793, 795). "Additionally, for a juvenile to qualify for special immigrant juvenile status, a court must find that reunification of the juvenile with one or both of the juvenile's parents is not viable due to parental abuse, neglect, abandonment, or a similar basis found under State law, and that it would not be in the juvenile's best interest to be returned to his or her native country or country of last habitual residence" (*Matter of Saul E.M.L. v Edmundo M.M.*, 244 AD3d at 1127 [internal quotation marks omitted]; *see* 8 USC § 1101[a][27][J]; 8 CFR 204.11).

Here, the record, including the sworn averments of the child and the mother, and the submission of the child's Guatemalan birth certificate, which the mother attested was the child's accurate certificate of birth, supports a finding that the child is under the age of 21 and unmarried (*see* *Matter of Jose S.S.G. [Elmer W.G.G.—Norma C.G.C.]*, 217 AD3d at 866). Moreover, as the mother should have been appointed as the child's guardian, we find that the child is dependent on a juvenile court within the meaning of 8 USC § 1101(a)(27)(J)(i) (*see* *Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.]*, 216 AD3d at 1170; *Matter of Mardin A.M.-I. [Reyna E.M.-I.—Mardin H.]*, 187 AD3d at 913).

Further, based upon our independent factual review, we find that the record supports a finding that reunification of the child with his father is not a viable option due to parental abuse, neglect, abandonment, or a similar basis found under state law, since the father is deceased (*see* *Matter of Jose S.S.G. [Elmer W.G.G.—Norma C.G.C.]*, 217 AD3d at 867; *Matter of Denia M.E.C. v Carlos R.M.O.*, 161 AD3d 853, 855; *Matter of Carlos A.M. v Maria T.M.*, 141 AD3d 526, 528).

In addition, the record supports a finding that it would not be in the best interests of the child to return to Honduras, his previous country of nationality and last habitual residence, as the child averred that he was subjected to a specific threat of violence in Honduras (*see* *Matter of Grechel L.J.*, 167 AD3d 1011, 1013-1014; *Matter of Argueta v Santos*, 166 AD3d 608, 610; *Matter of A.M.G. v Gladis A.G.*, 162 AD3d 768, 769). Moreover, the mother averred that her ex-boyfriend, who told her that he had killed someone in Honduras, threatened to go to Honduras and kill the child, whom the mother would not be able to protect if the child was returned to Honduras.

Accordingly, the Family Court should have granted the petition and the child's motion for the issuance of an order making the requisite declaration and specific findings so as to enable the child to petition for SIJS.

DILLON, J.P., WOOTEN, LOVE and GOLDBERG VELAZQUEZ, JJ., concur.

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PER CURIAM.

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reversed, on the law, on the facts, and in the exercise of discretion, without costs or disbursements, the subject child's motion for the issuance of an order, inter alia, making specific findings so as to enable the subject child to petition the United States Citizenship and Immigration Services for special immigrant juvenile status pursuant to 8 USC § 1101(a)(27)(J) is granted, it is declared that the subject child is dependent on a juvenile court, and it is found that the subject child is unmarried and under 21 years of age, that reunification with his father is not viable due to parental abuse, neglect, abandonment, or a similar basis found under state law, and that it would not be in the subject child's best interests to be returned to Honduras, his previous country of nationality and last habitual residence.

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Here, based upon our

independent review of the record, we find that the child's best interests would be served by the appointment of the mother as his guardian (*see* *Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.]*, 216 AD3d at 1169; *Matter of Mardin A.M.-I. [Reyna E.M.-I.—Mardin H.]*, 187 AD3d 913, 914).

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In addition, the record supports a finding that it would not be in the best interests of the child to return to Honduras, his previous country of nationality and last habitual residence, as the child averred that he was subjected to a specific threat of violence in Honduras (*see* *Matter of Grechel L.J.*, 167 AD3d 1011, 1013-1014; *Matter of Argueta v Santos*, 166 AD3d 608, 610; *Matter of A.M.G. v Gladis A.G.*, 162 AD3d 768, 769). Moreover, the mother averred that her ex-boyfriend, who told her that he had killed someone in Honduras, threatened to go to Honduras and kill the child, whom the mother would not be able to protect if the child was returned to Honduras.

Accordingly,

the Family Court should have granted the petition and the child's motion for the issuance of an order making the requisite declaration and specific findings so as to enable the child to petition for SIJS.

DILLON, J.P., WOOTEN, LOVE and GOLDBERG VELAZQUEZ, JJ., concur.

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PER CURIAM.

Matter of Jefferson D.O.M. (Maria T.M.S.) - 2026 NY Slip Op 02983 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 Jefferson D.O.M. (Maria T.M.S.) 2026 NY Slip Op 02983 May 13, 2026 Appellate Division, Second 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 Jefferson D. O. M. (Anonymous), also known as Jefferson J. A. M. (Anonymous), appellant. Maria T. M. S. (Anonymous), respondent-respondent, et al., respondent. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on May 13, 2026 2026-03450, 2026-03452, (Docket Nos. G-1591-26, G-1679-26) Mark C. Dillon, J.P. Paul Wooten Laurence L. Love Elena Goldberg Velazquez, JJ. Twyla Carter, New York, NY (Adriene Holder and Janet Claire Lê of counsel), attorney for the child, the appellant. Joan Iacono, Scarsdale, NY, for respondent-respondent. [*1] DECISION & ORDER In a proceeding pursuant to Family Court Act article 6, the subject child appeals from two orders of the Family Court, Richmond County (Peter F. DeLizzo, J.), both dated March 27, 2026. The first order, insofar as appealed from, dismissed, without a hearing, the petition to appoint the mother as guardian of the subject child. The second order denied, without a hearing, the subject child's motion for the issuance of an order, inter alia, making specific findings so as to enable him to petition the United States Citizenship and Immigration Services for special immigrant juvenile status pursuant to 8 USC § 1101 (a)(27)(J). ORDERED that the first order is reversed insofar as appealed from, on the law, on the facts, and in the exercise of discretion, without costs or disbursements, the petition to appoint the mother as guardian of the subject child is reinstated and granted, and the mother is appointed as the guardian of the subject child; and it is further, ORDERED that the second order is reversed, on the law, on the facts, and in the exercise of discretion, without costs or disbursements, the subject child's

motion for the issuance of an order, inter alia, making specific findings so as to enable the subject child to petition the United States Citizenship and Immigration Services for special immigrant juvenile status pursuant to 8 USC § 1101 (a)(27)(J) is granted, it is declared that the subject child is dependent on a juvenile court, and it is found that the subject child is unmarried and under 21 years of age, that reunification with his father is not viable due to parental abuse, neglect, abandonment, or a similar basis found under state law, and that it would not be in the subject child's best interests to be returned to Honduras, his previous country of nationality and last habitual residence. The subject child, Jefferson D. O. M., also known as Jefferson J. A. M., commenced this proceeding pursuant to Family Court Act article 6 to have his mother, Maria T. M. S. (hereinafter the mother), appointed as his guardian. The child subsequently moved for the issuance of an order, inter alia, making specific findings so as to enable the child to petition the United States [*2] Citizenship and Immigration Services (hereinafter USCIS) for special immigrant juvenile status (hereinafter SIJS) pursuant to 8 USC § 1101 (a)(27)(J) . In an order dated March 27, 2026, the Family Court, among other things, without a hearing, dismissed the petition on the ground of "FACIALLY INSUFFICIENT" birth certificates submitted by the child. In a separate order dated March 27, 2026, the court denied the child's motion as "MOOT" in light of the dismissal of the petition. The child appeals from both orders. "Although an application to USCIS for SIJS must be supported by '[d]ocumentary evidence of the [applicant's] age, in the form of a valid birth certificate, official government-issued identification, or other document that in USCIS' discretion establishes the [applicant's] age' (8 CFR 204.11[d][2]), in proceedings pursuant to Family Court Act § 661(a), the Family Court is only required to ascertain the juvenile's age, and there is no statutory requirement that a petitioner submit any particular evidence to establish the juvenile's age" (Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.] , 216 AD3d 1167, 1169 ; see 8 CFR 204.11[d][2]; SCPA 1706[1]). Since there is no express requirement to submit a birth certificate in a proceeding such as this pursuant to Family Court Act § 661(a) (see Matter of Jose S.S.G. [Elmer W.G.G.—Norma C.G.C.] , 217 AD3d 864, 865 ; Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.] , 216 AD3d at 1169), and the child and the mother averred in their sworn affirmations that the child was under 21 years old, the Family Court erred by dismissing the petition based on discrepancies between copies of two birth certificates submitted by the child. Moreover, the mother attested that the Guatemalan birth certificate was the child's accurate certificate of birth. "When considering guardianship appointments, the [child's] best interests [are] paramount" (Matter of Euceda v Romero , 233 AD3d 680 , 682 [internal quotation marks omitted]; see Family Ct Act § 661[a]; SCPA 1707[1]). "[I]n determining whether it is in the best interests of a child to grant a guardianship petition, it is entirely consistent with the legislative aim of the SIJS statute to consider the plight the child would face if returned to his or her native country" (Matter of Marisol N.H. , 115 AD3d 185 , 191). Here, based upon our independent review of the record, we find that the child's best interests would be served by the appointment of the mother as his guardian (see Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.] , 216 AD3d at

1169 ; Matter of Mardin A.M.-I. [Reyna E.M.-I.—Mardin H.] , 187 AD3d 913, 914). Furthermore, the Family Court should have granted the child's motion for the issuance of an order making the requisite declaration and specific findings so as to enable the child to petition USCIS for SIJS. "Pursuant to 8 USC § 1101 (a)(27)(J) (as amended by the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub L 110-457, 122 US Stat 5044) and 8 CFR 204.11, a special immigrant is a resident alien who is, inter alia, under 21 years of age, unmarried, and dependent upon a juvenile court or legally committed to an individual appointed by a state or juvenile court" (Matter of Saul E.M.L. v Edmundo M.M. , 244 AD3d 1126 , 1127 [internal quotation marks omitted]; see Matter of Trudy-Ann W. v Joan W. , 73 AD3d 793, 795). "Additionally, for a juvenile to qualify for special immigrant juvenile status, a court must find that reunification of the juvenile with one or both of the juvenile's parents is not viable due to parental abuse, neglect, abandonment, or a similar basis found under State law, and that it would not be in the juvenile's best interest to be returned to his or her native country or country of last habitual residence" (Matter of Saul E.M.L. v Edmundo M.M. , 244 AD3d at 1127 [internal quotation marks omitted]; see 8 USC § 1101 [a][27][J]; 8 CFR 204.11). Here, the record, including the sworn averments of the child and the mother, and the submission of the child's Guatemalan birth certificate, which the mother attested was the child's accurate certificate of birth, supports a finding that the child is under the age of 21 and unmarried (see Matter of Jose S.S.G. [Elmer W.G.G.—Norma C.G.C.] , 217 AD3d at 866). Moreover, as the mother should have been appointed as the child's guardian, we find that the child is dependent on a juvenile court within the meaning of 8 USC § 1101 (a)(27)(J)(i) (see Matter of Joel A.A.R. [Sara I.R.T.—Eddy A.A.G.] , 216 AD3d at 1170 ; Matter of Mardin A.M.-I. [Reyna E.M.-I.—Mardin H.] , 187 AD3d at 913). Further, based upon our independent factual review, we find that the record supports a finding that reunification of the child with his father is not a viable option due to parental abuse, neglect, abandonment, or a similar basis found under state law, since the father is deceased (see Matter of Jose S.S.G. [Elmer W.G.G.—Norma C.G.C.] , 217 AD3d at 867 ; Matter of Denia M.E.C. v Carlos R.M.O. , 161 AD3d 853 , 855; Matter of Carlos A.M. v Maria T.M. , 141 AD3d 526, 528). In addition, the record supports a finding that it would not be in the best interests of the child to return to Honduras, his previous country of nationality and last habitual residence, as the child averred that he was subjected to a specific threat of violence in Honduras (see Matter of Grechel L.J. , 167 AD3d 1011 , 1013-1014; Matter of Argueta v Santos , 166 AD3d 608 , 610; Matter of A.M.G. v Gladis A.G. , 162 AD3d 768 , 769). Moreover, the mother averred that her ex-boyfriend, who told her that he had killed someone in Honduras, threatened to go to Honduras and kill the child, whom the mother would not be able to protect if the child was returned to Honduras. Accordingly, the Family Court should have granted the petition and the child's motion for the issuance of an order making the requisite declaration and specific findings so as to enable the child to petition for SIJS. DILLON, J.P., WOOTEN, LOVE and GOLDBERG VELAZQUEZ, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions

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