

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

Matter of T.M. (C.V.)

2026 NY Slip Op 01312 · No. Docket No. B-25752/22; Appeal No. 6019; Case No. 2024-02169 · Decided
March 10, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed an order terminating the respondent mother's parental rights based on permanent neglect. The court held that the agency made diligent efforts to support reunification and that clear and convincing evidence established the mother's failure to maintain contact with the child and plan for the child's future.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Renwick, P.J.; Kennedy, J.; Friedman, J.; Mendez, J.; Hagler, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	March 10, 2026
DOCKET	Docket No. B-25752/22; Appeal No. 6019; Case No. 2024-02169
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Family Court fact-finding and disposition order finding that respondent mother permanently neglected the child, terminating her parental rights, and transferring custody to the Commissioner of Social Services for adoption.
STANDARD OF REVIEW	Whether the finding of permanent neglect was supported by clear and convincing evidence; the Appellate Division reviewed the Family Court's factual determination on the record.
PRECEDENTIAL VALUE	Published opinion
PARTIES	C.V., Respondent-Appellant v. New Alternatives for Children, Inc., et al., Petitioners-Respondents

TOPICS

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

PRACTICE AREAS

family law

termination of parental rights

child welfare

QUESTIONS PRESENTED

1. Whether clear and convincing evidence supported the finding that the mother permanently neglected the child.
2. Whether the agency satisfied its statutory obligation to make diligent efforts to encourage and strengthen the parental relationship.
3. Whether the Family Court erred by proceeding to fact-finding and disposition because the agency allegedly failed to provide domestic-violence-service referrals.

HOLDINGS

1. The agency satisfied its statutory obligation to make diligent efforts by providing and arranging visitation, transportation, dyadic therapy, counseling referrals, parent-advocate assistance, and repeated efforts to maintain contact with the mother.
2. The finding that the mother permanently neglected the child was supported by clear and convincing evidence.
3. The mother's argument that the agency failed to make diligent efforts by not providing domestic-violence referrals did not warrant reversal, particularly because the argument was raised for the first time on appeal and the record showed that the agency offered a referral that the mother declined.

FACTUAL BACKGROUND

The petitioner agency provided regular in-person and virtual visitation, transportation, dyadic therapy during visits, referrals for individual counseling, and efforts to maintain contact with the mother. The mother missed most visits, failed to maintain regular contact with the agency and child, did not comply with individual therapy, and failed to plan for reunification or remedy the mental-health-related conditions that led to the child's placement. After the mother disclosed domestic violence, the agency offered assistance and a referral for domestic-violence counseling, which she declined.

PROCEDURAL HISTORY

Family Court, Bronx County, found after a hearing that the mother permanently neglected the child, terminated her parental rights, and transferred custody for purposes of adoption. The Appellate Division deemed the premature notice of appeal to be from the fact-finding and disposition order and unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- Matter of Jeremiah D. [Deon D.], 155 AD3d 414, 414 [1st Dept 2017]
- Matter of Faith J. [Kimberly J.], 200 AD3d 611, 611 [1st Dept 2021]
- Matter of Star Leslie W., 63 NY2d 136, 142-143 [1984]
- Matter of Angelica D. [Deborah D.], 157 AD3d 587, 588 [1st Dept 2018]
- Matter of Lamani C.H. [Lucia T.G.], 179 AD3d 501, 502 [1st Dept 2020]
- Matter of E.M. [Josephine B.], 235 AD3d 593, 593-594 [1st Dept 2025]

OPINION

PER CURIAM.

Matter of T.M. (C.V.) (2026 NY Slip Op 01312) Matter of T.M. (C.V.) 2026 NY Slip Op 01312 Decided on March 10, 2026 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: March 10, 2026 Before: Renwick, P.J., Kennedy, Friedman, Mendez, Hagler, JJ. Docket No. B-25752/22|Appeal No. 6019|Case No. 2024-02169| [*1]In the Matter of T.M., A Dependent Child Under Eighteen Years of Age, etc., C.V., Respondent-Appellant, New Alterantives for Children, Inc., et al., Petitioners-Respondents.

The Barrett Law Firm. P.C., New York (Amy J. Barrett of counsel), for appellant. Dawn M. Shammass, New York, for New Alterantives for Children, Inc., respondent. Dawne A. Mitchell, The Legal Aid Society, New York (Polixene Petrakopoulos of counsel), attorney for the child. Purported appeal from decision of fact-finding after a hearing, Family Court, Bronx County (Sarah P. Cooper, J.), entered on or about March 4, 2024, which found that respondent mother permanently neglected the subject child, terminated her parental rights and transferred custody of the child to the Commissioner of Social Services for the purpose of adoption, deemed a premature notice of appeal (see CPLR 5520[c]; Matter of Jeremiah D. [Deon D.], 155 AD3d 414, 414 [1st Dept 2017]) from the order of fact-finding and disposition, same court and Judge, entered on or about March 21, 2024, and, so considered, said order unanimously affirmed, without costs.

The finding that the mother permanently neglected the child is supported by clear and convincing evidence (Social Services Law § 384-b [7] [a]). The credible evidence established that petitioner agency discharged its statutory obligation to exert diligent efforts to encourage and strengthen the parental relationship by, among other things, scheduling regular in-person and virtual visitation, arranging for car service transportation at the agency's expense to and from visits, arranging for dyadic therapy to take place during visits, referring the mother to individual counseling, attempting to confirm compliance with mental health services and a parent advocate, and attempting to maintain regular contact with the mother, whose telephone number changed multiple times through the relevant time period.

The mother was also reminded multiple times of the need to comply with her service plan in order to help reunite her with the child (see Matter of Faith J. [Kimberly J.], 200 AD3d 611, 611 [1st Dept 2021]). The record contradicts the mother's argument, raised for the first time on appeal, that the agency failed to expend diligent efforts by not providing her with referrals for domestic violence services, and therefore Family Court erred in proceeding to fact-finding and disposition as to permanent neglect.

The mother admitted that she did not identify herself as a victim of domestic violence until March 2022, and, upon learning that she was in an abusive relationship, the case planner appointed the mother a parent advocate to assess services that would be beneficial to her and offered to make a referral for domestic violence counseling, which the mother declined.

Notably, the mother did not explain why she continued to miss visits with the child while her alleged abuser was incarcerated. Notwithstanding the agency's diligent efforts, the mother failed to plan for the child's future by failing to maintain contact with the child and failing to plan for reunification with the child (see Matter of Star Leslie W., 63 NY2d 136, 142-143 [1984]).

The mother's failure to attend the majority of her visits with the child, to say nothing of her behavior during those visits, was in itself a basis to find permanent neglect (see Matter of Angelica D. [Deborah D.], 157 AD3d 587, 588 [1st Dept 2018]; Matter of Lamani C.H. [Lucia T.G.], 179 AD3d 501, 502 [1st Dept 2020]). While the mother completed some of the requirements of her service plan, she did not comply with individual therapy or maintain contact with the agency, and neither acknowledged nor remedied the conditions that led to the child's placement in the first instance, especially her mental health issues, during the relevant time period (see Matter of E.M.

[Josephine B.], 235 AD3d 593, 593-594 [1st Dept 2025]). THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: March 10, 2026