

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

Matter of Jayceon H. (Aniya M.)

2026 NY Slip Op 02405 (Supreme Court of the State of New York Appellate Division Second Department 2026)
· No. 2024-04215, 2024-04282 · Decided April 22, 2026

SUMMARY

The Appellate Division, Second Department, upheld summary judgment finding that the mother abused and neglected the child based on the collateral estoppel effect of her criminal convictions arising from the same conduct. The court modified the disposition by holding that the Family Court improperly delegated to ACS the authority to determine therapeutic supervised parental access, and remitted the matter for the Family Court to decide whether such access should be allowed and to set any schedule.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Linda Christopher, J.; Lillian Wan, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	April 22, 2026
DOCKET	2024-04215, 2024-04282
DISPOSITION	other
PROCEDURAL POSTURE	The mother appealed from a Family Court order of fact-finding granting ACS summary judgment on abuse and neglect allegations and from a subsequent order of disposition issuing an order of protection and granting ACS discretion over therapeutic supervised parental access.
STANDARD OF REVIEW	The court reviewed the legal propriety of summary judgment and the dispositional order; it reviewed the Family Court's determination concerning parental access for a sound and substantial basis in the record and held that delegation of the authority to determine access was impermissible as a matter of law.

PRECEDENTIAL VALUE	Published opinion of the Appellate Division, Second Department; precedential under New York law.
PARTIES	Aniya M. (Anonymous), mother v. Administration for Children's Services

TOPICS

family law procedure parental rights visitation appellate procedure evidence

PRACTICE AREAS

family law child welfare appellate procedure evidence

QUESTIONS PRESENTED

1. Whether the Family Court properly granted ACS summary judgment on the abuse and neglect allegations based on the mother's criminal convictions under the doctrine of collateral estoppel.
2. Whether a Family Court may delegate to a child-protective agency its authority to determine a parent's therapeutic supervised parental access.
3. Whether the appeal from the fact-finding order was properly before the Appellate Division after entry of the dispositional order.

HOLDINGS

1. The Family Court properly granted ACS summary judgment because the mother's criminal convictions resolved identical issues arising from the same acts, and she failed to raise a triable issue concerning either identity of issues or a full and fair opportunity to litigate.
2. A Family Court may not delegate to an agency its authority to determine whether and on what schedule a parent shall have therapeutic supervised parental access in an article 10 proceeding.
3. The appeal from the fact-finding order was dismissed because that order was superseded by the dispositional order and was reviewable on the appeal from the dispositional order.

KEY QUOTATIONS

"A criminal conviction may be given collateral estoppel effect in a Family Court proceeding where (1) the identical issue has been resolved, and (2) the defendant in the criminal action had a full and fair opportunity to litigate the issue of his or her criminal conduct" ([*2])

"The determination of visitation is entrusted to the court based upon the best interests of the children" ([*2])

FACTUAL BACKGROUND

ACS alleged that the mother abused and neglected the subject child by shooting the father during a physical altercation in the child's presence. The mother was arrested and indicted for attempted murder in the second

degree, assault in the first degree, and criminal possession of a weapon in the second degree, and pleaded guilty to each count. The Family Court relied on those convictions in granting ACS summary judgment and later issued an order of protection while allowing ACS to determine the mother's therapeutic supervised parental access.

PROCEDURAL HISTORY

ACS commenced a Family Court Act article 10 proceeding in 2019. The Family Court granted ACS summary judgment based on the mother's criminal convictions, then, after a dispositional hearing, issued a final order of protection and delegated to ACS the authority to determine therapeutic supervised parental access. The Appellate Division dismissed the appeal from the fact-finding order as superseded, modified the dispositional order by deleting the delegation, affirmed it as modified, and remitted for the Family Court to determine access and establish a schedule if appropriate.

DISPOSITION

other

REMAND INSTRUCTIONS

The matter is remitted to the Family Court, Kings County, to determine whether the mother shall have therapeutic supervised parental access with the subject child and, if so, to set forth a schedule for that access.

CASES CITED

- Matter of Jadeliz M.Q. [Steven Q.], 209 AD3d 655, 656-657
- Matter of Brittani A. [Soily A.-S.], 188 AD3d 876, 877-878
- Matter of Tereza R. [Jose A.], 199 AD3d 921, 922
- Matter of Suffolk County Dept. of Social Servs. v James M., 83 NY2d 178, 182-183
- Zuckerman v City of New York, 49 NY2d 557, 563
- Matter of Victoria P. (Victor P.), 121 AD3d 1006, 1007
- Matter of Leva v Sokol, 240 AD3d 496, 498
- Matter of Lopez v Neira, 237 AD3d 1097, 1099-1100
- Matter of Cornielle v Rosado, 231 AD3d 824, 827
- Matter of Clezidor v Lexune, 192 AD3d 792, 794
- Matter of Acosta v Melendez, 179 AD3d 912, 914
- Matter of Mondschein v Mondschein, 175 AD3d 686, 687-688
- Matter of Juliane M., 23 AD3d 473, 473