

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

Matter of M.K.A. (T.M.)

2026 NY Slip Op 02051 · No. Docket No. B-1659/21; Appeal No. 6283; Case No. 2024-04228 · Decided April 7, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed an order terminating the mother's parental rights based on permanent neglect and transferring custody and guardianship for adoption. The court found that the agency made diligent efforts to reunite the mother with the child, but that she failed to consistently comply with her service plan and plan for the child's future. The court also upheld the best-interests determination and declined to impose a suspended judgment.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Webber, J.P.; Kennedy, J.; Kapnick, J.; González, J.; O'Neill Levy, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	April 7, 2026
DOCKET	Docket No. B-1659/21; Appeal No. 6283; Case No. 2024-04228
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order of Family Court, Bronx County, terminating the mother's parental rights upon a finding of permanent neglect and transferring custody and guardianship of the child to the petitioner agency and the Commissioner of the Administration for Children's Services for purposes of adoption.
STANDARD OF REVIEW	The court reviewed whether clear and convincing evidence supported the permanent-neglect determination and the agency's diligent reunification efforts. It reviewed the best-interests determination under a preponderance-of-the-evidence standard.
PRECEDENTIAL VALUE	published
PARTIES	T.M., respondent-appellant v. Children's Aid Society, petitioner-respondent

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether clear and convincing evidence supported the finding that the agency made diligent efforts to reunite the mother with the child.
2. Whether clear and convincing evidence supported the finding that the mother permanently neglected the child by failing to maintain adequate compliance with the service plan and failing to plan for the child's future.
3. Whether termination of the mother's parental rights and freeing the child for adoption were in the child's best interests.
4. Whether a suspended judgment was warranted.

HOLDINGS

1. The agency made diligent efforts to reunite the mother with the child, as demonstrated by extensive visitation, service referrals, transportation assistance, case planning, and assistance concerning the child's medical needs.
2. The finding of permanent neglect was warranted because the mother failed to consistently comply with her service plan, failed to gain insight into the issues that led to the child's placement in foster care, and failed to plan for the child's future.
3. A preponderance of the evidence supported Family Court's determination that terminating the mother's parental rights and freeing the child for adoption were in the child's best interests.
4. A suspended judgment was not warranted because the mother had failed over an extended period to comply with her service plan, and granting additional time would only prolong the child's lack of permanence.

KEY QUOTATIONS

*“Although the mother may have attended some of the services to which she was referred, she failed to consistently comply with her service plan, gain insight into the issues that led to the child's placement in foster care, and failed to plan for the child's future, warranting a finding of permanent neglect” ([*1])*

*“A suspended judgment is not warranted as the mother failed over an extended period of time to comply with her service plan, and to allow her still more time to demonstrate that she can be a fit parent would serve no other purpose than to prolong the child's lack of permanence” ([*2])*

FACTUAL BACKGROUND

The child, who was approximately five years old at the dispositional hearing, had spent most of the child's life in foster care and had not lived with the mother since approximately 15 days after birth. The agency provided extensive reunification services, including visits, transportation assistance, a tailored service plan, mental-health and domestic-violence counseling, parenting services, housing assistance, and case-planning conferences. Although the mother attended some services and visited the child, she did not consistently comply with the service plan, failed to gain insight into the circumstances leading to foster care, and failed to plan for the child's future; the child was bonded with the foster mother, who wished to adopt and could address the child's special needs.

PROCEDURAL HISTORY

Family Court, Bronx County entered an order on or about March 26, 2024, finding permanent neglect, terminating the mother's parental rights, and transferring custody and guardianship for purposes of adoption. The mother appealed, and the Appellate Division, First Department unanimously affirmed without costs.

DISPOSITION

affirmed

CASES CITED

- Matter of Hailey ZZ. [Ricky ZZ.], 19 NY3d 422, 429 [2012]
- Matter of Faith J. [Kimberly J.], 200 AD3d 611, 611 [1st Dept 2021]
- Matter of Janell J. [Shanequa J.], 88 AD3d 512, 512 [1st Dept 2011]
- Matter of Racquel Olivia M., 37 AD3d 279, 280 [1st Dept 2007], lv denied 8 NY3d 812 [2007]
- Matter of Nathaniel T., 67 NY2d 838, 841-842 [1986]
- Matter of Raymond C. [Maria V.], 150 AD3d 476, 477 [1st Dept 2017], lv denied 29 NY3d 913 [2017]
- Matter of Serenity H. [Shantell F.], 200 AD3d 452, 452-453 [1st Dept 2021]
- Matter of Serenity K.T. [Shanisha S.], 190 AD3d 572, 573 [1st Dept 2021]
- Matter of "No Given Name" O. [Adele O.], 209 AD3d 443, 444 [1st Dept 2022]