

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

Matter of N.N. (Delroy N.)

2026 NY Slip Op 01012 (N.Y. Ct. App. 2026) · No. Docket No. B-07177-78/14, B-14512-13/18; Appeal No. 5907-5907A; Case No. 2024-00050 · Decided February 24, 2026

SUMMARY

The Appellate Division, First Department affirmed an order terminating the father's parental rights based on permanent neglect and committing the children's guardianship and custody to the agency and Commissioner for adoption. The court dismissed the appeal from the fact-finding order because it was entered on default and held that the children's best interests supported termination rather than a suspended judgment, despite the siblings living in separate foster homes.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Renwick, P.J.; Kennedy, J.; Rodriguez, J.; Pitt-Burke, J.; O'Neill Levy, J.
JURISDICTION	New York Appellate Division, First Department
DECIDED	February 24, 2026
DOCKET	Docket No. B-07177-78/14, B-14512-13/18; Appeal No. 5907-5907A; Case No. 2024-00050
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent father appealed from a Family Court dispositional order terminating his parental rights after a finding of permanent neglect and committing guardianship and custody of the children to the petitioner agency and the Commissioner of Social Services for adoption. He also appealed from the fact-finding order, but that appeal was dismissed because the order was entered on default.
STANDARD OF REVIEW	The court reviewed whether the record supported the Family Court's determination that termination of parental rights was in the children's best interests and whether the court had a basis to impose a suspended judgment.
PRECEDENTIAL VALUE	Published opinion

TOPICS

termination of parental rights

adoption

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the record supported termination of the father's parental rights as being in the children's best interests.
2. Whether the Family Court should have issued a suspended judgment instead of terminating the father's parental rights.
3. Whether the father's desire to keep the siblings together required reversal of the dispositional order.
4. Whether an appeal lies from a fact-finding order entered after the father defaulted at the fact-finding hearing.

HOLDINGS

1. The record supported the determination that terminating the father's parental rights was in the children's best interests.
2. A suspended judgment was not warranted because the father's situation was unlikely to change with a short reprieve and the children were entitled to permanency in their pre-adoptive foster homes.
3. The father's desire to keep the children together was not a sufficient basis to reverse the disposition because the preference for siblings to reside together is not absolute.
4. No appeal lies from the fact-finding order because the father defaulted at the fact-finding hearing.

KEY QUOTATIONS

“While generally it may be preferable for siblings to reside together, the rule is not absolute” ([*1])

“No appeal lies from the fact-finding order, since the father defaulted at the fact-finding hearing” ([*1])

FACTUAL BACKGROUND

The children had lived with their respective foster parents for approximately 12 years, nearly their entire lives, and were doing well in those placements. Both children wanted to be adopted by their foster parents, did not feel safe in their father's care, and did not want to see him. The father had limited knowledge of one child's diagnosed medical condition and did not know that child's medical providers; the children had lived in separate foster homes for many years, although the foster parents were committed to arranging sibling visits.

PROCEDURAL HISTORY

Family Court, Bronx County, entered a fact-finding order on or about March 1, 2023, determining that the father permanently neglected the children. The court entered a dispositional order on or about November 20, 2023, terminating his parental rights and committing guardianship and custody for adoption. The First Department unanimously affirmed the dispositional order and dismissed the appeal from the fact-finding order.

DISPOSITION

affirmed

CASES CITED

- Matter of Shiloh M.J. [Jamesina M.J.], 183 AD3d 540, 541 (1st Dept 2020)
- Matter of CaAliyah W-N. A. [Carl A.], 236 AD3d 401, 402 (1st Dept 2025)
- Matter of "No Given Name" O. [Adele O.], 209 AD3d 443, 443-444 (1st Dept 2022)
- Matter of Anthony R.L.O. [Anthony L.O.], 143 AD3d 475, 476 (1st Dept 2016)
- Matter of Deime Zechariah Luke M. [Sharon Tiffany M.], 112 AD3d 535, 537 (1st Dept 2013), lv denied 22 NY3d 863 (2014)
- Matter of Nautica Skyy W. [Amber NY-Cole W.], 198 AD3d 589, 590 (1st Dept 2021)
- Matter of Ender M.Z.-P. [Olga Z.], 109 AD3d 834, 836 (2d Dept 2013), lv denied 72 NY3d 863 (2014)
- Matter of Joseph P. [Edwin P.], 143 AD3d 529, 530 (1st Dept 2016), lv denied 28 NY3d 1110 (2016)
- Matter of Roberto O. [Lakeysa H.], 151 AD3d 525, 525 (1st Dept 2017)
- Matter of Jaquan Tieran B. [Latoya B.], 105 AD3d 498, 499 (1st Dept 2013)

OPINION

Matter of N.N. (Delroy N.) 2026 NY Slip Op 01012

PER CURIAM.

Matter of N.N. (Delroy N.) (2026 NY Slip Op 01012) Matter of N.N. (Delroy N.) 2026 NY Slip Op 01012 Decided on February 24, 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: February 24, 2026 Before: Renwick, P.J., Kennedy, Rodriguez, Pitt-Burke, O'Neill Levy, JJ. Docket No. B-07177-78/14, B-14512-13/18|Appeal No. 5907-5907A|Case No. 2024-00050| [*1]In the Matter of N.N. And Another, Children Under the Age of Eighteen years, etc., Delroy N., Respondent-Appellant, Children's Aid Society, Petitioner-Respondent. Bruce A. Young, New York, for appellant. Law Offices of James M. Abramson, PLLC, New York (James M. Abramson of counsel), for respondent. Dawne A. Mitchell, The Legal Aid Society, New York (Diane Pazar of counsel), attorney for the children. Order of disposition, Family Court, Bronx County (Karen M. C. Cortes, J.), entered on or about November 20, 2023, which, after a fact-finding determination that respondent father permanently neglected the subject children, terminated his parental rights to the children and committed their guardianship and custody to petitioner agency and the

Commissioner of Social Services for the purposes of adoption, unanimously affirmed, without costs. Appeal from fact-finding order, same court and judge, entered on or about March 1, 2023, unanimously dismissed, without costs, as no appeal lies from an order entered on default. As to the dispositional order, the record supports the determination that termination of the father's parental rights is in the children's best interests (see Matter of Shilloh M.J. [Jamesina M.J.] , 183 AD3d 540, 541 [1st Dept 2020]). The evidence presented at the dispositional hearing established that the children were doing well living with their respective foster parents, with whom they have resided for almost the entirety of their lives, approximately 12 years, and that both children wanted to be adopted by their foster parents, did not feel safe in the father's care, and did not want to see him (see Matter of CaAliyah W-N. A. [Carl A.], 236 AD3d 401 , 402 [1st Dept 2025]; Matter of "No Given Name" O. [Adele O.] , 209 AD3d 443, 443-444 [1st Dept 2022]; Matter of Anthony R.L.O. [Anthony L.O.] , 143 AD3d 475 , 476 [1st Dept 2016]). The father also displayed limited knowledge of the subject child's diagnosed medical condition and was unaware of that child's medical providers (see Matter of Deime Zechariah Luke M. [Sharon Tiffany M.], 112 AD3d 535 , 537 [1st Dept 2013], lv denied 22 NY3d 863 [2014]). To the extent the father claims that the court should have issued a suspended judgment, there is no basis for such relief, where the father's situation is unlikely to change with a short reprieve, and the children are entitled to permanency in their pre-adoptive foster homes (see Matter of Nautica Skyy W. [Amber NY-Cole W.] , 198 AD3d 589 , 590 [1st Dept 2021]). Finally, the father's desire to keep the children together is not a sufficient basis to reverse the disposition under the circumstances. While generally it may be preferable for siblings to reside together, the rule is not absolute, especially where, as here, the children have lived in separate foster homes for many years (see Matter of Ender M.Z.-P. [Olga Z.] , 109 AD3d 834 , 836 [2d Dept 2013], lv denied 72 NY3d 863 [2014]), and the foster parents are committed to arranging sibling visits for the children to maintain their relationship (see Matter of Joseph P. [Edwin P.] , 143 AD3d 529, 530 [1st Dept 2016], lv denied 28 NY3d 1110 [2016]). No appeal lies from the fact-finding order, since the father defaulted at the fact-finding hearing (see Matter of Roberto O. [Lakeysha H.], 151 AD3d 525, 525 [1st Dept 2017] ; Matter of Jaquan Tieran B. [Latoya B.] , 105 AD3d 498 , 499 [1st Dept 2013]). We have considered the father's remaining arguments and find them unavailing. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: February 24, 2026