

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

Matter of Nuria D. Z. P. (Jose D. Z. M.)

2026 NY Slip Op 03314 · No. 2025-07384 · Decided May 27, 2026

SUMMARY

The Appellate Division, Second Department, reversed a Nassau County Family Court order denying a father's motion for special immigrant juvenile status findings. The court found that reunification of the child with her mother was not viable due to parental abandonment and that returning the child to El Salvador would not be in her best interest. The motion for the required findings was therefore granted.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Valerie Brathwaite Nelson, J.; Laurence L. Love, J.; Susan Quirk, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	May 27, 2026
DOCKET	2025-07384
DISPOSITION	reversed
PROCEDURAL POSTURE	Petitioner appealed from an order of the Family Court, Nassau County, denying his motion for specific findings necessary for the subject child to seek special immigrant juvenile status.
STANDARD OF REVIEW	The Appellate Division's power to review the evidence on a motion for specific findings is as broad as that of the hearing court; where the record is sufficiently complete, it may make its own factual determinations.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Jose D. Z. M. (Anonymous) v. Maria C. P. R. (Anonymous)

TOPICS

special immigrant juvenile

guardianship procedure

immigration

appellate procedure

family law procedure

PRACTICE AREAS

Family law

Immigration

QUESTIONS PRESENTED

1. Whether the Family Court should have made findings that reunification of the child with her mother was not viable due to parental abandonment and that returning the child to El Salvador would not be in her best interest, thereby enabling the child to seek special immigrant juvenile status.
2. Whether the Appellate Division could independently review the evidence and make its own factual determinations on the motion for SIJS-related specific findings.

HOLDINGS

1. The Appellate Division may review the evidence as broadly as the hearing court and make its own factual determinations when the record is sufficiently complete.
2. Reunification of the child with her mother was not viable due to parental abandonment.
3. It would not be in the child's best interest to return to El Salvador, her previous country of nationality and last habitual residence.

KEY QUOTATIONS

*“ORDERED that the order is reversed, on the facts, without costs or disbursements, the petitioner'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, and it is found that reunification of the subject child with her mother is not viable due to parental abandonment and that it would not be in the best interest of the subject child to return to El Salvador, her previous country of nationality and last habitual residence.” (*1)*

FACTUAL BACKGROUND

The petitioner's daughter was the subject of a Family Court Act article 6 guardianship proceeding. The petitioner, her father, sought appointment as guardian and specific factual findings to enable her to petition U.S. Citizenship and Immigration Services for special immigrant juvenile status. The record supported findings that reunification with the child's mother was not viable because of parental abandonment and that returning the child to El Salvador, her previous country of nationality and last habitual residence, would not be in her best interest.

PROCEDURAL HISTORY

In March 2025, the petitioner, the child's father, filed a Family Court Act article 6 petition seeking appointment as the child's guardian and moved for SIJS-related factual findings. After a hearing, the Family Court granted the

guardianship petition but denied the motion for specific findings in an order dated May 14, 2025. The Appellate Division independently reviewed the facts and reversed.

DISPOSITION

reversed

CASES CITED

- Matter of Nery F.Z.V. [Ezequiel Z.G.—Maria E.V.M.], 233 AD3d 883
- Matter of Saul E.M.L. v Edmundo M.M., 244 AD3d 1126, 1127
- Matter of Claudio D.A.I. [Segundo A.—Maria D.I.L.], 225 AD3d 688, 689
- Matter of Briceyda M.A.X. [Hugo R.A.O.], 190 AD3d 752, 753-754
- Matter of Euceda v Romero, 233 AD3d 680, 682
- Matter of Rosa M.M.-G. v Dimas A., 194 AD3d 813, 815

OPINION

PER CURIAM.

Matter of Nuria D. Z. P. (Jose D. Z. M.) - 2026 NY Slip Op 03314 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 Nuria D. Z. P. (Jose D. Z. M.) 2026 NY Slip Op 03314 May 27, 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 Nuria D. Z. P. (Anonymous). Jose D. Z. M. (Anonymous), appellant; Maria C. P. R. (Anonymous), respondent. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on May 27, 2026 2025-07384, (Docket No. G-2322-25) Betsy Barros, J.P.

Valerie Brathwaite Nelson Laurence L. Love Susan Quirk, JJ. Bruno J. Bembi, Hempstead, NY, for appellant. [*1] DECISION & ORDER In a proceeding pursuant to Family Court Act article 6, the petitioner appeals from an order of the Family Court, Nassau County (Segal Blakeman, J.), dated May 14, 2025.

The order denied the petitioner'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). ORDERED that the order is reversed, on the facts, without costs or disbursements, the petitioner'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, and it is found that reunification of the subject child with her mother is not viable due to parental abandonment and that it would not be in the best interest of the subject child to return to El Salvador, her previous country of nationality and last habitual residence.

In March 2025, the petitioner, the subject child's father, filed a petition pursuant to Family Court Act article 6 to be appointed guardian of the child. The petitioner also moved for the issuance of an order, inter alia, making specific findings so as to enable the child to petition to the United States Citizenship and Immigration Services for special immigrant juvenile status (hereinafter SIJS) pursuant to 8 USC § 1101 (a)(27)(J).

The Family Court, after a hearing, granted the guardianship petition, but in an order dated May 14, 2025, denied the motion to issue an order, inter alia, making specific findings so as to enable the child to petition for SIJS pursuant to 8 USC § 1107 (a)(27)(J).

The petitioner appeals. "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 [person not a citizen or national of the United States] 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 Nery F.Z.V.

[Ezequiel Z.G.—Maria E.V.M.], 233 AD3d 883, 883 [internal quotation marks omitted]). "Additionally, for a juvenile to qualify for special immigrant 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" (id. at 884 [internal [*2] quotation marks omitted]; see 8 USC § 1101 [a][27][J]; 8 CFR 204.11).

In reviewing a court's determination of a motion for specific findings, this Court's power to review the evidence is as broad as that of the hearing court, and where the record is sufficiently complete to make our own factual determinations, we may do so (see Matter of Saul E.M.L. v Edmundo M.M., 244 AD3d 1126, 1127; Matter of Claudio D.A.I. [Segundo A.—Maria D.I.L.], 225 AD3d 688, 689).

Here, based upon our independent factual review, the record supports a finding that reunification of the child with her mother is not viable due to parental abandonment (see Matter of Saul E.M.L. v Edmundo M.M., 244 AD3d at 1127; Matter of Claudio D.A.I. [Segundo A.—Maria D.I.L.], 225 AD3d at 689; Matter of Briceyda M.A.X. [Hugo R.A.O.], 190 AD3d 752, 753-754).

Further, the record supports a finding that it would not be in the best interest of the child to return to El Salvador, her previous country of nationality and country of last habitual residence (see Matter of Euceda v Romero, 233 AD3d 680, 682; Matter of Rosa M.M.-G. v Dimas A., 194 AD3d 813, 815; Matter of Briceyda M.A.X. [Hugo R.A.O.], 190 AD3d at 754).

Accordingly, the Family Court should have granted the motion 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 for SIJS pursuant to 8 USC § 1107 (a)(27)(J). BARROS, J.P., BRATHWAITE NELSON, LOVE and QUIRK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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PER CURIAM.

Matter of Nuria D. Z. P. (Jose D. Z. M.) - 2026 NY Slip Op 03314

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May 27, 2026

Appellate Division, Second Department

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Jose D. Z. M. (Anonymous), appellant; Maria C. P. R. (Anonymous), respondent.

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

Decided on May 27, 2026

2025-07384, (Docket No. G-2322-25)

Betsy Barros, J.P.

Valerie Brathwaite Nelson

Laurence L. Love

Susan Quirk, JJ.

Bruno J. Bembi, Hempstead, NY, for appellant.

DECISION & ORDER

In a proceeding pursuant to Family Court Act article 6, the petitioner appeals from an order of the Family Court, Nassau County (Segal Blakeman, J.), dated May 14, 2025.

The order denied the petitioner'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).

ORDERED that the order is reversed, on the facts, without costs or disbursements, the petitioner'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, and it is found that reunification of the subject child with her mother is not viable due to parental abandonment and that it would not be in the best interest of the subject child to return to El Salvador, her previous country of nationality and last habitual residence.

In March 2025, the petitioner, the subject child's father, filed a petition pursuant to Family Court Act article 6 to be appointed guardian of the child.

The petitioner also moved for the issuance of an order, inter alia, making specific findings so as to enable the child to petition to the United States Citizenship and Immigration Services for special immigrant juvenile status (hereinafter SIJS) pursuant to 8 USC § 1101(a)(27)(J).

The Family Court, after a hearing, granted the guardianship petition, but in an order dated May 14, 2025, denied the motion to issue an order, inter alia, making specific findings so as to enable the child to petition for SIJS pursuant to 8 USC § 1107(a)(27)(J).

The petitioner appeals.

"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 [person not a citizen or national of the United States] 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 Nery F.Z.V.*

[Ezequiel Z.G.—Maria E.V.M.], 233 AD3d 883, 883 [internal quotation marks omitted]). "Additionally, for a juvenile to qualify for special immigrant 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" (*id.* at 884 [internal quotation marks omitted]; *see* 8 USC § 1101(a)(27)(J); 8 CFR 204.11).

In reviewing a court's determination of a motion for specific findings, this Court's power to review the evidence is as broad as that of the hearing court, and where the record is sufficiently complete to make our own factual determinations, we may do so (*see* *Matter of Saul E.M.L. v Edmundo M.M.*, 244 AD3d 1126, 1127; *Matter of Claudio D.A.I.*

[Segundo A.—Maria D.I.L.]</i>, 225 AD3d 688, 689). Here, based upon our independent factual review, the record supports a finding that reunification of the child with her mother is not viable due to parental abandonment (<i>see</i> <i>Matter of Saul E.M.L. v Edmundo M.M.</i>, 244 AD3d at 1127; <i>Matter of Claudio D.A.I. [Segundo A.—Maria D.I.L.]</i>, 225 AD3d at 689; <i>Matter of Briceyda M.A.X.

[Hugo R.A.O.]</i>, 190 AD3d 752, 753-754). Further, the record supports a finding that it would not be in the best interest of the child to return to El Salvador, her previous country of nationality and country of last habitual residence (<i>see</i> <i>Matter of Euceda v Romero</i>, 233 AD3d 680, 682; <i>Matter of Rosa M.M.-G. v Dimas A.</i>, 194 AD3d 813, 815; <i>Matter of Briceyda M.A.X.

[Hugo R.A.O.]</i>, 190 AD3d at 754).</p> <p>Accordingly, the Family Court should have granted the motion 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 for SIJS pursuant to 8 USC § 1107(a)(27)(J).</p> <p>BARROS, J.P., BRATHWAITE NELSON, LOVE and QUIRK, JJ., concur.</p> <p>ENTER:</p> <p>Darrell M. Joseph</p> <p>Clerk of the Court</p> </div> <div> <footer> <div> <p>Court Decisions</p> All Court Decisions Official Reports Service Bound Volumes Decision Search </div> <div> <p>Resources</p> RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index </div> <div> <p>About</p> About the Law Reporting Bureau About our Operations Contact Us Twitter </div> <div> <p>Quick Contact Info</p> <p>17 Lodge Street</p> <p>Albany, NY 12207</p> <p>Phone: (518) 453-6900</p> </div> </footer> </div> <div> <p>Links to or from other sites do not signify endorsement or relationship with them.</p> </div> </div>