

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

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