

evidence established that petitioner agency discharged its statutory obligation to exert diligent efforts to encourage and strengthen the parental relationship by, among other things, scheduling regular in-person and virtual visitation, arranging for car service transportation at the agency's expense to and from visits, arranging for dyadic therapy to take place during visits, referring the mother to individual counseling, attempting to confirm compliance with mental health services and a parent advocate, and attempting to maintain regular contact with the mother, whose telephone number changed multiple times through the relevant time period. The mother was also reminded multiple times of the need to comply with her service plan in order to help reunite her with the child (*see Matter of Faith J. [Kimberly J.]*, 200 AD3d 611, 611 [1st Dept 2021]).

The record contradicts the mother's argument, raised for the first time on appeal, that the agency failed to expend diligent efforts by not providing her with referrals for domestic violence services, and therefore Family Court erred in proceeding to fact-finding and disposition as to permanent neglect. The mother admitted that she did not identify herself as a victim of domestic violence until March 2022, and, upon learning that she was in an abusive relationship, the case planner appointed the mother a parent advocate to assess services that would be beneficial to her and offered to make a referral for domestic violence counseling, which the mother declined. Notably, the mother did not explain why she continued to miss visits with the child while her alleged abuser was incarcerated.

Notwithstanding the agency's diligent efforts, the mother failed to plan for the child's future by failing to maintain contact with the child and failing to plan for reunification with the child (*see Matter of Star Leslie W.*, 63 NY2d 136, 142-143 [1984]). The mother's failure to attend the majority of her visits with the child, to say nothing of

her behavior during those visits, was in itself a basis to find permanent neglect (*see Matter of Angelica D. [Deborah D.]*, 157 AD3d 587, 588 [1st Dept 2018]; *Matter of Lamani C.H. [Lucia T.G.]*, 179 AD3d 501, 502 [1st Dept 2020]). While the mother completed some of the requirements of her service plan, she did not comply with individual therapy or maintain contact with the agency, and neither acknowledged nor remedied the conditions that led to the child's placement in the first instance, especially her mental health issues, during the relevant time period (*see Matter of E.M. [Josephine B.]*, 235 AD3d 593, 593-594 [1st Dept 2025]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: March 10, 2026

A handwritten signature in black ink, appearing to read "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" being the most prominent part.

Susanna Molina Rojas
Clerk of the Court