

In re Hofbauer, 47 NY2d 648 (Ct. of Appeals 1979) – “the most significant factor in determining whether a child is being deprived of adequate medical care, and thus, a neglected child within the meaning of the statute, is whether the parents have provided an acceptable course of medical treatment for their child in light of all the surrounding circumstances.” Also **Matter of Terrence P.**, 38 AD3d 254 (1st Dept 2007), **In re Felicia D.**, 263 AD2d 399 (1st Dept 1999)

In re Yolanda D., 88 NY2d 790 (Ct of Appeals 1996) – “Factors such as the frequency and nature of the contact between the child and respondent, the nature and extent of the control exercised by the respondent over the child’s environment the duration of the respondent’s contact with the child, and the respondent’s relationship to the child’s parent(s) are some of the variables which should be considered and weighed by a court in determining whether a respondent fits within the catch-all category of section 1012(g).”

See also **Matter of Trenasia J. (Frank J.)**, 25 N.Y.3d 1001 (Ct. of Appeals 2015)

People v. Ortega, 15 NY3d 610 (Ct. Appeals 2010) – reference in a medical record of who caused the injuries to the victim in a domestic violence incident is admissible under the medical/business records hearsay exception.

Matter of Dante M., 87 NY2d 73 (Ct. of App 1995) “Relying solely on a positive toxicology result for a neglect determination fails to make the necessary causative connection to all the surrounding circumstances that may or may not produce impairment or imminent risk of impairment in the newborn child... A positive toxicology report, however, in conjunction with other evidence, may support a neglect finding.”

Matter of Afton C., 17 NY3d 1 (Ct. of Appeals 2011) – Father of children adjudicated Level 3 sex offender for sex offenses with people who are non-familial, including underage persons. Court stated that prior convictions alone do not show that the father failed to exercise a minimum degree of care toward his own biological children.

Matter of Phillip M., 82 NY2d 238 (Ct. of Appeals 1993) – construed 1046(a)(ii) to require "(1) an injury to a child which would ordinarily not occur absent an act or omission of respondents, and (2) that respondents were the caretakers of the child at the time the injury occurred."

Matter of Nicole V. 71 N.Y.2d 112 (ct. of Appeals 1987) – therapist of a four year old victim of sex abuse testified to her treatment of the child, and this testimony was sufficient to corroborate the child’s out of court statements sufficiently to find abuse.

Matter of Lydia H. 67 N.Y.2d 681 (Ct. of Appeals 1986) – affirms appellate division holding that additional corroboration is not required when a child’s statement is admitted via a independent exception to the hearsay rule rather than just FCA 1046.

Matter of Jamie J. 30 N.Y.3d 275 (Ct. of Appeals 2017) – dismissal of underlying child protective case at fact finding terminates jurisdiction and future permanency hearings should not have occurred.

In re Alijah C., 1 N.Y.3d 375, 379 - Rejects the contention that a deceased child cannot be the subject of an abuse petition (respondent had other children).

Matter of Lacey L. 32 N.Y.3d 219, 225 (Ct. of Appeals 2017) - Family Court can find that DSS is making reasonable efforts toward family reunifications, as required by Family Ct Act § 1089, even if DSS failed to provide reasonable accommodations required by the Americans with Disabilities Act, 42 U.S.C.S. § 12131 and DSS efforts in the case met a minimum threshold of reasonableness during the measuring period in question.

In re Christina F., 74 N.Y.2d 532 (Ct. of Appeals 1989) In a child protective proceeding, a child's out-of-court statements to a detective describing sexual abuse by her father were sufficiently corroborated by the child's later cross-examined, but unsworn in-court testimony to support a finding of abuse.

Nicholson v. Scoppetta, 3 N.Y.3d 357, 384 (Ct. of Appeals 2004) – ‘FAR more was required to find neglect and justify removal than a mere showing that the parent had been a victim of domestic violence and that the children had been exposed to the violence’. This case is helpful because it assists with analyzing not just domestic violence neglect, but any neglect cause of action and the basis for a removal, including the “balancing of harms” test. It also discusses the “reasonable and prudent parent” standard and the term “minimum degree of care”.

People v. Deverow 2022 NY Slip Op 03362- Present sense impression foundation