

**KEY APPELLATE CASE LAW CITES ON SEX ABUSE 6/17**

By Margaret A. Burt, Esq.

**No Reasonable Efforts**

**Matter of Marino S.**, 100 NY2d 361, 763 NYS2d 796 (2003) – key Court of Appeals case re sex abuse being severe abuse and derivative severe abuse re sibs and therefore FCA § 1039-b NRE ordered on all kids

NOTE: Few sex abuse cases seem to be pled as severe abuse even when behavior fits definition

**Culpability of Parent who “allows”**

**Matter of Michael B.**, 130 AD3d 619 (2<sup>nd</sup> Dept. 2015) – mother failed to protect 7 year old son from being sexually abused by 13 year old brother

**Matter of Imani G.**, 130 AD3d 456 (1<sup>st</sup> Dept. 2015) – grandmother did nothing when child reported to her what father had done

**Matter of Destiny C.**, 127 AD3d 1510 (3<sup>rd</sup> Dept. 2015) – mother allowed and watched

**Matter of Milagros C.**, 121 AD3d 481 (1<sup>st</sup> Dept. 2014) – child’s multiple, consistent out of court statements corroborated by plea in criminal court by brother who had abused – mother walked in on sexual abuse by brother and mother did not protect

**Matter of Dayanara V.**, 101 AD3d 411 (1<sup>st</sup> Dept. 2012) – mother only neglectful not abusive as sex abuse did stop after mother saw it but did not report or make him leave

**Matter of Kyanna T.**, 99 AD3d 1011 (2<sup>nd</sup> Dept. 2012)

**Matter of Cassandra V.**, 90 AD3d 440 (2<sup>nd</sup> Dept. 2011)

**Matter of Tashia QQ**, 27 AD3d 849 (3<sup>rd</sup> Dept. 2006)

**Matter of Ivette R.**, 282 AD2d 751 (2<sup>nd</sup> Dept. 2001)

**Matter of Anita J.**, 701 NYS2d 557 (4th Dept. 1999)

**Matter of Jennifer G.**, 687 NYS2d 844 (4th Dept. 1999)

**Matter of Elizabeth G.**, 680 NYS2d 32 (4th Dept. 1998)

**Matter of Maryann NN.**, 665 NYS2d 710 (3rd Dept. 1997)

**Matter of Jessica DD.**, 651 NYS2d 673 (3rd Dept. 1996)

**Matter of Rhiannon B.**, 654 NYS2d 537 (4th Dept. 1997)

**Matter of Eric J.**, 636 NYS2d 762 (1st Dept. 1996)

**Matter of Jaquay O.**, 232 AD2d 422 (1st Dept. 1995)

**Matter of Nina M.**, 189 AD2d 1010 (3rd Dept. 1993)

**Matter of Anna Marie A.**, 194 AD2D 608 (2nd Dept. 1993)

**Matter of Nicole B.**, 175 AD2d 205 (2nd Dept. 1993)

**Matter of Scott X.**, 184 AD2D 866 (3rd Dept. 1992)

**Matter of Alan G.**, 185 AD2D 319 (2nd Dept. 1992)

**Matter of Kasey C.**, 182 AD2D 1117 (2nd Dept. 1992)

**Matter of Jose Y.**, 177 AD2d 580 (2nd Dept. 1991)

**Matter of Tania J.**, 147 AD2D 252 (1st Dept. 1989)  
**Matter of Daniel DD.**, 142 AD2D 750 (3rd Dept. 1988)  
**Matter of Faith AA.**, 139 AD2D 22 (3rd Dept. 1988)

### **Derivative Findings**

**Matter of Arcis A.R-M.**, 148 AD3d 1156 (2<sup>nd</sup> Dept. 2017) – derivative finding re stepson for sexually abusing stepdaughter

**Matter of D.S.**, 147 AD3d 856 (2<sup>nd</sup> Dept. 2017) – not derivative regarding a bio son born after incidents of respondent grabbing buttocks of female child in the home

**Matter of Taurice M.**, 147 AD3d 844 (2<sup>nd</sup> Dept. 2017) – derivative on other children who were in the home and sleeping while sex acts occurred

**Matter of Andrew R.**, 146 AD3d 709 (1<sup>st</sup> Dept. 2017) – derivative supported by long term sexual abuse of target child and aid of court on other child needed to protect sibling as that child has ongoing relationship with respondent

**Matter of Fedeline A.**, 143 AD3d 977 (2<sup>nd</sup> Dept. 2016) – no derivative on own child who did not live in the home or even in the country and did not move I to home until 20 months after sexual abuse had occurred with a respondent's girlfriend's child

**Matter of Lesli R.**, 138 AD3d 488 (1<sup>st</sup> Dept. 2016) – sexually abusing a stepdaughter in an upper bunk while three bio children in lower bunk warrants a derivative finding on the other children

**Matter of Iryanna I.**, 132 AD3d 1096 (3<sup>rd</sup> Dept. 2015) – two newborns were derivately severely abused based on adjudication of sexual abuse of child that had occurred 4 and 5 years earlier respectively, still had not completed treatments and continued to deny sexual abuse

**Matter of Honni**, 119 AD3d 997 (3<sup>rd</sup> Dept. 2014) – summary judgment derivative finding on newborn, 4 years after sex abuse adjudication re respondent's girlfriends' child

**Matter of Adriel R.**, 117 AD3d 744 (2<sup>nd</sup> Dept. 2014) - derivative abuse finding upon a motion for summary judgment in Queens County Family Court. The father had previously been criminally convicted of attempted sexual misconduct and endangering the welfare of a child concerning two of his daughters. He had been found by Family Court to have sexually abused one of his daughters, neglected the other and derivatively neglected two of his other children. His impulse control was so defective that he was a substantial risk to any child in his care.

**Matter of Tiffany H.**, 117 AD3d 419 (1<sup>st</sup> Dept. 2014) - The First Department affirmed a sex abuse finding regarding a Bronx respondent but reversed the lower court's dismissal of the derivative neglect petition on respondent's own daughter. The lower court had found as to the daughter, the aid of the court was not necessary. The lower court improperly dismissed the derivative petition on the biological child – that child was derivatively neglected by his actions. Contrary to the lower courts determination, the aid of the court was necessary as his has continued contact with the daughter.

**Matter of Trenasia J.**, 107 AD3d 992 (2<sup>nd</sup> Dept. 2013)- sexual abuse of niece he was PLR for supports derivative on his children (note: upheld by Court of Appeals)

**Matter of Monica C.M.**, 107 AD3d 996 (2<sup>nd</sup> Dept. 2013) – attempted sex abuse of stepdaughter

is derivative re own child at home at the time but NOT for child born 4 years later as event was “limited” in duration and in “nature”

**Matter of Ashley M.V.**, 106 AD3d 659 (1<sup>st</sup> Dept. 2013)

**Matter of Raygen D.**, 100 AD3d 1413 (4<sup>th</sup> Dept. 2012)

**Matter of Amoya S.**, 100 AD3d 641 (2<sup>nd</sup> Dept. 2012) – not derivative of sibs but does not say why not!

**Matter of Christina G.**, 100 AD3d 454 (1<sup>st</sup> Dept. 2012) – derivative **abuse** of sibs – one watched

**Matter of Kyanna T.**, 99 AD3d 1011 (2<sup>nd</sup> Dept. 2012)

**Matter of Miranda F.**, 91 AD3d 1303 (4<sup>th</sup> Dept. 2012) – summary judgment re criminal conviction as to victim child but not derivative as to siblings unless pled with specifics in motion

**Matter of Kennedie M.**, 89 AD3d 1544 (4<sup>th</sup> Dept. 2011) – adult stepdaughter testifies as to her sexual abuse when a child – derivative on children currently in the home

**Matter of Rebecca FF.**, 81 AD3d 1119 (3<sup>rd</sup> Dept. 2011) – adult adoptive stepdaughter testifies as to her sexual abuse when a child – derivative on children currently in the home

**Matter of Daniel W**, 37 AD3d 842 (2<sup>nd</sup> Dept 2007) – reversed lower court for dismissing derivatives

**Matter of AR**, 309 AD2d 1153 (4<sup>th</sup> Dept. 2003) – good language on derivative reversing lower court who dismissed derivative

**Matter of Shaun X**, 300 AD2d 772 (3<sup>rd</sup> Dept. 2002) – “beyond dispute”

**Matter of Melissa “L”.**, 714 NYS2d 154 (3rd Dept. 2000)

**Matter of Falcon “EE”.**, 703 NYS2d 569 (3rd Dept. 2000)

**Matter of Ashley “D”.**, 702 NYS2d 209 (3rd Dept. 2000)

**Matter of Lauren B.**, 200 AD2d 740 (2nd Dept. 1994)

**Matter of Amanda LL.**, 195 AD2d 708 (3rd Dept. 1993)

**Matter of Douglas EE.**, 191 AD2d 694 (2nd Dept. 1993) – **the key case**

**Matter of Jeremy H.**, 193 AD2d 799 (2nd Dept. 1993)

**Matter of Kelly M.**, 196 AD2d 538 (3rd Dept. 1993)

**Matter of Rachel G.**, 185 AD2d 704 (3rd Dept. 1993)

**Matter of Lynelle W.**, 177 AD2d 1008 (4th Dept. 1993)

### **Sexual Gratification**

**Matter of D. S.**, 147 AD3d 856 (2<sup>nd</sup> Dept. 2017) – respondent grabbed the buttocks of the female child on 3 occasions and smiled and said “what?” when child felt uncomfortable, nature of what he did inferred sexual gratification

**Matter of Karmine R.**, 147 AD3d 439 (1<sup>st</sup> Dept. 2017) – respondent touching female child’s breasts and vagina was for purpose of sexual gratification inferred by acts themselves and no other acceptable explanation

**Matter of Lesli R.**, 138 AD3d 488 (1<sup>st</sup> Dept. 2016) – stepfather’s failure to stop touching 2 stepdaughters when he knew that it was making them uncomfortable supports that his intent was sexual

**Matter of Alejandra B.**, 135 AD3d 480(1<sup>st</sup> Dept. 2016) – respondent had sexual intent when he made 10 year old girl lock bedroom door, give him a massage and then straddle him while he bounced her up and down near his penis and kissed her on the mouth and told her not to tell her mother – this was not innocent horseplay

**Matter of Daniela R.**, 118 AD3d 637 (1<sup>st</sup> Dept. 2014) - father failed to offer any innocent explanation for his inappropriate touching of the girls. That his purpose was sexual gratification can be inferred from the totality of the circumstances.

**Matter of Jani Faith B.**, 104 AD3d 508 (1<sup>st</sup> Dept. 2013) – stepfather kissing child with tongue is sexual contact

**Matter of Karina L.**, 106 AD3d 439 (1<sup>st</sup> Dept. 2013) – touching child’s breasts and kissing on mouth – purpose can be inferred from the conduct

**Matter of Daniel R.**, 70 AD3d 839 (2<sup>nd</sup> Dept. 2010) – can be inferred due to repetitious touching

**Matter of Jelani B.**, 54 AD3d 1032 (2<sup>nd</sup> Dept. 2008) – not proven where put hands on buttocks

**Matter of Raymond M** 13 AD3d 377 (2<sup>nd</sup> Dept 2004) – can be inferred from circumstances

**In re Keisha McL.**, 691 NYS2d 428 (1st Dept. 1999) - can be inferred if no innocent explanation is offered for touching

**Matter of AG** 686 NYS2d 396 (1st Dept. 1999)

**Matter of Karen BB.**, 628 NYS2d 431 (3rd Dept. 1995)

**Matter of Sandra S.**, 195 AD2d 1070 (4th Dept. 1993)

**Matter of Olivia YY.**, 209 AD2d 892 (3rd Dept. 1994)

### **Res Ipsa**

**Matter of Amoya S.**, 100 AD3d 641 (2<sup>nd</sup> Dept. 2012)

**Matter of Shade B.**, 99 AD3d 1001 (2<sup>nd</sup> Dept. 2012) – gonorrhea in a 4 year old

**Matter of Loraida R.**, 97 AD3d 925 (3<sup>rd</sup> Dept. 2012) – bleeding, trauma to genital area, thighs

**Matter of Aliyah G.**, 95 AD3d 885 (2<sup>nd</sup> Dept. 2012) – unexplained gonorrhea in 3 year old is res ipsa

**In Re Anthony S.** 280AD2D 302 (1<sup>st</sup> Dept. 2001)

**In re Magnolia A.**, 707 NYS2d 176 (1st Dept. 2000)

**Matter of Yazalin P.**, 680 NYS2d 530 (1st Dept. 1998)

**Matter of Tyeasia**, 641 NYS2d 673 (1st Dept. 1996)

**Matter of Lauren B.**, 200 AD2D 740 (2nd Dept. 1994)

**Matter of Phillip M.**, 82 NY2d 238 (1993) - **key case from Court of Appeals re sexually transmitted disease and failure of parents to offer explanation or behave as concerned prudent parents**

**Matter of Heith S.**, 189 AD2D 875 (2nd Dept. 1993)

**Matter of Tania J.**, 147 AD2D 252 (1st Dept. 1989)

## Corroboration of Child's Out of Court Statements

**Matter of Django K.,** 149 AQR3d 405 (1<sup>st</sup> Dept. 2017) – out of court statements NOT corroborated where child was subject of custody dispute, inconsistencies in his statements, could not remember details, video of child with consistent statements and sex abuse validator was not qualified as an expert; also mother's testimony was not credible

**Matter of Arcis A.R.-M.,** 148 AD3d 1156 (2<sup>nd</sup> Dept. 2017) – out of court statements corroborated by out of court statements of sibling and testimony of expert in field of child abuse

**Matter of Anthony G.,** 147 AD3d 829 (2<sup>nd</sup> Dept. 2017) – out of court statements corroborated by father's admission in criminal court to EWOC and father's failure to testify in family court, some testimony by caseworker and mother

**Matter of Taurice M.,** 147 AD3d 844 (2<sup>nd</sup> Dept. 2017) – out of court statements to therapist and caseworker were corroborated by medical records that child had become pregnant

**Matter of Kayle D.,** 138 AD3d 835 (2<sup>nd</sup> Dept. 2016) – out of court statements were corroborated by testimony of an expert in sexual abuse and by age inappropriate knowledge of sex

**Matter of Dayannie I.M.,** 138 AD3d 747 (2<sup>nd</sup> Dept. 2016) – out of court statements corroborated by expert and father's confession

**Matter of Dylan R.,** 137 AD3d 1492 (3<sup>rd</sup> Dept. 2016) teen children's out of court statements of sexual abuse by stepfather cross corroborated each other as did step father's admission that he had shown one child porn

**Matter of Nyasia C.,** 137 AD3d 781 (2<sup>nd</sup> Dept. 2016) – child's out of court statements corroborated by mother's testimony of finding 4 year old child in bed with respondent

**Matter of Skylean A.P.,** 136 AD3d 515 (1<sup>st</sup> Dept. 2016) – child out of court statements corroborated by testimony of sexual abuse expert

**Matter of Angel R.,** 136 AD3d 1041 (2<sup>nd</sup> Dept. 2016) – child's out of court statements corroborated by sex abuse expert opinion

**Matter of Dorlis B.,** 132 AD3d 578 (1<sup>st</sup> Dept. 2015) – detailed out of court statements corroborated by expert testimony of child's depression and suicide attempts that was consistent behavior with sexual abuse and no other explanation

**Matter of Sha-Naya M.S.C.,** 130 AD3d 719 (2<sup>nd</sup> Dept. 2015) – 9 year olds out of court statements corroborated by testimony of adult sister who was sexually abused by father in same manner years earlier

**Matter of Ishanellys O.,** 129 AD3d 1450 (4<sup>th</sup> Dept. 2015) – out of court statements corroborated by expert witness who opined that consistent and details accounts were reliable and consistent with sex abuse victimization

**Matter of Joshua J.P.,** 127 AD3d 1200 (2<sup>nd</sup> Dept. 2015) – out of court statements corroborated by “child sexual abuse expert” who said child “exhibited behavior indicative of sexual abuse”

**Matter of Aleria K.K.,** 127 AD3d 1525 (3<sup>rd</sup> Dept. 2015) – one child testified in court and corroborated the out of court statements of the other two

**Matter of Destiny C.,** 127 AD3d 1510 (3<sup>rd</sup> Dept. 2015) – 3 oldest children cross corroborated each other's out of court statements, also saw the other children being abused, 7 year old girl had

scarring in vagina and rectum opening consistent with anal penetration

**Matter of Tierra D.**, 124 AD3d 973 (3<sup>rd</sup> Dept. 2015) – child’s out of court statements

corroborated with drawings and demonstrations with dolls and scar on her vaginal opening

**Matter of I-Conscious R.**, 121 AD3d 566 (1<sup>st</sup> Dept. 2014) – 6 year old girl with genital herpes, visible lesions, pain and itching and disclosed to doctor and caseworker

**Matter of Victoria P.**, 121 AD3d 1006 (2<sup>nd</sup> Dept. 2014) – child’s out of court statements corroborated by child sexual abuse expert who said child displayed behaviors of sexually abused children

**Matter of Milagros C.**, 121 AD3d 481 (1<sup>st</sup> Dept. 2014) – child’s multiple, consistent out of court statements corroborated by plea in criminal court by brother who had abused

**Matter of Melody H.**, 121 AD3d 686 (2<sup>nd</sup> Dept. 2014) – 10 year olds explicit, consistent, detailed court of court statements corroborated by sexual abuse of another child in the past

**Matter of Sinclair P.**, 119 AD3d 587 (2<sup>nd</sup> Dept. 2014) – target child’s out of court statements corroborated by out of court statements of another child that father had previously sexually abused

**Matter of David L. Jr.**, 118 AD3d 468 (1<sup>st</sup> Dept. 2014) - two victim children’s out of court statements as to the sexual abuse cross collaborated each other. Further the daughter’s statements were corroborated by medical evidence as well as testimony of the child’s counselor.

**Matter of Jada A.**, 116 AD3d 769 (2<sup>nd</sup> Dept. 2014) - 10 year old and 3 year old have independent and consistent out of court statements to several persons - children’s out of court statements corroborated each other and were also corroborated by the mother’s testimony.

**Matter of Chaim T.**, 116 AD3d 704 (2<sup>nd</sup> Dept. 2014) - two children provided out of court statements which cross corroborated each other. There also were adverse changes in the behavior of the son - father admitted examining the daughter’s vagina and to “arranging” the son’s penis

**Matter of Alexis S.**, 115 AD3d 866 (2<sup>nd</sup> Dept. 2014) - child’s prior out of court statements corroborated by expert testimony which validated her statements.

**Matter of Estefania S.**, 114 AD3d 453 (2<sup>nd</sup> Dept. 2014) - child’s out of court statement corroborated by the testimony of her psychotherapist that the child suffered from PTSD, nightmares and has thoughts of suicide – symptoms consistent with sexual abuse. The child’s sister’s out of court statements also corroborated the allegations.

**Matter of Leah R.**, 104 AD3d 774 (2<sup>nd</sup> Dept. 2013) – out of court statements and testimony of other related children that he had done same to them years earlier

**Matter of Nyrie W.**, 111 AD3d 402 (1<sup>st</sup> Dept. 2013) – out of court statements plus medical records and sib’s statements

**Matter of Raygen D.**, 100 AD3d 1413 (4<sup>th</sup> Dept. 2012) – out of court plus expert opinion and video tape of caseworker interview

**Matter of Joanne II.**, 100 AD3d 1204 (3<sup>rd</sup> Dept. 2012) – out of court statements plus dramatic and disturbing personality changes and behaviors, dolls validator opinion , drew pictures

**Matter of Ramsey H.**, 99 AD3d 1040 (3<sup>rd</sup> Dept. 2012) – out of court plus in court and medical

**Matter of Kyanna T.**, 99 AD3d 1001 (2<sup>nd</sup> Dept. 2012)- out of court statements plus in court testimony, out of court statements by child who witnessed, validator

**Matter of Shade B.**, 99 AD3d 1001 (2<sup>nd</sup> Dept. 2012) – vague out of court statements plus gonorrhea in a 4 year old

**Matter of Olivia C.**, 97 AD3d 910 (3<sup>rd</sup> Dept. 2012) – out of court statements plus respondents criminal conviction for sex abuse of daughter in another state

**Matter of Leeann S.**, 94 AD3d 1455 (4<sup>th</sup> Dept. 2012) – out of court statement plus validator

**Matter of Janiece B.**, 93 AD3d 1335 (4<sup>th</sup> Dept. 2012) – out of court statements plus cross corroboration by sibs, inappropriate sexual knowledge

**Matter of Cassandra V.**, 90 AD3d 940 (2<sup>nd</sup> Dept. 2011) – out of court statements plus two validators

**Matter of Branden P.**, 90 AD3d 1186 (3<sup>rd</sup> Dept. 2011) – out of court statements plus demonstration of position, sibs statements, child’s behavior, respondents failure to testify

**Matter of Chelsey B.**, 89 AD3d 1499 (4<sup>th</sup> Dept. 2011) – out of court statements, medical proof, validator

**Matter of Lydia C.**, 89 AD3d 1434 (4<sup>th</sup> Dept. 2011) – out of court statements, 2 validators, in court unsworn but cross examined testimony

**Matter of Kimberly Z.**, 88 AD3d 1181 (3<sup>rd</sup> Dept. 2011) – out of court statements, sib who saw respondent go into the bedroom, bruise on child, child’s immediate behavior in seeking help, statements by respondent

**Matter of Nicholas J.R.**, 83 AD3d 1490 (4<sup>th</sup> Dept. 2011) – out of court statement videotaped plus validator

**Matter of Andrew W.**, 83 AD3d 727 (2<sup>nd</sup> Dept. 2011) – out of court statements plus other child’s out of court statements that he had seen contact, validator, failure of respondent to testify

**Matter of Selena R.**, 81 AD3d 449 (1<sup>st</sup> Dept. 2011) – out of court statements plus inappropriate knowledge of ejaculation, sexual acting out, drawings, aggressive outbursts

**Matter of Alston C.**, 78 AD3d 1660 (4<sup>th</sup> Dept. 2010) – out of court statement of child and validator and statements by respondent

**Matter of Shardanae T.L.**, 78 AD3d 1631 (4<sup>th</sup> Dept. 2010) – out of court statement plus validator

**Matter of Destiny UU.**, 72 AD3d 1407 (3<sup>rd</sup> Dept. 2010) – out of court statements, validation, child’s unsworn in camera

**Matter of Brooke KK.**, 69 AD3d 1059 (3<sup>rd</sup> Dept. 2010) – out of court statements and medical and partial admissions by father

**Matter of Aaliyah B.**, 68 AD3d 1483 (3<sup>rd</sup> Dept. 2009) – out of court statement with sworn in camera testimony

**Matter of Isaiah F.**, 68 AD3d 627 (1<sup>st</sup> Dept. 2009) – child’s out of court statement plus validation, doll play with expert, sibs out of court statements

**Matter of Anahys V.**, 68 AD3d 485 (1<sup>st</sup> Dept. 2009) – children cross corroborated each other and validation

**Matter of Breanna R.**, 61 AD3d 1338 (4<sup>th</sup> Dept. 2009) – 2 children’s out of court statements plus validation testimony

**Matter of Briana A.**, 50 AD3d 1560 (4<sup>th</sup> Dept. 2008) – child’s out of court statements plus child’s inappropriate knowledge of sexual activity

**Matter of Liza O.**, 47 AD3d 632 (2<sup>nd</sup> Dept. 2008) – child’s out of court statements plus medical that was not conclusive but consistent and child’s behavior had deteriorated

**Matter of Alexis Marie P.**, 45 AD3d 458 (3<sup>rd</sup> Dept. 2007) – child’s out of court statements and medical records admitted into evidence

**Matter of Karen Patricia G.**, 44 AD3d 658 (2<sup>nd</sup> Dept. 2007) – child’s out of court statements plus medical evidence and failure of respondent to testify

**Matter of Astrid C.**, 841 NYS2d 356 (2<sup>nd</sup> Dept. 2007) – child’s out of court statements plus out of court statements of a sib who had been freed for adoption

**Matter of Amber B.**, 832 NYS2d 449 (2<sup>nd</sup> Dept. 2007) – child’s out of court statement plus validator

**Matter of Kalifa K.**, 829 NYS2d 794 (4<sup>th</sup> Dept. 2007) – child repeating out of court statement to several people not enough

**Matter of Teonia B.**, 37 AD3d 1101 (4<sup>th</sup> Dept. 2007) – child’s out of court statement plus medical evidence

**Matter of Sylvia J.**, 804 NYS2d 783 (2<sup>nd</sup> Dept. 2005) – child’s out of court statement plus unsworn but cross examined in camera testimony

**Matter of Addie F.**, 22 AD3d 986 (3<sup>rd</sup> Dept. 2005) – repeated and consistent out of court statements plus child behaviors, age inappropriate knowledge, pattern of progressively intrusive perp behavior, respondent’s bizarre theory of a stranger crawling in the child’s window

**Matter of Nathaniel II**, 795 NYS2d 780 (3<sup>rd</sup> Dept. 2005) – child’s out of court statements plus age inappropriate sexual knowledge, acting out of the activity, drawings, other children’s statements, father’s obviously false statements

**Matter of Besthani M**, 13 AD3d 452 92<sup>nd</sup> Dept. 2004) – child’s out of court plus her unsworn, cross examined testimony in camera

**Matter of Raymond M**, 13 AD3d 377 (2<sup>nd</sup> Dept. 2004) – child’s out of court cross corroborated by other child, father’s statements to police and then failed to testify

**Matter of Nyomi AD**, 10 AD3d 684 (2<sup>nd</sup> Dept. 2004) – child’s out of court corroborated by otherwise unexplained medical findings

**Matter of Sabrina M**, 6 AD3d 759 (3<sup>rd</sup> Dept. 2004) – child’s out of court corroborated by another child’s out of court, child’s unsworn but cross examined in camera

**Matter of Dylan Y**, 4 AD3d 643 (3<sup>rd</sup> Dept. 2004) – child’s out of court plus validator and in camera by child

**Matter of Yorimar K**, 309 AD2d 1148 (4<sup>th</sup> Dept. 2003) – out of court statements plus validator’s opinion on behavior, doll play, age in appropriate knowledge

**Matter of Brittany K**, 308 AD2d 585 (2<sup>nd</sup> Dept. 2003) – child’s out of court statements plus older brother’s out of court statements, medical evidence, validation opinion on child’s “classic” behavior, father’s failure to explain child’s injuries

**In Re Nicole B**, 308 AD2d 412 (1<sup>st</sup> Dept. 2003) – child’s out of court plus validator opinion plus preliminary medical findings

**Matter of Evan Y**, 307 AD2d 399 (3<sup>rd</sup> Dept. 2003) – child’s out of court and two validator opinions on behavior, lack of testimony by father

**Matter of Arielle “LL”**, 294 AD2d 676 (3<sup>rd</sup> Dept. 2002) – child out of court statement



corroborated by father's "admission" that he could not remember as he was so drunk but he could have believed that 8 year old was his girlfriend and so did it by mistake, also child testified in camera

**Matter of Cecilia "PP"** 290 AD2d 836 (3<sup>rd</sup> Dept. 2002) – out of court statements plus regressive behavior, changed behavior after removal (severe abuse and no reasonable efforts finding also)

**Matter of Joshua "QQ"** 290 AD2D 842 (3<sup>rd</sup> Dept. 2002) – multiple, consistent out of court statements plus age inappropriate sexual knowledge, father's sworn confession to police

**Matter of Martha "Z"** 288 AD2d 706 (3<sup>rd</sup> Dept. 2001) – out of court corroborated by in court testimony, change in child's behavior

**Matter of Zachary "Y"** 287 AD2D 811 (3<sup>rd</sup> Dept. 2001) – corroboration of child's out of court by behavior while telling, validator describing behaviors – court also not impressed by father's expert saying he did not fit the offender profile

**Matter of Akia "KK"** 724 NYS2d 207 (3<sup>rd</sup> Dept. 2001)- 3 children cross corroborated each other's out of court statement and oldest testified in court

**Matter of Elizabeth "MM".** 715 NYS2d 99 (3<sup>rd</sup> Dept. 2000) - spontaneous disclosure, demeanor during exam, demonstrated touching, older sister testified to her own abuse

**Matter of Rosemary F.** 6/18/00 (4th Dept. 2000) - validation, doll play and drawings within the validation

**Matter of Rebecca S.** 703 NYS2d 626 (4th Dept. 2000) - cross- corroboration, medical, validator, consistency of statements

**Matter of Ashley "D".** 702 NYS2d 209 (3<sup>rd</sup> Dept. 2000) - medical proof and perp removed child from school in middle of day for no reason

**Matter of Kaitlyn "R".** 700 NYS2d 533 (3<sup>rd</sup> Dept. 1999)- validator based solely on behaviors and no disclosure to validator

**Matter of Anita J.** 701 NYS2d 557 (4th Dept. 1999) - eyewitness of sister, validator

**Matter of Lisa "Z".** 699 NYS2d 810 (3<sup>rd</sup> Dept. 1999) - validator re child's behaviors, rapid attachment to foster parents, sex play with dolls, sexual knowledge, violent aggressive behavior, changes in demeanor during interviews

**Matter of Shawn P.** 697 NYS2d 901 (4th Dept. 1999) - validator who told of child's demeanor while disclosing, inappropriate sexual behavior, recanted only upon mother's encouragement

**In re Nathaniel "TT".** 696 NYS2d 274 (3<sup>rd</sup> Dept. 1999)- child's in camera, although defense attorney not present to cross, did submit questions, child's behavior improved after contact ended

**In re Keisha McL.** 691 NYS2d 428 (1st Dept. 1999) - expert evidence that the children did not appear to be coached, age inappropriate sexual knowledge, behavior common to sexually abused children

**Matter of Sueann B.** 685 NYS2d 357 (4th Dept. 1999) - validation, children's out of court statements as to each other

**Matter of Roseanne G.** 681 NYS2d 262 (1st Dept. 1998) - medical, children's out of court statements as to each other

**Matter of Victoria H.** 680 NYS2d 577 (2nd Dept. 1998)- doll play, medical, precocious knowledge

**Matter of Elizabeth G.**, 680 NYS2d 32 (4th Dept. 1998) - children's out of court statements as to each other, expert's opinion

**Matter of Tanya T.**, 675 NYS2d 237 (3rd Dept. 1998) - children's out of court statements as to each other, sex play with dolls, medical

**Matter of Ashley M.**, 653 NYS2d 163 (3rd Dept. 1997) - validator, acting out sex with dolls, sexual behavior with other children

**Matter of Heather P.**, 649 NYS2d 551 (4th Dept. 1996) - acting out sex, validator

**Matter of Jessica G.**, 200 AD2d 906 (3rd Dept. 1994) - expert opinion, precocious knowledge, in camera of child unsworn

**Matter of Brandon UU.**, 597 NYS2d 525 (3rd Dept. 1993) - doll play, acting out the sex, expert opinion

**Matter of Jamie D.**, 199 AD2d 688 (3rd Dept. 1993) - precocious knowledge, medical

**Matter of Abbey Gail E.**, 191 AD2d 696 (2nd Dept. 1993) - medical, expert opinion

**Matter of Michelle I.**, 189 AD2d 998 (3rd Dept. 1993) - doll play, medical, other children's out of court statements

**Matter of Sharrell B.**, 190 AD2d 1993 (1st Dept. 1993) doll play, acting out the sex, precocious knowledge

**Matter of Nicole G.**, 187 AD2d 650 (2nd Dept. 1992) - medical, expert opinion

**Matter of Davina C.**, 186 AD2d 422 (1st Dept. 1992) - medical, expert opinion

**Matter of Margaret F.**, 186 AD2d 254 (2nd Dept. 1992) - out of court statements, previous acts by parent, doll play, validator

**Matter of Lisa S.**, 187 AD2d 435 (2nd Dept. 1992) - medical, expert opinion

**Matter of Anthony R.**, 175 AD2D 284 (2nd Dept. 1991) - precocious knowledge, expert opinion, medical, in camera of children

**Matter of Chianti FF.**, 163 AD2d 688 (3rd Dept. 1990) - doll play, expert opinion

**Matter of Erick R.**, 166 AD2d 161 (3rd Dept. 1990) - medical, expert opinion, precocious knowledge, doll play

**Matter of Shaune L.**, 150 AD2d 689 (2nd Dept. 1989) - child's in camera, expert opinion

**Matter of Erin G.**, 139 AD2d 737 (2nd Dept. 1988) - child's sworn in camera

**Matter of Nicole V.**, 71 NY2d 112 (1987) -**landmark validation case by Court of Appeals re validation**

### **Validations**

**Matter of Hadley C.**, 137 AD3d 1524 (3<sup>rd</sup> Dept. 2016) – expert was a psychologist who used the Yuille Step Wise protocol to interview the child and gave opinion that child's account of incident was similar to accounts of sexual abuse victims

**Matter of Skylean A.P.**, 136 AD3d 515 (1<sup>st</sup> Dept. 2016) – expert was a “psychotherapist specializing in child sexual abuse

**Matter of Angel R.**, 136 AD3d 1041 (2<sup>nd</sup> Dept. 2016) – expert was “an expert in the field of

child sexual abuse”

**Matter of Dayannie I.M.**, \_\_AD3d\_\_ dec’d 4/6/16 (2<sup>nd</sup> Dept. 2016)

**Matter of Anthony M.C.**, 119AD781 (2<sup>nd</sup> Dept. 2014) – validator took into account the child’s developmental disabilities

**Matter of Emami**, 107 AD3d 815 (2<sup>nd</sup> Dept. 2013) – “expert in clinical and forensic psychology with a specialization in child abuse” who can talk about child’s behaviors

**Matter of Amber C.**, 104 AD3d 845 (2<sup>nd</sup> Dept. 2013) – expert in clinical and forensic psychology with a specialization in sexual abuse describing behaviors of sexually abused children

**Matter of Arianna M.**, 105 AD3d 1401 (4<sup>th</sup> Dept. 2013) – cannot admit the written report of the assessment when expert has already testified – just bolstering

**Matter of Bethany F.**, 85 AD3d 1588 (4<sup>th</sup> Dept. 2011) – discusses Sgroi method and says Frye test not needed

**Matter of Miranda HH.**, 80 AD3d 896 (3<sup>rd</sup> Dept. 2011) – very good recent case on use of validators and the Yuille stepwise method

**Matter of Nikita W.**, 77 AD3d 1209 (3<sup>rd</sup> Dept. 2010)

**Matter of Caitlyn U.**, 46 AD3d 1144 (3<sup>rd</sup> Dept. 2007)

**Matter of DM.**, 29 Misc3d 1220A (Bronx County Family Court 2010) – poor validation

**Matter of Kaitlyn “R”.**, 700 NYS2d 533 (3<sup>rd</sup> Dept. 1999)

**Matter of Elizabeth G.**, 680 NYS2d 32 (4<sup>th</sup> Dept. 1998)

**Matter of Randy A.**, 670 NYS2d 225 (3<sup>rd</sup> Dept. 1998)

**Matter of Katje YY.**, 650 NYS2d 363 (3<sup>rd</sup> Dept. 1996)

**Matter of Thomas N.**, 645 NYS2d 573 (3<sup>rd</sup> Dept. 1996)

**Matter of Jessica DD.**, 651 NYS2d 673 (3<sup>rd</sup> Dept. 1996)

**Matter of Jaelyn P.**, 86 NY2d 875 (1995) - Court of Appeals reaffirms use of validators

**Matter of Keala XX.**, 629 NYS2d 331 (3<sup>rd</sup> Dept. 1995)

**Matter of Michael J.**, 211 AD2d 155 (3<sup>rd</sup> Dept. 1995)

**Matter of Dawn H.**, 633 NYS2d 782 (1<sup>st</sup> Dept. 1995)

**Matter of Kelly F.**, 206 AD2d 277 (3<sup>rd</sup> Dept. 1994)

**Matter of Vincent I.**, 613 NYS2d 488 (3<sup>rd</sup> Dept. 1994)

**Matter of Carol Ann D.**, 195 AD2d 460 (2<sup>nd</sup> Dept. 1993)

**Matter of Brandon UU**, 193 AD2d 835 (3<sup>rd</sup> Dept. 1993)

**Matter of Paul P.**, 185 AD2D 981 (2<sup>nd</sup> Dept. 1992)

**Matter of Latisha V.**, 175 AD2D 839 (2<sup>nd</sup> Dept. 1991)

**Matter of Nicole V.**, 71 NY2d 112 (1987) -landmark validation case by Court of Appeals re use of validation proof in Art. 10 cases

### Recanting need not require dismissal

**Matter of Dayannie I.M.**, 138 AD3d 747 (2<sup>nd</sup> Dept. 2016)

**Matter of Destiny C.**, 127 AD3d 1510 (3<sup>rd</sup> Dept. 2015)  
**Matter of Tiarra D.**, 124 AD3d 973 (3<sup>rd</sup> Dept. 2015)  
**Matter of Melody H.**, 121 AD3d 686 (2<sup>nd</sup> Dept. 2014)  
**Matter of Tristan R.**, 63 AD3d 1075 (2<sup>nd</sup> Dept. 2009)  
**Matter of Frantrae W.**, 45 AD3d 412 (1<sup>st</sup> Dept. 2007)  
**Matter of Caitlyn U.**, 46 AD3d 1144 (3<sup>rd</sup> Dept. 2007)  
**Matter of Allison B.**, 41 AD3d 842 (2<sup>nd</sup> Dept. 2007)

### Medical Proof

**Matter of April WW.**, 133 AD3d 1113 (3<sup>rd</sup> Dept. 2015) – battle of the experts, DSS experts not credible as lacking in experience and no other proof  
**Matter of Destiny C.**, 127 AD3d 1510 (3<sup>rd</sup> Dept. 2015) – 3 oldest children cross corroborated each other’s out of court statements, also saw the other children being abused, 7 year old girl had scarring in vagina and rectum opening consistent with anal penetration  
**Matter of Tiarra D.**, 124 AD3d 973 (3<sup>rd</sup> Dept. 2015) – child’s out of court statements corroborated with drawings and demonstrations with dolls and scar on her vaginal opening  
**Matter of I-Conscious R.**, 121 AD3d 566 (1<sup>st</sup> Dept. 2014) – 6 year old girl with genital herpes, visible lesions, pain and itching and disclosed to doctor and caseworker  
**Matter of Ashley M.V.**, 106 AD3d 659 (1<sup>st</sup> Dept. 2013) – fact that child does not have physical injury does not mean dismissal – also see **Matter of Diana C.**, 129 AD3d 487 (1<sup>st</sup> Dept. 2015) and also **Matter of Alijah S.**, 133 AD3d 555 (1<sup>st</sup> Dept. 2015)  
**Matter of Amelia V.M.B.**, 107 AD3d 980 (2<sup>nd</sup> Dept. 2013) – torn hymen and out of court statements  
**Matter of Ramsey H.**, 99 AD3d 1040 (3<sup>rd</sup> Dept. 2012) –10 year old child did not express discomfort when pediatrician inserted index finger in vagina - ‘should have cried out in pain’  
**Matter of Shade B.**, 99 AD3d 1001 (2<sup>nd</sup> Dept. 2012) – gonorrhea in a 4 year old  
**Matter of Loraida R.**, 97 AD3d 925 (3<sup>rd</sup> Dept. 2012) – bleeding, trauma genital area, thighs  
**Matter of Aliyah G.**, 95 AD3d 885 (2<sup>nd</sup> Dept. 2012) – gonorrhea in a 3 year old is res ipsa  
**Matter of Falcon “EE”.**, 703 NYS2d 569 (3<sup>rd</sup> Dept. 2000)  
**Matter of Ashley “D”.**, 702 NYS2d 209 (3<sup>rd</sup> Dept. 2000)  
**Matter of Melissa I.**, 681 NYS2d 372 (3<sup>rd</sup> Dept. 1998)  
**Matter of Yazalin P.**, 680 NYS2d 530 (1<sup>st</sup> Dept. 1998)  
**Matter of Dora F.**, 675 NYS2d 655 (1<sup>st</sup> Dept. 1997)  
**Matter of Jessica N.**, 652 NYS2d 177 (4<sup>th</sup> Dept. 1996)  
**Matter of Najam M.**, 648 NYS2d 559 (1<sup>st</sup> Dept. 1996)  
**Matter of Julissa II.**, 213 AD2d 18 (3<sup>rd</sup> Dept. 1995)  
**Matter of Tyeasia.**, 641 NYS2d 673 (1<sup>st</sup> Dept. 1996)  
**Matter of Lauren B.**, 200 AD2D 740 (2<sup>nd</sup> Dept. 1994)  
**Matter of Lisa S.**, 187 AD2d 435 (2<sup>nd</sup> Dept. 1992)  
**Matter of Katrina W.**, 171 AD2d 250 (2<sup>nd</sup> Dept. 1991)

**Matter of Sheikara C.**, 163 AD2D 69 (1st Dept. 1990)

### **Respondent Evaluations of Child**

**Matter of Sylvia J.**, 804 NYS2d 783 (2<sup>nd</sup> Dept. 2005)

**Matter of Ashley B**, 2 AD3d 1402 (4<sup>th</sup> Dept. 2003)

**Matter of Keith “JJ”**, 295 AD2d 644 (3<sup>rd</sup> Dept. 2002) – good wording on denying the respondent’s request for a eval of child

**Matter of Megan G.**, 698 NYS2d 375 (4th Dept. 1999)

**Matter of Melissa K.**, 678 NYS2d (4th Dept. 1998)

**Matter of Dawn H.**, 633 NYS2d 782 (1st Dept. 1995)

**Matter of Diana D.**, 630 NYS2d 382 (2nd Dept. 1995)

**Matter of Delores W.**, 190 AD2d 611 (1st Dept. 1993)

**Matter of Skye B.**, 185 AD2d 880 (2nd Dept. 1992)

**Matter of Danielle “YY”.**, 188 AD2d 894 (3rd Dept. 1992)

**Matter of Jessica R.**, 78 NY2d 1031 (1991) -key case from Court of Appeals

**Matter of Erick R.**, 166 AD2D 161 (3rd Dept. 1990)

**Matter of Michele A.**, 140 AD2d 604 (2nd Dept. 1988)

### **Evaluating and Format of Child’s In Court Testimony**

**Matter of Genesis A.**, 150 AD3d 616 (1<sup>st</sup> Dept. 2017)

Credible in court testimony of child needs no corroboration but there were also consistent prior statements and although some discrepancies, child’s explanation for them were credible and father’s denials were not credible

**Matter of Kavla S.**, 146 AD3d 648 (1<sup>st</sup> Dept. 2017)

In court testimony of child does not need corroboration but there was also medical records and testimony by a “child protection specialist”

**Matter of Andrew R.**, 146 AD3d 706 (1<sup>st</sup> Dept. 2017)

In court testimony of child raised “significant issues” regarding the child’s credibility but lower court properly considered the issues and gave weight to child’s testimony and was sufficient despite lack of physical injury or medical corroboration

**Matter of Hannah T.R.**, 149 AD3d 958 (2<sup>nd</sup> Dept. 2017)

Child can testify via closed circuit TV as respondent’s’ right to be present is not absolute in a civil matter and court balanced respondent’s right to due process with mental and emotional well being of child. Mother was pro se but allowed to be present in the court room and could cross child over closed circuit

**Matter of Lesli R.**, 138 AD3d 488 (1<sup>st</sup> Dept. 2016) – motion to quash respondent’s subpoena to force stepdaughter to testify in court granted where child’s psychotherapist provided a letter and social worker provided an affidavit that child would potentially suffer psychological harm if

forced to testify

**Matter of Alejandra B.**, 135 AD3d 480 (1<sup>st</sup> Dept. 2016) – 10 year old child allowed to testify via closed circuit TV as court properly balanced due process with child’s well being – court was NOT required to find that the child would suffer “severe and substantial mental or emotional harm” in order to allow testimony in this fashion

**Matter of Diana C.**, 129 AD3d 487(1<sup>st</sup> Dept. 2015) – credible in court testimony need not be corroborated – see also **Matter of Imani G.**, 130 AD3d 456 (1<sup>st</sup> Dept. 2015) and **Matter of Alijah S.**, 133 AD3d 555(1<sup>st</sup> Dept, 2015)

**Matter of Penny Y.**, 129 AD3d 1117,(3<sup>rd</sup> Dept. 2015) – minor inconsistency in testimony with out of court statements ok

**Matter of Aleria KK.**, 127 AD3d 1525 (3<sup>rd</sup> Dept. 2015) – teen allowed to testify with respondent out of the courtroom and all counsel present, balanced respondent’s interests against impact on child’s emotional and well being, ok that child was not able to give exact dates and times of abuse

**Matter of Lyllly M.G.**, 121 AD3d 1586 (4<sup>th</sup> Dept. 2014) – child was allowed to testify in chambers under oath but with cross by defense attorney as would suffer emotional trauma if made to testify in front of stepfather respondent – no affidavit from an expert but court knew of child’s age, the allegations, the fact that child testified via close circuit in the criminal trial, child was in therapy

**Matter of Amparo B.T.**, 118 AD3d 809 (2<sup>nd</sup> Dept. 2014) - child was allowed to testify outside of the presence of her father but subject to cross examination by the father’s counsel. This was proper as the court had determined that there would have been a negative impact on the child’s mental and emotional well being if she had to testify in front of her father.

**Matter of Jocelyn L.**, 113 AD3d 484 (1<sup>st</sup> Dept. 2014) - child was allowed to testify via closed circuit TV as the social worker opined that the child’s well being could be severely compromised if she was made to testify in their presence.

**Matter of Michael U.**, 110 AD3d 821 (2<sup>nd</sup> Dept. 2013) – 2 way closed circuit used, child would have been traumatized

**Matter of Alesha P.**, 110 AD3d 1461 (4<sup>th</sup> Dept. 2013) – respondent leaves when children testify as would suffer emotional trauma and be compromised in ability to testify clearly and accurately

**Matter of Kyanna T.**, 99 AD3d 1011 (2<sup>nd</sup> Dept. 2012) – excluding respondents during testimony ok

**Matter of Gloria M.**, 96 AD3d 1060 (2<sup>nd</sup> Dept. 2012 ) – closing the court room, outside of father’s presence

**Matter of Alaysha E.**, 94 AD3d 988 (2<sup>nd</sup> Dept. 2012)

**Matter of Kylani R.**, 93 AD3d 556 (1<sup>st</sup> Dept. 2012)

**Matter of Miranda HH.**, 80 AD3d 896 (3<sup>rd</sup> Dept. 2011)- case with child in chambers and statements made there discussed by experts

**Matter of Justin CC.**, 77 AD3d 207 (3<sup>rd</sup> Dept. 2010) and 77 AD3d 1056 (3<sup>rd</sup> Dept. 2010) – good discussion of types of testimony

**Matter of Lauryn H.**, 73 AD3d 1175 (2<sup>nd</sup> Dept. 2010)

**Matter of Arlenya B.**, 70 AD3d 598 (1<sup>st</sup> Sept. 2010) – two way video testimony

**Matter of Aaliyah B.**, 68 AD3d 1483 (3<sup>rd</sup> Dept. 2009)  
**Matter of Blaize F.**, 50 AD3d 1182 (3<sup>rd</sup> Dept. 2008)  
**Matter of Brandi U.**, 849 NYS2d 710 (3<sup>rd</sup> Dept. 2008)  
**Matter of Katherine S.**, 705 NYS2d 670 (2nd Dept. 2000)  
**Matter of Kaitlyn “R”.**, 700 NYS2d 533 (3rd Dept. 1999)  
**Matter of Jennifer G.**, 687 NYS2d 844 (4th Dept. 1999)  
**Matter of Rhianna R.**, 684 NYS2d 389 (4th Dept. 1998)  
**Matter of Robert H.**, 681 NYS2d 887 (3rd Dept. 1998)  
**Matter of Randy A.**, 670 NYS2d 225 (3rd Dept. 1998)  
**Matter of Jamie EE.**, 670 NYS2d 931 (3rd Dept. 1998)  
**Matter of Erinn G.**, 672 NYS2d 445 (3rd Dept. 1998)  
**Matter of Randy A.**, 670 NYS2d 225 (3rd Dept. 1998)  
**Matter of Darnell Mc.**, 645 NYS2d 881 (2nd Dept. 1996)  
**Matter of Leslie C.**, 637 NYS2d 560 (4th Dept. 1996)  
**Matter of Karrie B.**, 207 AD2d 1002 (4th Dept. 1994)  
**Matter of Woodley B.**, 207 AD2d 885 (2nd Dept. 1994)  
**Matter of Lynelle W.**, 177 AD2d 1008 (4th Dept. 1993)  
**Matter of Christina F.**, 74 NY2d 532 (1989) - key case re child’s unsworn by cross examined testimony in camera can corroborate out of court statements

#### **AFC’s Role**

**Matter of Colleen CC.**, 232 AD2d 787 (3rd Dept. 1996)  
**Matter of Jamie TT.**, 191 AD2d 132 (3rd Dept. 1993)  
**Matter of Amber A.**, 108 AD3d 664 (2<sup>nd</sup> Dept. 2013) – AFC brings petition and wins

#### **Criminal Convictions/Summary Judgment**

**Matter of Angelica M.**, 107 AD3d 803 (2<sup>nd</sup> Dept. 2013)- summary judgment were criminally convicted of same acts  
**Matter of Idhailia P.**, 95 AD3d 1333 (2<sup>nd</sup> Dept. 2012)  
**Matter of Miranda F.**, 91 AD3d 1303 (4<sup>th</sup> Dept. 2012)  
**Matter of Aaron H.**, 72 AD3d 1602 (4<sup>th</sup> Dept. 2010) – Alford plea in criminal court after a dismissal in Family Court, allowed DSS to vacate dismissal  
**Matter of Ajav P.**, 60 AD3d 681 (2<sup>nd</sup> Dept. 2009)  
**Matter of Kathya V.**, 16 Misc3d 1132A (Family Court, Queens County 2007) – conviction on rape of two foster children, summary judgment derivative sex abuse on own children  
**Matter of Rebecca KK.**, 834 NYS2d 732 (3<sup>rd</sup> Dept. 2007) – plea to attempted sodomy is

summary judgment on sex abuse

**Matter of Denise G.G.**, 678 NYS2d 821 (3rd Dept. 1998)

**Matter of Michael V.**, 83 NY2d 178 (1994) - key case re criminal conviction is summary judgment for same act in family court

**Matter of Sarah L.**, 617 NYS2d 71 (4th Dept. 1994)

### **Dispositions**

**Matter of Fay G.G.** 97 AD3d 918 (3<sup>rd</sup> Dept. 2012) – even though child now over 18 by time of dispo, youth wanted to stay in care and court can issue requirements for respondent father in order to be involved with youth

**Matter of Kristi “AA”** 742 NYS2d 920 (3<sup>rd</sup> Dept. 2002) – not a violation of respondent’s 5<sup>th</sup> amendment rights for Family Court to require him, after he consented to a finding, to sign the service providers contact for sexual offender treatment where he had to admit that he had sexually abused child

**Matter of Jennifer “WW”.** 710 NYS2d 733 (3rd Dept. 2000)

**Matter of Ashley M.**, 683 NYS2d 304 (3rd Dept. 1998)

**Matter of Sharon E.**, 676 NYS2d 601 (2nd Dept. 1998)

**Matter of Victoria H.**, 680 NYS2d 577 (2nd Dept. 1998)

**Matter of Sharon E.**, 676 NYS2d 601 (2nd Dept. 1998)

**Matter of Tanya T.**, 675 NYS2d 237 (3rd Dept. 1998)

**Matter of Esther C.C.**, 194 AD2d 949 (3rd Dept. 1993)

**Matter of Nina G.**, 594 NYS2d 305 (2nd Dept. 1993)

**Matter of Sharrell B.**, 190 AD2d 1993 (1st Dept. 1993)

**Matter of Sheikara C.**, 163 AD2d 69 (1st Dept. 1990)