

Searching for Cases Using Natural Language Search Terms

Note: this example uses Lexis Advance.

Question: How do I find New York State case law for a New York State statute when I know search terms, but not the statute number and/or the parties (commonly known as the title)?

Answer:

1. You may use Lexis Advance or Westlaw.
2. Select a natural language search to more easily search using terms that may or may not be targeted for a specific statute.
3. Enter the terms in the search box to search.
4. Review the case summary and the headnotes in the top result cases by selecting a Results Screen view option. Headnotes summarize points of law discussed in the case. The case summary and headnotes help you to quickly determine if the case is on point for you. The case summary and headnotes are written by Lexis Advance staff and are not written by the court. You cannot cite to the headnote or case summary.
5. You may want to narrow the results by selecting facets on the search result screen that narrow your results.

Lexis Advance Example

I want to find case law in the 3rd Judicial Department that discusses establishing imminent danger or risk to a child in an emergency removal from the child's home in a child abuse or neglect situation. I know this is under the Family Court Act, but don't know the statute.

1. Click on "Cases" under "All Content."

The screenshot shows the Lexis Advance Research homepage. At the top, there is a navigation bar with links for 'Rectangular Suits', 'Client: -None-', 'History', 'Help', and 'Sign Out'. Below the navigation bar is a search bar with the placeholder 'Enter terms, sources, a citation, or shep: to Shepardize®' and a search button labeled 'Search: Everything'. To the right of the search bar is a magnifying glass icon. Below the search bar is a section titled 'Explore Content' with a dropdown menu. Under 'Content Type', the 'Cases' option is highlighted with a red border. Other options include 'Secondary Materials', 'News', 'Directories', 'Statutes and Legislation', 'Forms', 'Legal News', 'Intellectual Property', 'Administrative Codes and Regulations', 'Briefs, Pleadings and Motions', 'Dockets', 'Practical Guidance', 'Administrative and Agency Materials', 'Jury Verdicts and Settlements', 'Scientific', 'Public Records', 'Jury Instructions', 'Expert Witness Analysis', and 'Company and Financial'.

2. Click on “New York” under “Cases by State” as we are only concerned with New York State law in this situation.

Lexis Advance® Research

Rectangular Snip Client: -None- History Help Sign Out

Home / Cases Cases | Actions Advanced Search | Tips

Enter terms, sources, a citation, or shep: to Shepardize® Cases

Cases

All Federal All States All Trial Courts Orders All Tribal

Federal Cases by Court

U.S. Supreme Court Cases, Lawyers' Edition i	US Court of International Trade Cases i
United States Courts of Appeals	U.S. Court Military Commission Review i
United States Bankruptcy Courts	Judicial Panel on Multidistrict Litigation Cases i
Federal District Courts	American Maritime Cases i
US Tax Court Cases	US Court of Federal Claims, Claims Court & Court of Claims Cases i

Federal Cases by Circuit

First Circuit	Fifth Circuit	Eighth Circuit	Eleventh Circuit
Second Circuit	Sixth Circuit	Ninth Circuit	D.C. Circuit
Third Circuit	Seventh Circuit	Tenth Circuit	Federal Circuit
Fourth Circuit			

Cases by State

Alabama	Illinois	Nebraska	Rhode Island
Alaska	Indiana	Nevada	South Carolina
Arizona	Iowa	New Hampshire	South Dakota
Arkansas	Kansas	New Jersey	Tennessee
California	Kentucky	New Mexico	Texas
Colorado	Louisiana	New York	Utah
Connecticut	Maine	North Carolina	Vermont
Delaware	Maryland	North Dakota	Virgin Islands
District of Columbia	Massachusetts	Northern Mariana Islands	Virginia
Florida	Michigan	Ohio	Washington
Georgia	Minnesota	Oklahoma	West Virginia
Guam	Mississippi	Oregon	Wisconsin
Hawaii	Missouri	Pennsylvania	Wyoming
Idaho	Montana	Puerto Rico	

3. Enter your search terms in the search box – natural language searching is supported by this search function. In this situation, the terms “emergency removal imminent risk” are entered.

Lexis Advance® | Research

Client: -None- History Help Sign Out

Home / Cases / New York
New York | Actions ▾

Advanced Search | Tips

emergency removal imminent risk

NY, Related Federal; Cases 

Cases

All New York Federal & State Cases, Combined

New York State Cases, Combined

NY Court of Appeals Cases from 1794 | *i*

NY Supreme Court Cases - Appellate Division from 1875 | *i*

NY Lower Courts - Trial Orders | *i*

NY Lower Courts - Trial Orders from New York Law Journal(ALM) | *i*

New York Federal Cases, Combined

U.S. Supreme Court Cases, Lawyers' Edition | *i*

2nd Circuit - US Court of Appeals Cases | *i*

New York Federal District Courts | *i*

New York Bankruptcy Courts | *i*

4. The search result list screen provides three ways to display cases. Select the desired view by clicking on its icon at the top right of the Results list screen.

Graphical View displays location and distribution of search terms. Notice that individual colors have been assigned to the search terms

Home / Cases / New York / Results
Results for: emergency removal imminent risk | Actions ▾

Cases	808	Cases (808)
Web	Get	emergency removal imminent risk Show/hide term highlights ▾

Narrow By

NY, Related Federal; Cases

Sort by: Relevance

Full View – title and several lines of text with search terms highlighted

Lexis Advance® Research

Home / Cases / New York / Results
Results for: emergency removal imminent risk | Actions ▾

Cases	808	Cases (808)
Web	Get	

Narrow By

NY, Related Federal; Cases

Sort by: Relevance

1. ▲ Nicholson v. Scoppetta, 3 N.Y.3d 357

Overview: New York's statutory scheme regarding neglected children and removal from their homes did not allow a presumption that children of mothers who had been domestic violence victims, and who witnessed abuse or its effects, were necessarily neglected.

... mixing of the standards 'best interest of the child' and 'imminent risk' is confusing. It makes no sense for a court to determine as part of an 'imminent risk' decision, what is in the 'best interest of the child.' If the child is in 'imminent risk', his/her 'best interest' is **removal** from the home. A 'best interest' determination is more appropriately ...
... a child exposed to domestic violence, where shown, may warrant **removal** of the child pursuant to Family Court Act § ...
... history supporting it, however, establish that a blanket presumption favoring **removal** was never intended.
Upon identifying the existence of a **risk** of serious harm a court must also weigh, in the factual setting before it, whether the **imminent risk** to the child can be mitigated by reasonable efforts to avoid **removal**. It must balance that **risk** against the harm ...

Jurisdiction
New York
Court
Court of Appeals
Date
Oct 26, 2004

Title View – title and up to four additional pieces of information. These options have been pre-set by court staff.

Lexis Advance® Research

Home / Cases / New York / Results
Results for: emergency removal imminent risk | Actions ▾

Cases	808	Cases (808)
Web	Get	

Narrow By

NY, Related Federal; Cases

Sort by: Relevance

1. ▲ Nicholson v. Scoppetta, 3 N.Y.3d 357

Jurisdiction: New York | Court: Court of Appeals | Date: Oct 26, 2004

2. 1 Matter of David G. (Blossom B.), 29 Misc. 3d 1178

Jurisdiction: New York | Court: Family Court | Date: Oct 15, 2010

5. For this example, the Graphical View has been selected. Since we want only New York Court of Appeals cases and Third Department decisions, we will first narrow the results to New York. This requires four steps: Select Court; Select New York; Select multiple; Select Court of Appeals and Third Department.

Step 1 – Select Court

The screenshot shows the Lexis Advance Research interface. At the top, it says "Lexis Advance® Research". Below that, the URL is "Home / Cases / New York / Results". The search term is "Results for: emergency removal imminent risk | Actions ▾".

In the center, there's a list of results with the first item being "1. ▲ Nicholson v. Scoppetta, 3 N.Y.3d 357". To the left of the results, a sidebar titled "Narrow By" is open, showing various filtering options. The "Court" option is highlighted with a red box.

On the right side of the results list, there are sections for "Headnotes" and "Opinions". Below the opinions section, there's a "Terms: Opinion" summary with some text and a link to "View this passage in full document".

At the bottom right, there's a "Jurisdiction" section with details: "New York", "Court", "Court of Appeals", "Date", and "Oct 26, 2004".

Step 2 – Select New York

▶ Search Within Results

▼ Court

Select courts to display at the top X
of this list. [Edit Settings](#)

Federal	269
2nd Circuit	256
Supreme Court	13

[Select multiple](#)

State

New York	539
----------	-----

[Select multiple](#)

▶ Timeline

▶ Publication Status

▶ Sources

▶ Practice Areas & Topics

▶ Attorney

▶ Law Firm

▶ Most Cited

▶ Keyword

▶ Judge

Step 3 – Select multiple

▼ Court

Select courts to display at the top X
of this list. [Edit Settings](#)

State > New York	539
Family Court	137
Appellate Division 2nd Department	116
Appellate Division 1st Department	101
Appellate Division 3rd Department	61
Supreme Court	53
Appellate Division 4th Department	33
Court of Appeals	14
Civil Court	8
Surrogate Court	4
Claims Court	3
Criminal Court	2
District Court	2
Appellate Term 2nd Department	1
City Court	1
County Court	1
Justice Court	1

[▲ Less](#)

Select multiple

[Timeline](#)

Step 4 – Check of Appellate Division 3d Department and Court of Appeals

Court

List is sorted alphabetically.

State > New York (539) [All](#) | [None](#)

- Appellate Division 1st Department (101)
- Appellate Division 2nd Department (116)
- Appellate Division 3rd Department (61)
- Appellate Division 4th Department (33)
- Appellate Term 2nd Department (1)
- City Court (1)
- Civil Court (8)
- Claims Court (3)
- County Court (1)
- Court of Appeals (14)
- Criminal Court (2)
- District Court (2)

OK Cancel

6. The first case we see below is “Nicholson v Scoppetta.” This case has a yellow Shepard’s flag next to it indicating that it has been treating negatively since it was decided. So while the decision may still be valid, we want to look at some other cases. Since imminent risk is a critical issue for our research, we will look for cases in which the term imminent risk occurs frequently. The Graphical Display has highlighted that phrase in purple and identified how frequently where that phrase occurs in the headnote, summary and opinion in the Graphical Display Bar.

Results for: emergency removal imminent risk | Actions ▾ Rectangular Snip

Cases 75 Cases (75) Cases

Web Get Get

Narrow By

NY, Related Federal; Cases
New York X
Appellate Division 3rd Department or Court of Appeals X

Search Within Results
Enter search terms Search

Court
Select courts to display at the top of this list. [Edit Settings](#) X

State > New York 75
Appellate Division 3rd Department 61
Court of Appeals 14

State > New York 75
Appellate Division 3rd Department 61
Court of Appeals 14

Select multiple

- ▶ Timeline
- ▶ Publication Status
- ▶ Sources
- ▶ Practice Areas & Topics
- ▶ Attorney
- ▶ Law Firm
- ▶ Most Cited
- ▶ Keyword
- ▶ Judge

1. ▲ Nicholson v. Scoppetta, 3 N.Y.3d 357

Overview: New York's statutory scheme regarding neglected children and removal from their homes did not allow a presumption that children of mothers who had been domestic violence victims, and who witnessed abuse or its effects, were necessarily neglected.

Headnotes Opinions

Terms: Opinion

... By contrast, the City at the time took the position that "[t]he mixing of the standards 'best interest of the child' and 'imminent risk' is confusing. It makes no sense for a court to determine as part of an **imminent risk** decision, what is in the 'best interest of the child.' If the child is in 'imminent risk', his/her 'best interest' is **removal** from the home. A 'best interest' determination is more appropriately made after an investigation and a report have been completed and all the facts are ...

[View this passage in full document](#)

2. ♦ Matter of Shalyse WW., 63 A.D.3d 1193

Overview: The family court's finding of neglect against the father, under Family Ct Act § 1012(f)(i), was supported the detailed and consistent account of the May incident which the mother provided to police, the caseworker, and the court in her family offense petition, as well as her allegations of numerous prior instances of domestic abuse by the father.

Headnotes Opinions

Terms: Opinion

... Respondents also argue that Family Court erred in upholding petitioner's **emergency removal** of the children without a court order. HN2 Once a final order of disposition has been entered, any challenge to the temporary order of ...

[View this passage in full document](#)

3. ⚖ In re Anna Marie SS., 306 A.D.2d 659

Overview: Family court properly found a child to be neglected; the mother's untreated mental illness, coupled with the fact that the mother purchased a rifle and made threatening statements, established an imminent risk of harm to the child.

Summary Headnotes Opinions

Terms: Summary

... support a finding of neglect, such evidence could be part of a neglect determination when the proof further demonstrated that a respondent's condition created an **imminent risk** of physical, mental, or emotional harm to a child. Here, the medical records of the mother and the reports of the two consultants, while not ...

[View this passage in full document](#)

Jurisdiction
New York
Court
Appellate Division
3rd Department
Date
Jun 12, 2003

Jurisdiction
New York
Court
Appellate Division
3rd Department
Date
Jun 04, 2009

Jurisdiction
New York
Court
Appellate Division
3rd Department
Date
Jun 12, 2003

7. In looking at "in Re Anne Marie SS," we see from the core terms, summary and LexisNexis headnotes, we see that it deals with removing a child due to child neglect and imminent risk, which is exactly what we are looking for.

Lexis Advance® Research

Document: In re Anna Marie SS., 306 A.D.2d 659 | Actions ▾

Client: -None- History Help Sign Out

Rectangular Snap

Summary Headnotes Opinion Multicolor

In re Anna Marie SS., 306 A.D.2d 659

Copy Citation

Supreme Court of New York, Appellate Division, Third Department

June 12, 2003, Decided ; June 12, 2003, Entered

92339

Reporter
306 A.D.2d 659 * | 760 N.Y.S.2d 782 ** | 2003 N.Y. App. Div. LEXIS 6629 ***

In the Matter of Anna Marie SS., a Child Alleged to be Neglected. Madison County Department of Social Services, Respondent; Karen SS., Appellant.

Subsequent History: Appeal denied by [In re Anna Marie SS., 100 N.Y.2d 516, 801 N.E.2d 423, 2003 N.Y. LEXIS 3413, 769 N.Y.S.2d 202 \(N.Y., Oct. 30, 2003\)](#)

Core Terms

caseworkers, neglect, mental illness, infant, threatening, comments, respondent failed, **imminent risk**, dispositional, inappropriate, supervised, visitation, daughter, custody, diaper, series, phone, rifle

Core Terms

caseworkers, neglect, mental illness, infant, threatening, comments, respondent failed, **imminent risk**, dispositional, inappropriate, supervised, visitation, daughter, custody, diaper, series, phone, rifle

Case Summary

Procedural Posture
The Family Court of Madison County (New York), granted an application by petitioner, an agency, in a proceeding pursuant to N.Y. Fam. Ct. Act art. 10, to adjudicate a child of respondent, a mother, to be neglected.

Overview
The agency argued that the mother's untreated mental illness prevented her from providing proper care to the child. The family court ordered the temporary **removal** of the child from the mother's custody after hearing evidence that included reports from police that she purchased a .22 caliber rifle and made threatening comments. The appellate court held that, while evidence of mental illness, alone, did not support a finding of neglect, such evidence could be part of a neglect determination when the proof further demonstrated that a respondent's condition created an **imminent risk** of physical, mental, or emotional harm to a child. Here, the medical records of the mother and the reports of the two consultants, while not in total unanimity regarding the specifics of the mother's condition, nevertheless agreed that she suffered from mental illness. During the hearing, the mother was repeatedly disruptive to the point that family court had her **removed** from the courtroom. The mother rejected suggestions for treatment by mental health providers. The appellate court held that the family court properly determined that the evidence established an **imminent risk** of harm to the child.

Outcome
The order was affirmed, without costs.

Shepard's®

- No negative subsequent appellate history
- Citing Decisions (2)
- Cited By (2)

Shepardize® this document

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▼ LexisNexis® Headnotes

Family Law > [Family Protection & Welfare](#) ▾ > [Children](#) ▾ > [General Overview](#) ▾

HN1 While evidence of mental illness, alone, does not support a finding of neglect, in New York such evidence may be part of a neglect determination when the proof further demonstrates that a respondent's condition creates an **imminent risk** of physical, mental, or emotional harm to a child.  [More like this Headnote](#)

[Shepardize](#) - Narrow by this Headnote (2)

Counsel: [Tracy L. Pugliese](#) ▾, Clinton, for appellant.