

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

906

CAF 24-01742

PRESENT: WHALEN, P.J., CURRAN, MONTOUR, SMITH, AND DELCONTE, JJ.

IN THE MATTER OF RAGNAR B.-N.

ONEIDA COUNTY DEPARTMENT OF FAMILY AND
COMMUNITY SERVICES, PETITIONER-RESPONDENT;

MEMORANDUM AND ORDER

GARY B.-N., RESPONDENT-APPELLANT.

JOHN ROWLEY, SPENCER, FOR RESPONDENT-APPELLANT.

WALTER BURKARD, MANLIUS, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Oneida County (Julia Brouillette, J.), entered July 2, 2024, in a proceeding pursuant to Social Services Law § 384-b. The order, among other things, terminated respondent's parental rights with respect to the subject child.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: In this proceeding pursuant to Social Services Law § 384-b, respondent father appeals from an order that, inter alia, terminated his parental rights with respect to the subject child on the ground of permanent neglect and freed the child for adoption. We conclude that the appeal must be dismissed inasmuch as the father's contentions are directed at the order finding permanent neglect, which "was entered on consent of [the father] and thus is beyond appellate review" (*Matter of Raymond H. [Dana C.]*, 186 AD3d 1125, 1126 [4th Dept 2020] [internal quotation marks omitted]; see *Matter of Aiden T. [Melissa S.]*, 164 AD3d 1663, 1665 [4th Dept 2018], lv denied 32 NY3d 917 [2019]; *Matter of Bryan W.*, 299 AD2d 929, 930 [4th Dept 2002], lv denied 99 NY2d 506 [2003]). We note that a party may challenge whether the consent to the entry of the finding of permanent neglect was given knowingly, voluntarily and intelligently by preserving the contention through a motion to vacate the finding of permanent neglect or to withdraw their consent (see *Matter of Abigail H. [Daniel D.]*, 172 AD3d 1922, 1923 [4th Dept 2019], lv denied 34 NY3d 901 [2019]; *Matter of Dah'Marii G. [Cassandra G.]*, 156 AD3d 1479, 1480 [4th Dept 2017]; *Matter of Xavier O.V. [Sabino V.]*, 117 AD3d 1567, 1567 [4th

Dept 2014], *lv denied* 24 NY3d 903 [2014]).

Entered: February 11, 2026

Ann Dillon Flynn
Clerk of the Court