

Osinubi v New York City Support Collection Unit

2026 NY Slip Op 31578(U)

April 16, 2026

Supreme Court, New York County

Docket Number: Index No. 152281/2026

Judge: Sabrina Kraus

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. SABRINA KRAUS PART 57M

Justice

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INDEX NO. 152281/2026

OLUWALEKE ADEFOLUSO OSINUBI,

MOTION DATE 02/26/2026

Petitioner,

MOTION SEQ. NO. 001

- v -

NEW YORK CITY SUPPORT COLLECTION UNIT, OFFICE
OF CHILD SUPPORT SERVICES, NEW YORK CITY
HUMAN RESOURCES ADMINISTRATION,

**DECISION + ORDER ON
MOTION**

Respondents.

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The following e-filed documents, listed by NYSCEF document number (Motion 001) 2, 13, 17
were read on this motion to/for ARTICLE 78 (BODY OR OFFICER).

BACKGROUND

Petitioner asks this Court to issue an order annulling a final determination by Office of Child Support Services (“OCSS”) dated November 13, 2025, which denied his challenge to his placement in the Tax Refund Offset (TRO)/Passport Denial administrative enforcement measure (TRO process)¹. A process through which Petitioner’s tax refund of \$16,581.00 was applied to outstanding arrears for child support.

For the reasons set forth below, Petitioner’s order to show cause is denied and the cross-motion to dismiss the proceeding is granted.

¹ The TRO process is yearly and obtains the tax refunds of a child support obligor if there are existing child support arrears of \$500.00 or more for the federal tax refund and \$50.00 or more than two months owed for the state tax refund. If more than \$2,500 is owed the child support obligor’s license is revoked, suspended or denied . The TRO process begins with an automated Special Notice mailed to the child support obligor informing him of the amount of arrears he owes, that he was placed in the TRO process and the ways to contest placement into the process. The child support obligor must submit his challenge to contest placement within thirty days of the mailing of the Special Notice.

ALLEGED FACTS

On July 28, 2021, under docket number F-14767-19 the New York County Family Court issued a Final Order of Support that obligated the Petitioner to pay \$4661.00 a month for the support of one child. Retroactive support amount was set at \$91,942.91 and payments were ordered to be made directly to the custodial parent.

On August 26, 2022, the custodial parent applied for OCSS services to enforce the July 28, 2021, Order of Support. Her application was accepted and OCSS began to enforce the Order of Support which set an amount of \$91, 942.91 retroactive support/past due arrears. An income withholding order was issued on the Petitioner's salary.

On March 27, 2024, the custodial parent, the payee on the Order of Support, filed a violation petition under docket number F-14767-19/24B in New York County Family Court. The violation petition alleged that the Petitioner failed to pay \$91,942.91 in retroactive support.

On August 26, 2024, pursuant to the violation petition, a hearing took place in which the Family Court issued a General Order dated August 24 finding retroactive arrears at \$89, 285.91 and ordering retroactive payments/past due arrears be made through OCSS.

On September 18, 2025, when Petitioner was placed in the TRO process, he owed \$60,858.69 in retroactive support/past due arrears. Petitioner submitted a challenge dated October 20, 2025, alleging the amount of arrears was in correct and that he believed the family court judge to have precluded any lump sum payments being applied to his arrears, notwithstanding that the Judge told him on the record "I don't get to tell the Support Collection Unit how to collect and what rate to collect."

On October 21, 2025, OCSS Enforcement Unit reviewed the Petitioner's TRO challenge along with the Family Court Transcript. OCSS denied the TRO challenge and concluded that

OCSS calculation of the Petitioner's child support arrears was correct and there was no repayment schedule. On November 13, 2025, OCSS denied the Petitioner's TRO challenge.

As April 6, 2026, Petitioner still owed \$32,493.40 in child support arrears.

DISCUSSION

A court's role in reviewing a determination of an administrative agency is a limited one. The proper standard for judicial review of an administrative determination is whether it was arbitrary or capricious or without a rational basis in the administrative record. *Greystone Mgt. Corp. v. Conciliation and Appeals Bd.*, 94 A.D.2d 614 (1st Dept. 1983), *aff'd*, 62 N.Y.2d 763 (1984). A court may not disturb an administrative decision unless the agency's action was arbitrary and capricious, in violation of lawful procedures, or made in excess of its jurisdiction. *Matter of Pell v. Board of Educ.*, 34 N.Y.2d 222 (1974); *Ansonia Residents Assoc., v. N.Y.S. Div of Hous. & Comm. Renewal.*, 75 N.Y.2d 206 (1989).

Moreover, the reviewing Court may not substitute its judgment for that of the administrative agency own [*P'ship 92 LP v. State Div. of Hous. & Cmty. Renewal*, 46 A.D.3d 425, 427 (2007) *aff'd*, 11 N.Y.3d 859 (2008)].

Respondents are not entities subject to suit, Petitioner should have sued the City of New York. [*See eg NYC Charter § 396; Omnipoint Commc'ns, Inc. v. Town of LaGrange*, 658 F. Supp. 2d 539, 552 (S.D.N.Y. 2009)].

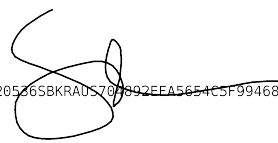
However, even if Petitioner had named the correct Respondent the result would not be different as Petitioner is not entitled to the relief he seeks. Petitioner's belief that the Family Court Judge had issued an order precluding respondents from applying his tax refund to arrears was mistaken, and the underlying determination had a rational basis and this court does not find that the determination was arbitrary or capricious.

WHEREFORE it is hereby:

ORDERED that Petitioner's order to show cause is denied and Respondents' cross-motion is granted; and it is further

ADJUDGED that the application is denied and the petition is dismissed.

This constitutes the decision and order of the Court.



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4/16/2026
DATE

SABRINA KRAUS, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE