

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT

Matter of Kimberly Pope v. Antoine Pope

2025 NY Slip Op 06613 (2d Dep't 2025) · No. 2022-09353; 2023-00774; 2023-03481; 2023-03485; 2023-03771 · Decided November 26, 2025

SUMMARY

The New York Appellate Division, Second Department, reviewed several orders arising from related Family Court proceedings involving alleged violations of orders of protection, visitation, and medical decision-making authority. The court dismissed part of the appeal as academic because the parties' children had reached majority, affirmed the dismissal of other violation petitions, and affirmed a six-month order of protection after findings that the father committed certain family offenses.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Valerie Brathwaite Nelson, J.P.; Helen Voutsinas, J.; Janice A. Taylor, J.; Donna-Marie E. Golia, J.
JURISDICTION	New York
DECIDED	November 26, 2025
DOCKET	2022-09353; 2023-00774; 2023-03481; 2023-03485; 2023-03771
DISPOSITION	dismissed
PROCEDURAL POSTURE	The mother appealed from five Family Court orders involving alleged violations of orders of protection, visitation, and medical decision-making authority, as well as a family-offense fact-finding and disposition order and an order of protection.
STANDARD OF REVIEW	Family Court's factual determination regarding whether a lawful order was violated is reviewed with substantial deference to the hearing court's credibility determinations and will not be disturbed unless clearly unsupported by the record. Family Court's choice of an appropriate family-offense disposition and duration of an order of protection is reviewed for provident exercise of discretion.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion

PARTIES

Kimberly Pope v. Antoine Pope

TOPICS

family law procedure

domestic violence

appellate procedure

mootness

visitation

PRACTICE AREAS

family law

family offense proceedings

orders of protection

appellate procedure

QUESTIONS PRESENTED

1. Whether the mother's appeals concerning alleged violations of the visitation and medical decision-making orders became academic when the children reached the age of majority.
2. Whether the Family Court properly dismissed the mother's petition alleging that the father violated the May 10, 2021 order of protection by calling her cell phone.
3. Whether the Family Court providently exercised its discretion by issuing a six-month order of protection rather than a longer period after finding that the father committed certain family offenses.
4. Whether the Family Court properly dismissed the petition alleging that the father violated the January 3, 2022 order of protection.

HOLDINGS

1. The appeals from the portions of the December 23, 2022 order dismissing the mother's petitions concerning the visitation order and medical decision-making order were dismissed as academic because the children had reached the age of majority.
2. The Family Court properly dismissed the mother's petition because she failed to prove by clear and convincing evidence that the father violated the order of protection by inadvertently calling her cell phone.
3. The Family Court providently exercised its discretion in issuing a six-month order of protection and determining that a longer period was not reasonably necessary under the circumstances.
4. The Family Court properly dismissed the mother's petition alleging that the father violated the January 3, 2022 order of protection.

KEY QUOTATIONS

“The enforcement of an order of protection may be pursued by the filing of a violation petition alleging a failure to obey the order of protection”

“The determination as to whether a violation of a lawful order has been committed is a factual issue to be resolved by the hearing court, whose determination regarding the credibility of witnesses is entitled to great weight on appeal and will not be disturbed unless clearly unsupported by the record”

“An appropriate disposition in a family offense proceeding is one which is reasonably necessary to provide meaningful protection . . . and to eradicate the root of the family disturbance”

FACTUAL BACKGROUND

The parties are the parents of twins born in December 2004. The mother alleged that the father violated several orders, including orders of protection, a visitation order, and an order granting her decision-making authority over the children's medical needs. After a hearing, the Family Court found that the father had committed certain family offenses but issued an order of protection lasting six months; it also found that the mother failed to prove that an inadvertent phone call violated the May 10, 2021 order of protection.

PROCEDURAL HISTORY

In related Family Court Act articles 6 and 8 proceedings, the Family Court, Kings County, dismissed several of the mother's violation petitions, found that the father committed certain family offenses, and issued a six-month order of protection. The Appellate Division dismissed the appeal from the December 23, 2022 order as academic because the parties' children had reached majority, and affirmed the remaining orders insofar as appealed from.

DISPOSITION

dismissed

CASES CITED

- Matter of Josiah v London, 224 AD3d 834, 835
- Matter of Rubackin v Rubackin, 62 AD3d 11, 14-15
- Matter of Sicina v Gorish, 209 AD3d 658, 658-659
- Matter of Lashlee v Lashlee, 161 AD3d 866, 867
- Matter of Quattrochi v Negri, 187 AD3d 921, 922
- Matter of Jones v Leneau, 234 AD3d 689, 690