

APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, THIRD DEPARTMENT

Michael T. v. Rida S.

2026 NY Slip Op 01256 (Appellate Division of the Supreme Court of the State of New York Third Department 2026) · No. CV-24-1130 · Decided March 5, 2026

SUMMARY

The Appellate Division, Third Department affirmed a judgment of divorce addressing joint legal custody, international travel restrictions, orders of protection, enforcement of a \$25,000 mehr in a nikah nama, and equitable distribution. The court held that joint custody and the travel restriction were supported by the record, the nikah nama was unenforceable because it lacked proper acknowledgment or certification under applicable law, and the husband was entitled to a separate-property credit for traced settlement funds used to pay marital-home closing costs.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Aarons, J.; Clark, J.P.; Pritzker, J.; Reynolds Fitzgerald, J.; Fisher, J.
JURISDICTION	New York Supreme Court, Appellate Division, Third Department
DECIDED	March 5, 2026
DOCKET	CV-24-1130
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by the wife from a judgment of divorce entered by Supreme Court, Tompkins County, granting the husband a divorce and resolving custody, orders of protection, equitable distribution, and related financial issues.
STANDARD OF REVIEW	The Appellate Division accorded great deference to Supreme Court's credibility assessments, factual findings, and conclusions, and reviewed the custody determination for a sound and substantial basis in the record. The order of protection was reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	Rida S. v. Michael T.

TOPICS

child custody domestic violence equitable distribution contracts appellate procedure

PRACTICE AREAS

family law matrimonial law child custody equitable distribution appellate practice

QUESTIONS PRESENTED

1. Whether joint legal custody was in the child's best interests despite the wife's domestic-violence allegations and the parties' prior conflict.
2. Whether the restriction on the child's international travel was supported by the record.
3. Whether the three-year stay-away order of protection issued in favor of the husband was an abuse of discretion.
4. Whether the wife was entitled to specific performance of the \$25,000 mehr in the nikah nama.
5. Whether the husband was properly awarded a separate-property credit for closing costs on the marital residence.

HOLDINGS

1. Joint legal custody was properly awarded because the record provided a sound and substantial basis for finding that it was in the child's best interests.
2. The prohibition on the child's international travel was properly sustained because the record supported the conclusion that the wife posed a possible flight risk.
3. The three-year stay-away order of protection issued in favor of the husband was not an abuse of discretion.
4. The wife was not entitled to specific performance of the \$25,000 mehr because the nikah nama was not shown to satisfy the statutory acknowledgment requirements.
5. The husband was properly awarded a separate-property credit for the closing costs because he traced the payment to identifiable separate-property settlement funds.

KEY QUOTATIONS

*“Joint legal custody is preferred and should be ordered if the parents are able to communicate and make decisions cooperatively” (at *1)*

*“The husband rebutted the presumption of marital property, however, by demonstrating that the settlement funds remained identifiable at all times, and the closing costs could be traced to the settlement funds” (at *3)*

FACTUAL BACKGROUND

The parties married in 2017 and have a child born in 2021. In August 2023, the wife took the child to Chicago without notifying the husband, commenced an Illinois divorce proceeding, and sought an order of protection; after New York was determined to be the child's home state, she and the child returned to New York. The parties

later exercised joint legal custody under a temporary order and communicated about the child through a coparenting application. The wife also sought enforcement of a \$25,000 mehr contained in a nikah nama executed in Pakistan and challenged the husband's separate-property credit for marital-home closing costs.

PROCEDURAL HISTORY

The parties commenced divorce proceedings after the wife took the child to Illinois and initiated an Illinois divorce proceeding. After New York was determined to be the child's home state, the wife and child returned to New York. Supreme Court held a hearing and trial, continued joint legal custody and mutual orders of protection, resolved equitable-distribution issues, denied specific performance of a \$25,000 mehr in a nikah nama, and entered a judgment of divorce. The wife appealed, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Jeannemarie O. v Richard P., 94 AD3d 1346, 1346 [3d Dept 2012]
- Hassan v Barakat, 171 AD3d 1371, 1373 [3d Dept 2019]
- Leah R. v Taylor R., 244 AD3d 1425, 1426 [3d Dept 2025]
- Matter of Frankie CC. v Rachel CC., 225 AD3d 1112, 1115 [3d Dept 2024]
- Williams v Williams, 78 AD3d 1256, 1257 [3d Dept 2010]
- Posporelis v Posporelis, 41 AD3d 986, 991 [3d Dept 2007]
- Matter of Austin ZZ. v Aimee A., 191 AD3d 1134, 1138 [3d Dept 2021]
- Matter of James U. v Catalina V., 151 AD3d 1285, 1287-1288 [3d Dept 2017]
- Jin C. v Juliana L., 137 AD3d 1063, 1065 [2d Dept 2016]
- Matter of Ece D. v Sreeram M., 177 AD3d 450, 451 [1st Dept 2019]
- Jennifer JJ. v Scott KK., 117 AD3d 1158, 1160 [3d Dept 2014]
- Matisoff v Dobi, 90 NY2d 127, 138 [1997]
- Khan v Hasan, 219 AD3d 1420, 1421 [2d Dept 2023]
- Beardslee v Beardslee, 124 AD3d 969, 969 [3d Dept 2015]
- Ramadan v Ramadan, 195 AD3d 1174, 1175 [3d Dept 2021]
- Sinnott v Sinnott, 194 AD3d 868, 871 [2d Dept 2021]
- Palazolo v Palazolo, 200 AD3d 700, 701 [2d Dept 2021]
- Phillips v Haralick, 70 AD3d 663, 665 [2d Dept 2010], lv dismissed 15 NY3d 874 [2010]
- Fehring v Fehring, 58 AD3d 1061, 1062-1063 [3d Dept 2009]