

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

Matter of Lord v. Carter

2026 NY Slip Op 02655 · No. 2024-01449; V-8178-20, V-8178-20/20A, V-8192-20 · Decided April 29, 2026

SUMMARY

The Appellate Division, Second Department, affirmed an order determining that the parties’ child should attend the South Huntington Union Free School District rather than the Hauppauge Union Free School District. The court held that the Family Court’s best-interests determination had a sound and substantial basis in the record, including considerations of the child’s well-being, educational continuity, and the father’s likely continued residence in the district.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Angela G. Iannacci, J.; Donna-Marie E. Golia, J.; Lisa S. Ottley, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	April 29, 2026
DOCKET	2024-01449; V-8178-20, V-8178-20/20A, V-8192-20
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from a Family Court order, entered after a hearing, that granted the father's request to enroll the parties' child in the South Huntington Union Free School District and denied the mother's request to enroll the child in the Hauppauge Union Free School District.
STANDARD OF REVIEW	A custody-related determination will not be set aside unless it lacks a sound and substantial basis in the record; the court's paramount concern is the child's best interests under the totality of the circumstances.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Coleen Lord v. Nicholas Carter

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Family Court properly determined, under the child's best interests and the totality of the circumstances, that the child should be enrolled in the South Huntington Union Free School District rather than the Hauppauge Union Free School District.
2. Whether the Family Court's school-enrollment determination had a sound and substantial basis in the record.

HOLDINGS

1. The Family Court properly determined that enrollment in the South Huntington Union Free School District was in the child's best interests.
2. The Family Court's determination would not be set aside because it had a sound and substantial basis in the record.

KEY QUOTATIONS

*“The court's paramount concern in any custody dispute is to determine, under the totality of the circumstances, what is in the best interests of the child” ([*1])*

FACTUAL BACKGROUND

The parties had one child and shared joint legal custody with alternating weekly parental access under a so-ordered stipulation. The parties lived in different school districts and could not agree whether the child should attend the South Huntington Union Free School District or the Hauppauge Union Free School District. After a hearing, the Family Court found that enrollment in South Huntington was in the child's best interests, based in part on its diverse, multicultural environment and the father's likely continued residence there, which would provide educational stability and continuity.

PROCEDURAL HISTORY

The parties filed related Family Court proceedings under Family Court Act article 6 and later entered a so-ordered stipulation providing for joint legal custody and alternating weekly parental access. Because they lived in different school districts and could not agree on the child's school enrollment, the Family Court held a hearing and ordered enrollment in the South Huntington Union Free School District. The mother appealed, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- Verfenstein v Verfenstein, 171 AD3d 841, 842
- Eschbach v Eschbach, 56 NY2d 167, 171
- Matter of McCall v McCandlish, 207 AD3d 725, 726-727

OPINION

PER CURIAM.

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This decision is uncorrected and subject to revision before publication in the Official Reports. In the Matter of Coleen Lord, appellant, v Nicholas Carter, respondent. (Proceeding No. 1.) In the Matter of Nicholas Carter, respondent, Coleen Lord, appellant. (Proceeding No. 2.) Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on April 29, 2026 2024-01449, (Docket Nos. V-8178-20, V-8178-20/20A, V-8192-20) Betsy Barros, J.P.

Angela G. Iannacci Donna-Marie E. Golia Lisa S. Ottley, JJ. Arza R. Feldman, Manhasset, NY, for appellant. Salvatore C. Adamo, New York, NY, for respondent. Steven N. Feinman, White Plains, NY, attorney for the child. [*1] DECISION & ORDER In related proceedings pursuant to Family Court Act article 6, the mother appeals from an order of the Family Court, Suffolk County (Catherine E. Miller, Ct.

Atty. Ref.), dated January 10, 2024. The order, after a hearing, granted that branch of the father's petition which sought to enroll the parties' child in the South Huntington Union Free School District, and denied that branch of the mother's petition which sought to enroll the child in the Hauppauge Union Free School District. ORDERED that the order is affirmed, without costs or disbursements.

The parties, who have one child together, each petitioned for custody of the child. The parties subsequently entered into a so-ordered stipulation which, inter alia, provided for joint legal custody and alternating weekly parental access with each parent.

However, the parties, who reside in different school districts, were unable to come to an agreement as to where the child should attend school. The Family Court conducted a hearing on the issue of school district enrollment for the child.

After the hearing, in an order dated January 10, 2024, the Family Court granted that branch of the father's petition which sought to enroll the child in the South Huntington Union Free School District and denied that branch of the mother's petition which sought to enroll the child in the Hauppauge Union Free School District.

The mother appeals. "The court's paramount concern in any custody dispute is to determine, under the totality of the circumstances, what is in the best interests of the child" (Verfenstein v Verfenstein, 171 AD3d 841, 842; see Eschbach v Eschbach, 56 NY2d 167, 171).

The Family Court's determination in that regard will not be set aside unless it lacks a sound and substantial basis in the record (see Matter of McCall v McCandlish, 207 AD3d 725, 726). Contrary to the mother's contention, the Family Court's determination that it was in the best interests of the child to be enrolled in the South Huntington Union Free School District, as opposed to the Hauppauge Union Free School District, is supported by a sound and substantial basis in the record.

Among other things, the evidence demonstrated that the child's well-being would be fostered by the diverse, multicultural environment he would enjoy in the South Huntington Union Free School District and that the father was likely to continue to reside in that school district, providing the child with stability and continuity in his education (see Matter of McCall v McCandlish, 207 AD3d at 727; see also Verfenstein v Verfenstein, 171 AD3d at 842).

Accordingly, we affirm the order appealed from. BARROS, J.P., IANNACCI, GOLIA and OTTLEY, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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PER CURIAM.

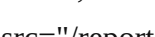
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April 29, 2026

Appellate Division,

Second Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

In the Matter of Coleen Lord, appellant,

v

Nicholas Carter, respondent.

(Proceeding No. 1.)

In the Matter of Nicholas Carter, respondent,

Coleen Lord, appellant. (Proceeding No. 2.)

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 29, 2026

2024-01449, (Docket Nos. V-8178-20, V-8178-20/20A, V-8192-20)

Betsy Barros, J.P.

Angela G. Iannacci

Donna-Marie E. Golia

Lisa S. Ottley, JJ.

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Salvatore C. Adamo, New York, NY, for respondent.

Steven N. Feinman, White Plains, NY, attorney for the child.

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725, 726).</p> <p>Contrary to the mother's contention, the Family Court's determination that it was in the best interests of the child to be enrolled in the South Huntington Union Free School District, as opposed to the Hauppauge Union Free School District, is supported by a sound and substantial basis in the record.</p>

Among other things, the evidence demonstrated that the child's well-being would be fostered by the diverse, multicultural environment he would enjoy in the South Huntington Union Free School District and that the father was likely to continue to reside in that school district, providing the child with stability and continuity in his education (<i>see</i> <i>Matter of McCall v McCandlish</i>, 207 AD3d at 727; <i>see</i> <i>also</i> <i>Verfenstein v Verfenstein</i>, 171 AD3d at 842).</p> <p>Accordingly, we affirm the order appealed from.</p> <p>BARROS, J.P., IANNACCI, GOLIA and OTTLEY, JJ., concur.</p> <p>ENTER:</p> <p>Darrell M. Joseph</p> <p>Clerk of the Court</p> </div> <div> <footer> <div> <p>Court Decisions</p> All Court Decisions Official Reports Service Bound Volumes Decision Search </div> <div> <p>Resources</p> RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index </div> <div> <p>About</p> About the Law Reporting Bureau About our Operations Contact Us Twitter </div> <div> <p>Quick Contact Info</p> <p>17 Lodge Street</p> <p>Albany, NY 12207</p> <p>Phone: (518) 453-6900</p> </div> </footer> </div> <div> <p>Links to or from other sites do not signify endorsement or relationship with them.</p> </div> </div>