

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

Matter of P.K. v. D.K.

2026 NY Slip Op 00088 (N.Y. Ct. App. 2026) · No. Index No. F7141/23; Appeal No. 5570; Case No. 2024-06517 · Decided January 13, 2026

SUMMARY

The Appellate Division, First Department reversed an order denying the father's objections to a Support Magistrate's determination that he owed \$66,928.83 in private-school tuition arrears. The court found that the mediation agreement contained conflicting and unclear provisions concerning the father's obligations and remanded the matter to Family Court for a new hearing and determination of any tuition arrears.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Per curiam; Manzanet-Daniels, J.P.; Kapnick, J.; Rosado, J.; Michael, J.; Hagler, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	January 13, 2026
DOCKET	Index No. F7141/23; Appeal No. 5570; Case No. 2024-06517
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Respondent father appealed from a Family Court order denying his objections to a Support Magistrate's order requiring him to pay \$66,928.83 in private-school-tuition arrears.
STANDARD OF REVIEW	The order was reviewed on the law and the facts.
PRECEDENTIAL VALUE	Published
PARTIES	D.K. v. P.K.

TOPICS

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QUESTIONS PRESENTED

1. Whether the Support Magistrate's finding that the father owed \$66,928.83 in private-school-tuition arrears was supported by the record.
2. Whether the conflicting provisions of the parties' mediation agreement required a new hearing to determine whether any tuition arrears remained.

HOLDINGS

1. The finding was not supported by the record because it was seemingly inconsistent with the terms of the parties' mediation agreement.
2. The Support Magistrate's order must be vacated and the matter remanded to Family Court for a new hearing and determination of the father's tuition arrears, if any.

KEY QUOTATIONS

*“The Support Magistrate's findings are not supported by the record.” (*1)*

*“It is therefore unclear whether the father's arrears have been fully satisfied or whether he continues to owe at least \$15,000 to the mother, warranting a new hearing to determine the father's tuition arrears.” (*1)*

FACTUAL BACKGROUND

The parties entered into a mediation agreement shortly before the mother filed an enforcement petition concerning the father's alleged private-school-tuition arrears. The agreement stated that the father owed \$40,000, required a \$15,000 transfer before December 30, 2022, stated that the remaining \$25,000 had been paid by May 8, 2023, and also provided that all outstanding child-support arrears and expense reimbursements had been resolved. Because the agreement was signed on May 14, 2023, and contained internally conflicting payment terms, the amount of any remaining arrears was unclear.

PROCEDURAL HISTORY

After a hearing, a Family Court Support Magistrate ordered the father to pay \$66,928.83 for the children's private school tuition arrears. Family Court denied the father's objections, and the Appellate Division reversed, vacated the Support Magistrate's order, and remanded for a new hearing and determination of any tuition arrears.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Family Court must conduct a new hearing and determine the father's private-school-tuition arrears, if any, consistent with the Appellate Division's decision.

CASES CITED

- Susan W. v. Darren K., 213 AD3d 593, 594 (1st Dep't 2023)
- Spano v. Spano, 168 AD3d 857, 860 (2d Dep't 2019)

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