

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

Matter of Dossantos v. Rinck

2026 NY Slip Op 03796 · No. 2024-06460 · Decided June 17, 2026

SUMMARY

The Appellate Division, Second Department, reversed an order denying the mother's relocation petition and conditionally awarding primary residential custody to the father. The court remitted the matter for an expedited hearing and new determinations because developments since the Family Court's order rendered the appellate record insufficient to assess the child's best interests.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Colleen D. Duffy, J.P.; Lara J. Genovesi; Deborah A. Dowling; James P. McCormack
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	June 17, 2026
DOCKET	2024-06460
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The mother appealed from an order of the Family Court, Nassau County, that denied her petition to relocate with the parties' child from Florida to New York and granted the father's petition for primary residential custody in Florida if the mother did not return there.
STANDARD OF REVIEW	Custody and parental-access determinations are evaluated under the best-interests-of-the-child standard based on the totality of the circumstances; the order was reversed on the facts and in the exercise of discretion because the current record was insufficient for appellate review.
PRECEDENTIAL VALUE	Published intermediate appellate decision; uncorrected and subject to revision before publication in the Official Reports.
PARTIES	Alexia Dossantos v. Robert Rinck II

TOPICS

child custody relocation family law procedure appellate procedure standard of review

PRACTICE AREAS

family law child custody relocation appellate procedure

QUESTIONS PRESENTED

1. Whether the Family Court's custody and relocation determination could be reviewed and upheld when new developments disclosed during oral argument rendered the appellate record insufficient to determine the child's current best interests.
2. Whether the Family Court order denying the mother's relocation petition and conditionally awarding the father primary residential custody should be reversed and remitted for an expedited hearing and new determination.

HOLDINGS

1. In adjudicating custody and parental-access rights, the paramount concern is the best interests of the child, requiring evaluation of the totality of the circumstances.
2. The record was insufficient to determine whether the Family Court's determination remained in the child's best interests because new developments had been brought to the Appellate Division's attention during oral argument.

KEY QUOTATIONS

“In adjudicating custody and parental access rights, the paramount concern is the best interests of the child, which requires an evaluation of the totality of the circumstances” ([*2])

“new developments since the time the June 2024 order was issued have been brought to this Court's attention by the attorney for the child during oral argument that render the record on appeal insufficient to review whether the Family Court's determination is still in the best interests of the child” ([*2])

FACTUAL BACKGROUND

The unmarried parties have one child. A March 2019 consent order awarded joint legal custody, residential custody to the mother, and parental access to the father. In summer 2022, the mother, father, and child moved together to Florida, but approximately seven months later the mother returned to New York with the child and sought to relocate. The father sought primary residential custody in Florida.

PROCEDURAL HISTORY

The parties' 2019 consent order awarded them joint legal custody, residential custody to the mother, and parental access to the father. After the parties and child moved to Florida in 2022, the mother returned to New York with the child in March 2023 and sought permission to relocate. The father sought primary residential custody in Florida. After a hearing, the Family Court denied the mother's petition and granted the father's petition

conditionally. The Appellate Division reversed and remitted for an expedited hearing and new determination because developments disclosed during oral argument made the appellate record insufficient to determine the child's current best interests.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The June 28, 2024 order is reversed and the matter is remitted to the Family Court, Nassau County, for an expedited hearing and a new determination of the mother's and father's petitions. Pending determination of the petitions or further order of the Family Court, the parties must continue to comply with the terms of the Appellate Division's decision and order on motion dated August 9, 2024.

CASES CITED

- Eschbach v Eschbach, 56 NY2d 167, 171
- Matter of Michael B., 80 NY2d 299, 318
- Matter of Myers v Denning, 241 AD3d 688
- Matter of Baker v James, 210 AD3d 676, 678
- Matter of Baptiste v Gregoire, 140 AD3d 746, 748

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