

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

OPINION

PER CURIAM.

Matter of Dossantos v Rinck - 2026 NY Slip Op 03796 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions Matter of Dossantos v Rinck 2026 NY Slip Op 03796 June 17, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. In the Matter of Alexia Dossantos, appellant, v Robert Rinck II, respondent. (Proceeding No. 1) In the Matter of Robert Rinck II, respondent, Alexia Dossantos, appellant. (Proceeding No. 2) Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 17, 2026 2024-06460, (Docket Nos. V-3154-23/23A, V-9571-23/23A) Colleen D. Duffy, J.P.

Lara J. Genovesi Deborah A. Dowling James P. McCormack, JJ. Feldman & Friedman, PLLC, Garden City, NY (Jennifer Moran of counsel), for appellant. Barrows Levy, PLLC, Garden City, NY (Michael C. Barrows of counsel), for respondent. Kellie M. Stabile, Garden City, 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, Nassau County (Robert Lopresti, Ct.

Atty. Ref.), dated June 28, 2024. The order, after a hearing, denied the mother's petition, in effect, to modify an order of the Family Court, Suffolk County, dated March 28, 2019, so as to allow her to relocate with the parties' child from Florida to New York, and granted the father's petition to modify the order dated March 28, 2019, to the extent of awarding primary residential custody of the parties' child to the father in Florida in the event that the mother did not return to live in Florida.

ORDERED that the order dated June 28, 2024, is reversed, on the facts and in the exercise of discretion, without costs or disbursements, and the matter is remitted to the Family Court, Nassau County, for an expedited hearing and a new determination of the mother's petition and the father's petition, and it is further, ORDERED that, pending determination of the parties' petitions, or further order of the Family Court, Nassau County, the parties shall continue to comply with the terms of the decision and order on motion of this Court dated August 9, 2024.

The parties, who were not married, have one child together. Pursuant to an order dated March 28, 2019 (hereinafter the March 2019 order), which was entered on the consent of the parties, the parties were awarded joint legal custody of the child, the mother was awarded residential custody of the child, and the father was awarded certain parental access. Thereafter, in the summer of 2022, the mother, the father, and the child all moved to Florida together.

Approximately seven months later, in March 2023, the mother returned to New York with the child and filed a petition to [*2] modify the March 2019 order, in effect, so as to allow her to relocate with the child from Florida to New York. Thereafter, the father filed a petition to modify the March 2019 order, inter alia, so as to award him primary residential custody of the child in Florida.

In an order dated June 28, 2024 (hereinafter the June 2024 order), the Family Court, after a hearing, denied the mother's petition, and granted the father's petition to the extent of awarding primary residential custody of the child to the father in Florida in the event that the mother did not return to live in Florida.

The mother appeals. 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 (see *Eschbach v Eschbach*, 56 NY2d 167, 171).

Here, 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 (see *Matter of Michael B.*, 80 NY2d 299, 318; *Matter of Myers v Denning*, 241 AD3d 688).

Accordingly, we reverse the June 2024 order and remit the matter to the Family Court, Nassau County, for an expedited hearing and, thereafter, a new determination of the petitions that are the subject of this appeal. Pending determination of the parties' petitions, or further order of the Family Court, the parties shall continue to comply with the terms of the decision and order on motion of this Court dated August 9, 2024.

We express no opinion as to the appropriate determination (see Matter of Baker v James, 210 AD3d 676, 678; Matter of Baptiste v Gregoire, 140 AD3d 746, 748). DUFFY, J.P., GENOVESI, DOWLING and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.