

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

Matter of Manno v. Werley

2026 NY Slip Op 01966 · No. 2022-03329 · Decided April 1, 2026

SUMMARY

The Appellate Division, Second Department, reversed a Family Court order concerning petitions to modify custody and parental access. The court remitted the matter for an expedited hearing and a new determination, while directing the parties to continue complying with the existing order pending further determination.

OPINION

PER CURIAM.

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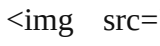
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2026 NY Slip Op 01966

April 1, 2026

Appellate Division, Second Department

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In the Matter of Maria Lynn Manno, appellant,

v

Steven Eric Werley, respondent.

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

Decided on April 1, 2026

2022-03329, (Docket Nos. V-6136-20/20A, V-06136-20/20B)

Angela G. Iannacci, J.P.

Deborah A. Dowling

Carl J. Landicino

Laurence L. Love, JJ.

Nick Bologna & Associates, P.C., Wantagh, NY, for appellant.

Horn & Horn, Hauppauge, NY (Jeffrey S. Horn of counsel), for respondent.

Laurette D. Mulry, Central Islip, NY (John B. Belmonte of counsel), attorney for the child.

DECISION & ORDER

In related proceedings pursuant to Family Court Act article 6, the mother appeals from an order of the Family Court, Suffolk County (Heather P.S.

James, Ct. Atty. Ref.), dated April 25, 2022, as amended April 5, 2024. The order, after a hearing, denied the mother's petition to modify a prior order of the City of Danville Juvenile and Domestic Relations District Court, Commonwealth of Virginia, dated March 8, 2018, so as to award the father certain parental access with the parties' child, and granted the father's petition to modify the order dated March 8, 2018, so as to award him sole legal and physical custody of the child, subject to the mother's parental access.

ORDERED that the order dated April 25, 2022, as amended April 5, 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, Kings County, for an expedited hearing and a new determination of the mother's petition and the father's petition thereafter; and it is further,

ORDERED that pending determination of the parties' petitions, or further order of the Family Court, Kings County, the parties shall continue to comply with the terms of the order dated April 25, 2022, as amended April 5, 2024.

New developments since the issuance of the order dated April 25, 2022, as amended April 5, 2024, have been brought to this Court's attention that render the record on appeal insufficient to review whether the Family Court's determination is still in the best interests of the parties' child (*see* *Matter of Michael B.*, 80 NY2d 299, 318; *Haddad v Sassoon*, 237 AD3d 673; *Matter of Martynchuk v Vasylykovska*, 223 AD3d 819, 820; *Matter of Magana v Delph*, 195 AD3d 720, 721-722).

Accordingly, we reverse the order dated April 25, 2022, as amended April 5, 2024, and remit the matter to the Family Court, Kings County, for an expedited hearing and a new determination of the petitions that are the subject of this appeal thereafter. Pending determination of the parties' petitions, or further order of the Family Court, the parties shall continue to comply with the terms of the order dated April 25, 2022, as amended April 5, 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).

IANNACCI, J.P., DOWLING, LANDICINO and LOVE, JJ., concur.

ENTER:

Darrell M. Joseph

Clerk of the Court

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