

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

Matter of Youlanda V. v. John W.

2025 NY Slip Op 07250 · No. CV-23-0510 · Decided December 24, 2025

SUMMARY

The Appellate Division, Third Department, reviewed the dismissal of a mother's petition to modify a prior child support order upward. The court agreed that she failed to make a prima facie showing of a substantial change in circumstances or qualifying income change, but held that the petition should have been dismissed without prejudice because Family Court retains continuing jurisdiction to modify child support upon a proper showing.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Garry, P.J.; Aarons, J.; Pritzker, J.; Powers, J.; Corcoran, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	December 24, 2025
DOCKET	CV-23-0510
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Family Court of Rensselaer County dismissing, with prejudice, the mother's petition for an upward modification of the father's child support obligation.
STANDARD OF REVIEW	The Appellate Division reviewed whether the mother made a prima facie showing warranting modification of child support and whether Family Court properly dismissed the petition with prejudice.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Youlanda V. v. John W.

TOPICS

- child support
- family law procedure
- appellate procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the mother made a prima facie showing of a substantial change in circumstances or a qualifying change in gross income warranting an upward modification of child support.
2. Whether Family Court could dismiss the mother's child-support-modification petition with prejudice after finding that she failed to establish entitlement to modification.

HOLDINGS

1. The mother failed to make a prima facie showing that an upward modification of child support was warranted because the record did not adequately establish either the financial circumstances underlying the prior support order or the father's current ability to provide support.
2. Dismissal with prejudice was improper; the petition had to be dismissed without prejudice because Family Court retains continuing jurisdiction to modify child-support orders upon a proper statutory showing.

KEY QUOTATIONS

*"We therefore must agree with Family Court that the mother failed to make a prima facie showing that an upward modification of child support was warranted, and her petition was thus properly dismissed" (*2)*

*"However, dismissal of the mother's petition with prejudice was in error." (*2)*

*"Family Court retains continuing jurisdiction to modify a prior order of child support upon a proper showing of statutorily enumerated circumstances" (*2)*

FACTUAL BACKGROUND

The parties are the parents of a child born in 2015, and the father was obligated under a January 2020 consent order to pay \$100 per week in child support. The mother alleged that the father had previously unreported cash income and a new job that were not reflected in the support order. Although the father testified at different points that he earned substantially varying amounts, the mother provided little evidence of the father's financial circumstances at the time of the prior order and did not introduce or identify that order during the hearing.

PROCEDURAL HISTORY

The mother filed a petition in July 2021 seeking an upward modification of the father's child support obligation. After a joint hearing involving numerous petitions filed by the parties, Family Court dismissed the petition with prejudice for failure to state a cause of action. The Appellate Division agreed that the mother failed to make a prima facie showing supporting modification but held that dismissal with prejudice was improper and modified the order to dismiss the petition without prejudice.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order was modified by reversing the portion that dismissed the petition with prejudice and dismissing the petition without prejudice; as modified, the order was affirmed.

CASES CITED

- Matter of Saber v. Saccone, 192 A.D.3d 1400, 1401 (3d Dep't 2021), lv. denied, 37 N.Y.3d 909 (2021)
- Matter of Jeffers v. Jeffers, 133 A.D.3d 1139, 1140 (3d Dep't 2015)
- Matter of Henry v. Bell, 185 A.D.3d 1168, 1169-1170 (3d Dep't 2020)
- Matter of Spaight v. Muller, 147 A.D.3d 768, 769 (2d Dep't 2017)
- Matter of Crystal NN. v. Joshua OO., 239 A.D.3d 1064, 1067 (3d Dep't 2025)
- Matter of Rodriguez v. Starks, 194 A.D.3d 1063, 1066-1067 (2d Dep't 2021), lv. denied, 37 N.Y.3d 911 (2021)