

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

F.K. v. K.F.

2026 NY Slip Op 02336 (N.Y. Ct. App. 2026) · No. Docket Nos. V-00062/22, V-00063/22, V-00123/22, V-00124/22; Appeal No. 6377; Case No. 2024-05838 · Decided April 16, 2026

SUMMARY

The New York Supreme Court, Appellate Division, First Department dismissed as moot an appeal from a temporary custody and visitation order. The court held that the temporary order was not an appealable order of disposition under Family Court Act § 1112(a), had expired and been superseded, and presented no nonfrivolous appellate issues; it also granted assigned appellate counsel's application to withdraw.

OPINION

PER CURIAM.

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Respondent-Respondent.</p> </div> <p>Decided and Entered: April 16, 2026</p> <p>Docket No. V-00062/22, V-00063/22, V-00123/22, V-00124/22|Appeal No. 6377|Case No. 2024-05838|</p> <p>Before: Moulton, J.P., Scarpulla, Shulman, Rodriguez, Michael, JJ. </p> <div><p>Larry S. Bachner, New York, for appellant.</p> <p>Donna C. Chin, New York, attorney for children.</p> </div> [*1] <p>Appeal from order, Supreme Court, Bronx County (Jessica I. Flores, J.), entered on or about August 19, 2024, which temporarily awarded physical custody of the subject children to respondent mother and provided petitioner father with visitation,

unanimously dismissed, without costs, as moot.

Application by the father's assigned attorney to withdraw as appellate counsel is granted (*see Anders v California*, 386 US 738 [1967]).

A review of the record demonstrates that there are no nonfrivolous issues which could be raised on this appeal. The temporary order of visitation is not an order of disposition within the meaning of Family Court Act § 1112 (a) and thus is not appealable as of right (*see Matter of Jodeci S. v Sheila M.*, 240 AD3d 420, 420-421 [1st Dept 2025]; *Matter of Rosa M. v Francisco P.*, 151 AD3d 451, 451 [1st Dept 2017]).

Furthermore, the appeal is moot as the temporary order has already expired and been superseded by subsequent orders of custody and visitation, none of which were appealed (*see* *Matter of T.R. [Jaquasia G.]*, 227 AD3d 530, 530 [1st Dept 2024]; *Matter of Rolando A.G. v Marisol R.M.*, 172 AD3d 631 [1st Dept 2019]; *Matter of Crystal G. v Marquis E.*, 170 AD3d 557, 557-558 [1st Dept 2019]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: April 16, 2026

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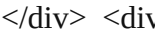
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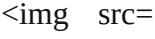
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