

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

Matter of Kaye v. Triantis

2026 NY Slip Op 01513 · No. 2025-00514 · Decided March 18, 2026

SUMMARY

The Appellate Division, Second Department affirmed an order denying family offense and violation petitions brought by Lana Kaye against Harry Triantis. The court upheld the Family Court's finding that the petitioner failed to establish harassment in the second degree, deferring to its credibility determinations. The court also concluded that the petitioner failed to establish that the respondent willfully violated the temporary order of protection.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Hector D. LaSalle, P.J.; Cheryl E. Chambers, J.; Paul Wooten, J.; Helen Voutsinas, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	March 18, 2026
DOCKET	2025-00514
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed from an order of the Family Court, Nassau County, entered after a hearing, that denied family-offense and violation petitions and effectively dismissed the proceedings.
STANDARD OF REVIEW	Family Court factual determinations and credibility assessments in family-offense proceedings are entitled to great weight and will not be disturbed unless clearly unsupported by the record. The Appellate Division may independently review the evidence when the record is sufficient, even if the Family Court failed to state the basis for its determination on a violation petition.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Lana Kaye v. Harry Triantis

TOPICS

family law procedure domestic violence appellate procedure standard of review burden of proof

PRACTICE AREAS

family law family offense proceedings orders of protection appellate review

QUESTIONS PRESENTED

1. Whether the Family Court's determination that the petitioner failed to establish second-degree harassment was supported by the record.
2. Whether the Appellate Division could review the violation petition independently despite the Family Court's failure to state the basis for denying it.
3. Whether denial of the family-offense petition required denial of the separate petition alleging violation of the temporary order of protection.
4. Whether the petitioner established that the respondent willfully violated the temporary order of protection.

HOLDINGS

1. The Family Court properly determined that the petitioner failed to establish that the respondent committed the family offense of harassment in the second degree, and its credibility-based determination was supported by the record.
2. Remittal was unnecessary because the record was sufficient for the Appellate Division to conduct an independent review of the evidence despite the Family Court's failure to state on the record the basis for denying the violation petition.
3. The Family Court was not required to deny the violation petition merely because it denied the family-offense petition.
4. The petitioner failed to establish that the respondent willfully violated the temporary order of protection, so denial of the violation petition and dismissal of that proceeding were proper.

KEY QUOTATIONS

“In a family offense proceeding, the petitioner has the burden of establishing, by a fair preponderance of the evidence, that the charged conduct was committed as alleged in the petition” (at 2)

“The determination of whether a family offense was committed is a factual issue to be resolved by the Family Court, and its determinations regarding the credibility of witnesses are entitled to great weight on appeal, such that they will not be disturbed unless clearly unsupported by the record” (at 2)

“While there is no question that an isolated incident cannot support a finding of harassment, a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose can support such a finding” (at 2)

FACTUAL BACKGROUND

Kaye alleged that her former husband, Triantis, committed multiple family offenses and later violated a temporary order of protection issued on June 21, 2024. The temporary order directed Triantis to refrain from committing specified crimes, including assault, stalking, harassment, aggravated harassment, and menacing. After a hearing on the pending petitions, the Family Court found that Kaye had not established second-degree harassment and had not established that Triantis willfully violated the temporary order.

PROCEDURAL HISTORY

Lana Kaye commenced a family-offense proceeding against her former husband in April 2022. The Family Court initially dismissed the petition for failure to state a cause of action, but the Appellate Division reversed and remitted for further proceedings after finding that the allegations sufficiently pleaded second-degree harassment. Following remittitur, the Family Court issued a temporary order of protection, conducted a hearing on the pending petitions, and denied them. The Appellate Division affirmed, concluding that the family-offense determination was supported by the record and that the petitioner failed to prove a willful violation of the temporary order.

DISPOSITION

affirmed

CASES CITED

- Matter of Kaye v. Triantis, 225 AD3d 763, 763-764
- Matter of Sealy v. Peart, 215 AD3d 971, 972
- Matter of Martinez v. Toole, 239 AD3d 855, 857-858
- Matter of Julien v. Lewin, 238 AD3d 757, 758-759
- Matter of Warren v. Brandofino, 236 AD3d 917, 918
- Matter of Mitchell-George v. George, 234 AD3d 969, 969
- Matter of Schade v. Kupferman, 188 AD3d 1218, 1219
- Matter of Pope v. Pope, 243 AD3d 914, 916
- Matter of Porter v. Moore, 149 AD3d 1082, 1083-1084
- Matter of Milworm v. Milworm, 132 AD3d 677, 677
- Matter of Lisa T. v. King E.T., 30 NY3d 548, 551-553
- Matter of Santiago v. Santiago, 158 AD3d 772, 773