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

Matter of Kyle J. v. Taylor K.

2026 NY Slip Op 03487 (N.Y. Ct. App. 2026) · No. CV-25-0023 · Decided June 4, 2026

SUMMARY

The New York Appellate Division, Third Department, affirmed a Family Court order modifying custody and parenting time. The court held that the record supported a change in circumstances and the determination awarding the mother sole legal and primary physical custody while reducing the father's parenting time. The court also upheld the dismissal of most of the father's violation petitions, finding insufficient proof that the mother violated the relevant custody orders.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Third Department
WRITING FOR THE COURT	Aarons, J.; Clark, J.P.; Ceresia, J.; McShan, J.; Corcoran, J.
JURISDICTION	New York Supreme Court, Appellate Division, Third Department
DECIDED	June 4, 2026
DOCKET	CV-25-0023
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a Family Court order modifying custody and resolving multiple violation petitions.
STANDARD OF REVIEW	Family Court's parenting-time determination will not be disturbed unless it lacks a sound and substantial basis in the record. The Appellate Division independently reviews the record in custody matters. Civil contempt must be established by clear and convincing evidence.
PRECEDENTIAL VALUE	published
PARTIES	Kyle J. v. Taylor K.

TOPICS

child custody · visitation · family law procedure · appellate procedure · standard of review

PRACTICE AREAS

family law | custody and visitation | civil contempt

QUESTIONS PRESENTED

1. Whether Family Court erred by failing to expressly conduct the threshold change-in-circumstances inquiry before considering the mother's custody-modification petitions.
2. Whether Family Court's award of the mother sole legal and primary physical custody and its reduction of the father's parenting time lacked a sound and substantial basis in the record.
3. Whether Family Court erred in dismissing the father's violation petitions alleging that the mother withheld parenting time and failed to comply with the temporary order concerning contact information.

HOLDINGS

1. Although Family Court erred by moving directly to the best-interests analysis without conducting the threshold inquiry as to the mother's modification petitions, the error did not require reversal because the Appellate Division's independent review confirmed that a change in circumstances had occurred.
2. Family Court's custody and parenting-time determination was supported by a sound and substantial basis in the record and was affirmed.
3. Family Court properly dismissed the father's violation petitions because he failed to establish by clear and convincing evidence that the mother violated a clear and unequivocal order in a manner prejudicing his rights.

KEY QUOTATIONS

> *"Because the best interests of a child generally lie with a healthy, meaningful relationship with both parents, parenting time with a noncustodial parent is presumed to be in a child's best interests"* (*2)

> *"unless parenting time with the noncustodial parent would be detrimental to the child's welfare, Family Court is required to fashion a parenting time schedule that affords the noncustodial parent frequent and regular access to the child"* (*2)

> *"Family Court has broad discretion to develop a parenting time schedule in the best interests of the child, and we will not disturb such determination unless it lacks a sound and substantial basis in the record"* (*2)

> *"A party seeking a finding of civil contempt based upon the violation of a court order must establish by clear and convincing evidence that the party charged with contempt had actual knowledge of a lawful, clear and unequivocal order, that the charged party disobeyed that order, and that this conduct prejudiced the opposing party's rights"* (*3)

FACTUAL BACKGROUND

Kyle J. and Taylor K. are the parents of a child born in 2020. Their October 2021 custody order provided for joint legal custody, the mother's primary physical custody, and an alternating weekly parenting-time schedule for the father. During the ensuing proceedings, the father exercised less than his scheduled parenting time, the

parents' relationship became increasingly strained, and disputes arose concerning exchanges, Friday parenting time, and the mother's contact information. After a fact-finding hearing, Family Court awarded the mother sole legal and primary physical custody and reduced the father's parenting time to alternating weekends and two dinners per week.

PROCEDURAL HISTORY

The parents had joint legal custody under an October 2021 order, with the mother having primary physical custody and the father receiving an alternating weekly parenting-time schedule. After both parents filed modification petitions and the father filed numerous violation petitions, Family Court held a fact-finding hearing and awarded the mother sole legal and primary physical custody, reduced the father's parenting time, dismissed most of his violation petitions, and granted the mother's violation petitions. The father appealed.

DISPOSITION

affirmed

CASES CITED

- Matter of Heather F. v. Matthew G., 239 AD3d 1084, 1085 (3d Dep't 2025)
- Matter of John M. v. Tashina N., 218 AD3d 935, 936 (3d Dep't 2023)
- Matter of Andrea II. v. Joseph HH., 203 AD3d 1356, 1357 (3d Dep't 2022)
- Matter of Damon B. v. Amanda C., 195 AD3d 1107, 1108 (3d Dep't 2021)
- Matter of Sherab X. v. Michelle Y., 244 AD3d 1532, 1533 (3d Dep't 2025)
- Matter of Jill Q. v. James R., 185 AD3d 1106, 1108 (3d Dep't 2020)
- Matter of Henry CC. v. Antoinette DD., 222 AD3d 1231, 1234 (3d Dep't 2023)
- Matter of Richard CC. v. Lacey DD., 243 AD3d 1186, 1188 (3d Dep't 2025)
- Matter of Kelly SS. v. Justin TT., 244 AD3d 1345, 1347 (3d Dep't 2025)
- Matter of Samantha E. v. Nicholas F., 233 AD3d 1295, 1299 (3d Dep't 2024)
- Matter of Jamie UU. v. Dametrius VV., 196 AD3d 759, 762 (3d Dep't 2021)
- Matter of Cameron ZZ. v. Ashton B., 183 AD3d 1076, 1078 (3d Dep't 2020), lv denied 35 NY3d 913 (2020)
- Matter of Amber EE. v. Kalem EE., 241 AD3d 1623, 1626 (3d Dep't 2025)
- Matter of Michelle L. v. Steven M., 227 AD3d 1159, 1163-1164 (3d Dep't 2024)
- El-Dehdan v. El-Dehdan, 26 NY3d 19, 35 (2015)
- Matter of Ashley UU. v. Ned VV., 235 AD3d 1200, 1203 (3d Dep't 2025)
- Matter of Jahari BB. v. Zada CC., 232 AD3d 1142, 1147 (3d Dep't 2024)
- Matter of Ramon ZZ. v. Amanda YY., 189 AD3d 1906, 1907 (3d Dep't 2020)
- Matter of Barbara L. v. Robert M., 116 AD3d 1101, 1103 (3d Dep't 2014)
- Matter of Cobane v. Cobane, 77 AD3d 1068, 1069 (3d Dep't 2010), lv dismissed 16 NY3d 736 (2011)

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