

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

Matter of Siara Q. v. Thomas R.

2026 NY Slip Op 03043 · No. CV-25-0912 · Decided May 14, 2026

SUMMARY

The Appellate Division, Third Department, reviewed a Family Court order modifying custody based on alleged unfounded Child Protective Services reports and parental disagreements concerning the child's medical care and other matters. The court affirmed the mother's final decision-making authority regarding medical care but reversed the award of sole legal custody, concluding that the record did not provide a sound and substantial basis for eliminating joint legal custody.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Aarons, J.P.; Pritzker, J.; Reynolds Fitzgerald, J.; Fisher, J.; McShan, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	May 14, 2026
DOCKET	CV-25-0912
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Family Court of Ulster County modifying a prior custody order in two Family Court Act article 6 proceedings.
STANDARD OF REVIEW	The Appellate Division accords great deference to Family Court's factual findings and credibility determinations and will not disturb a custody determination supported by a sound and substantial basis in the record.
PRECEDENTIAL VALUE	published
PARTIES	Thomas R. v. Siara Q.

TOPICS

- child custody
- family law procedure
- appellate procedure
- standard of review
- parental rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the father's post-order conduct established a change in circumstances warranting review of custody.
2. Whether the evidence supported granting the mother final decision-making authority over the child's medical care.
3. Whether the evidence provided a sound and substantial basis for awarding the mother sole legal custody rather than maintaining joint legal custody with tailored relief.

HOLDINGS

1. The father's unfounded CPS reports, failure to inform the mother of the child's emergency-room visit, and related breakdown in communication constituted a change in circumstances sufficient to warrant review of the prior custody order.
2. The record supported granting the mother final decision-making authority concerning the child's medical care.
3. The evidence did not provide a sound and substantial basis for awarding the mother sole legal custody; the parties' disagreements concerned specific issues and did not render joint custody unworkable.

KEY QUOTATIONS

"A party seeking to modify a prior order of custody must show that there has been a change in circumstances since the prior order and, then, if such a change occurred, that the best interests of the child would be served by a modification of that order" (*1)

"This Court accords great deference to Family Court's factual findings and credibility determinations, and will not disturb its custodial determination if supported by a sound and substantial basis in the record" (*1)

"some disagreements will not necessarily render joint custody improper where the parents' relationship is not so acrimonious as to render the joint custody award unworkable" (*3)

FACTUAL BACKGROUND

The parties are the parents of a child born in 2022. A June 2024 order awarded joint legal custody, primary physical custody to the mother, parenting time to the father, and the mother final decision-making authority regarding a particular elective surgery. After that order, the father made reports to Child Protective Services that the mother alleged were unfounded, failed to inform her of the child's emergency-room visit, disputed the child's medication, withheld consent to a passport, and objected to the child learning Spanish. The parents nevertheless continued to communicate productively about most matters and agreed on important issues such as the child's religion and education.

PROCEDURAL HISTORY

The Family Court granted the mother's applications to modify a June 2024 custody order, awarding her sole legal custody and final decision-making authority over all medical issues. After a fact-finding hearing at which the mother testified and the father's counsel participated, the Family Court entered an order in May 2025. The father appealed, and the Appellate Division modified the order by reversing the award of sole legal custody while affirming the remainder.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The order was modified by reversing the portion awarding sole legal custody to the mother and denying the applications to that extent; the remainder of the order was affirmed. The opinion does not state additional remand instructions.

CASES CITED

- Matter of Patricia P. v. Dana Q., 106 AD3d 1386, 1386-1387 (3d Dept 2013)
- Matter of Christine X. v. James Y., 244 AD3d 1545, 1546 (3d Dept 2025)
- Matter of Kelly AA. v. Christopher AA., 240 AD3d 1011, 1013 (3d Dept 2025)
- Matter of Michael DD. v. Jamie EE., 243 AD3d 1149, 1150 (3d Dept 2025)
- Matter of Barrett LL. v. Melissa MM., 224 AD3d 942, 943 (3d Dept 2024)
- Matter of Jessica HH. v. Sean HH., 196 AD3d 750, 753 (3d Dept 2021)
- Matter of Patrick EE. v. Brenda DD., 129 AD3d 1235, 1237-1238 (3d Dept 2015)
- Matter of Jessica AA. v. Thomas BB., 151 AD3d 1231, 1232 (3d Dept 2017)
- Matter of Crystal F. v. Ian G., 145 AD3d 1379, 1381-1382 (3d Dept 2016)
- Matter of Esther J. v. Christopher K., 2026 NY Slip Op 02176, *1-*2 (3d Dept 2026)
- Matter of Carrie ZZ. v. Aaron YY., 178 AD3d 1291, 1292 (3d Dept 2019)
- Matter of Michelle EE. v. John EE., 235 AD3d 1121, 1123 (3d Dept 2025)
- Matter of Joseph L. v. Heather K., 214 AD3d 1041, 1043 (3d Dept 2023)
- Matter of Williams v. Rolf, 144 AD3d 1409, 1413-1414 (3d Dept 2016)
- Matter of Greene v. Robarge, 104 AD3d 1073, 1076 (3d Dept 2013)
- Matter of C.M. v. Z.N., 230 AD3d 1409, 1411 (3d Dept 2024)
- Matter of Carlo A. v. Pamela B., 242 AD3d 1331, 1332 n 1 (3d Dept 2025)
- Matter of Janaye D. v. Zachary C., 240 AD3d 961, 964 (3d Dept 2025)
- Matter of Christie BB. v. Isaiah CC., 194 AD3d 1130, 1133 (3d Dept 2021)
- Matter of Sheena PP. v. Edward QQ., 238 AD3d 1417, 1420 (3d Dept 2025)
- Matter of Winter II. [Kerriann II.], 227 AD3d 1142, 1144 (3d Dept 2024)
- Matter of Corey MM. [Cassandra LL.], 177 AD3d 1119, 1120-1121 (3d Dept 2019)

INSTRUCTIONS FOR AN AI ASSISTANT

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