

CHAIM STEINBERGER, P.C.

ATTORNEYS AT LAW

150 EAST 58TH STREET, SUITE 2701

NEW YORK, NEW YORK 10155

(212) 964-6100

FAX (212) 500-7559

www.theNewYorkDivorceLawyers.com

admin@tnydl.com

Shepherding you safely through difficult family transitions!

DIVORCE IN NEW YORK – MODIFICATION OF A CUSTODY AWARD

(c) 2019 Chaim Steinberger, P.C.

Before a modification petition can be brought in court, a parent must demonstrate that there has been a “change of circumstances.” That is, if things are just the way they were when the original custody agreement or award was made, then the original agreement or award should continue to control and there’s no reason for a court to entertain a modification petition.

If a parent can demonstrate a change in circumstances, then the courts will entertain the petition. The court will use a different standard if the parties reached an agreement themselves, or if the court went through an entire trial and made a judicial decision of whom to award custody in the best interests of the child.

The court will then consider all of the elements considered in any custody matter—that is anything that affects the best interests of the child and anything reflecting on a parent’s willingness or ability to meet the child’s physical, emotional, intellectual, and developmental needs.

Because Mr. Steinberger chairs the custody committee of the American Bar Association’s Family Law Section, he is the ideal lawyer to guide you through the custody process and help you obtain the result you desire.

NOTE: *This monograph is intended as an educational guide and not as legal advice. Legal advice should only be obtained from a qualified lawyer who is familiar with all of the facts and circumstances of your matter.*