

consideration of an independent evaluation and, if appropriate, preparatory therapeutic intervention; and to qualify the provision permitting the father to send letters, gifts, and cards to the child by subjecting such correspondences and gifts to review by the attorney for the child to ensure that they contain no inappropriate content or questions, and otherwise affirmed, without costs.

Section 154-b(2)(a) of the Family Court Act authorizes the court, on its own motion or upon the motion of any party or the child's attorney, to permit the party or the child to keep his or her address confidential from an adverse party if the court finds that disclosure of the address or other identifying information would pose an unreasonable risk to the health or safety of a party or the child. Thus, the statute requires a fact-specific determination as to the possible effects of such disclosure. Although the mother sought an address confidentiality order and Family Court acknowledged the need for a separate hearing, ultimately holding the issue in abeyance, the record is devoid of any determination as to whether disclosure of the address would pose an unreasonable risk to the child. In the absence of such a finding, the directive requiring disclosure cannot be said to reflect a proper exercise of discretion.

Family Court further erred in authorizing the father to communicate with the child's therapist and to participate in therapy at the therapist's discretion. This provision effectively delegates to the treating therapist the authority to determine whether, when, and under what circumstances the father may have contact with the child, which is an issue reserved to the court (*see Matter of Richard CC. v Lacey DD.*, 243 AD3d 1186, 1189 [3d Dept 2025]). The directive also contradicts the court's finding that contact with the father would harm the child's mental health, and risks inhibiting the child's openness with the child's therapist if the child knows disclosures could be shared with

or occur in the father's presence. Thus, the order undermines the therapeutic process and risks exacerbating, rather than alleviating, the child's emotional distress.

While there is a sound and substantial basis in the record for the determination that limited, indirect contact between the father and the child is in the child's best interests (*see Matter of Robert M. v Barbara L.*, 227 AD3d 141, 145 [3d Dept 2024]), the attorney for the child should have an opportunity to review the correspondence in advance to ensure that it contains no inappropriate content or questions before it is given to the child. Pending a determination on the mother's request for address confidentiality, all correspondence from the father, whether letters, cards, or gifts, should be routed through the office of the attorney for the child for review and delivery, ensuring the child's safety and the mother's address remain protected.

The child's preferences with respect to this issue are entitled to some weight, but they are not dispositive, particularly in light of the child's age and the child's mental health issues (*see Matter of Stephanie B. v Joshua M.*, 214 AD3d 431, 432 [1st Dept 2023]).

We have considered the remaining contentions and find them unavailing.

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

ENTERED: May 5, 2026



Susanna Molina Rojas
Clerk of the Court