

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

**512**

**CAF 25-00488**

PRESENT: LINDLEY, J.P., MONTOUR, OGDEN, NOWAK, AND DELCONTE, JJ.

---

IN THE MATTER OF KELLY M. PAULSON,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

DOUGLAS P. PAULSON, SR., RESPONDENT-RESPONDENT.

---

IN THE MATTER OF DOUGLAS P. PAULSON, SR.,  
PETITIONER-RESPONDENT,

V

KELLY M. PAULSON, RESPONDENT-APPELLANT.

---

VERA A. VENKOVA, WILLIAMSVILLE, FOR PETITIONER-APPELLANT AND  
RESPONDENT-APPELLANT.

SCOTT T. GODKIN, WHITESBORO, FOR RESPONDENT-RESPONDENT AND PETITIONER-  
RESPONDENT.

COURTNEY S. RADICK, OSWEGO, ATTORNEY FOR THE CHILDREN.

---

Appeal from an order of the Family Court, Oneida County (Julia Brouillette, J.), entered January 24, 2025, in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted the parties joint legal custody with respect to the subject children, and granted primary physical residence to respondent-petitioner.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: In this proceeding pursuant to Family Court Act article 6, petitioner-respondent mother appeals from an order that, inter alia, denied her petition seeking primary physical custody of the parties' two children. While this appeal was pending, Family Court entered an order upon consent of the parties that modified the custody and visitation arrangement set forth in the order on appeal by, inter alia, granting the parties joint physical custody of their younger child. We conclude that the order upon consent renders the appeal moot, and the exception to the mootness doctrine does not apply (see generally *Matter of Common v Pirro*, 184 AD3d 1087, 1088 [4th Dept

2020]; *Matter of Thomas v Thomas*, 151 AD3d 1919, 1920 [4th Dept 2017]).

Entered: June 26, 2026

Ann Dillon Flynn  
Clerk of the Court