

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

Argued - January 22, 2008

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
EDWARD D. CARNI, JJ.

2007-00789

DECISION & ORDER

In the Matter of Roberto Vasquez, appellant,
v Ivelis Medina, respondent.

(Docket No. V-27661-03)

Lewis S. Calderon, Jamaica, N.Y., for appellant.

Blank Rome, LLP, New York, N.Y. (Dylan S. Mitchell and Heidi A. Tallentire of counsel), for respondent.

Carol Sherman, Brooklyn, N.Y. (Barbara H. Dildine and Janet Neustaetter of counsel), Law Guardian for the child.

In a visitation proceeding pursuant to Family Court Act article 6, the father appeals from an order of the Family Court, Kings County (Grosvenor, J.), dated December 21, 2006, which, after a hearing, denied his petition for visitation with the subject child.

ORDERED that the order is affirmed, without costs or disbursements.

The determination of visitation is within the sound discretion of the trial court based upon the best interests of the child, and its determination will not be set aside unless it lacks a sound and substantial basis in the record (*see Cashel v Cashel*, 46 AD3d 501). Here, the Family Court's determination has a sound and substantial basis in the record to promote the best interests of the child by denying the father visitation.

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 4, 2008

MATTER OF VASQUEZ v MEDINA