

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

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Submitted - March 3, 2008

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2006-10461

DECISION & ORDER

In the Matter of James W. Ammirata, respondent,
v Gina Ammirata, appellant.

(Docket No. V-134-05)

Neal D. Futerfas, White Plains, N.Y., for appellant.

Amy L. Colvin, Huntington, N.Y., for respondent.

William A. Sheeckutz, Wantagh, N.Y., attorney for the children.

In a child custody proceeding pursuant to Family Court Act article 6, the mother appeals from order of the Supreme Court, Nassau County (Ayres, J.), dated September 29, 2006, which, after a hearing, granted her petition for increased visitation with her children only to the extent of awarding her limited visitation.

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

A visitation order may be modified upon a showing of a subsequent change of circumstances and that modification is required (*see* Family Ct Act § 467[b] [ii]; *Matter of Sullivan v Sullivan*, 40 AD3d 865; *Matter of Manos v Manos*, 282 AD2d 749.). Here, the evidence presented at the hearing warranted increasing the visitation the mother was afforded. The most important factor to be considered in adjudicating visitation rights is the best interests of the children (*see Matter of Wilson v McGlinchey*, 2 NY3d 375, 381; *Friederwitzer v Friederwitzer*, 55 NY2d 89, 95-96; *Messinger v Messinger*, 16 AD3d 562, 563). The Family Court's determination modifying the visitation schedule and affording the mother visitation on one weekend per month, one night per

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week, and various other days, was in the children's best interests (*see Matter of Sullivan v Sullivan*, 40 AD3d 865; *Messinger v Messinger*, 16 AD3d at 563).

The mother's remaining contention is without merit.

SKELOS, J.P., ANGIOLILLO, LEVENTHAL and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court