

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

D22426
Y/prt

_____AD3d_____

Submitted - January 27, 2009

PETER B. SKELOS, J.P.
DAVID S. RITTER
ANITA R. FLORIO
HOWARD MILLER, JJ.

2008-01289

DECISION & ORDER

In the Matter of Lucero S. (Anonymous), respondent,
v Gabriel M. (Anonymous), appellant.

(Docket No. U-15268-05)

Steven Greenfield, West Hampton Dunes, N.Y., for appellant.

Anna Stern, New York, N.Y., for respondent.

In a proceeding, inter alia, pursuant to Family Court Act article 5-B, Gabriel Medina appeals, as limited by his brief, from so much of an order of the Family Court, Queens County (Salinitro, J.), dated January 15, 2008, as denied his objections to (a) an order of the same court (Gartner, S.M.), dated on or about January 31, 2006, determining that the court had personal jurisdiction over him and granting the petitioner leave to amend the petition, (b) an order of the same court (Gartner, S.M.) dated August 2, 2006, which continued the proceeding, and (c) an order of the same court (Gartner, S.M.) dated August 9, 2007, which, after a paternity hearing, granted the petitioner an order of filiation and an order of child support.

ORDERED that the order dated January 15, 2008, is affirmed insofar as appealed from, without costs or disbursements.

Contrary to the appellant's contention, he was properly served with the summons and petition for child support under the Uniform Interstate Family Support Act (*see* Family Ct Act §§ 427[c], 525[a]; CPLR 308[2]).

The Family Court providently exercised its discretion in granting the mother leave to amend the petition to allege paternity once the appellant denied paternity (*see Matter of Department*

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of Social Servs. v Jay W., 105 AD2d 19; CPLR 3025[b]; *see also* Family Ct Act § 18[a]). The record supports the Family Court's determination that the mother established, by clear and convincing evidence, that the appellant is the father of the subject child (*see* Family Ct Act § 532[a]; *Matter of Commissioner of Social Servs., Suffolk County DDS v Wisloh*, 302 AD2d 383).

The appellant's remaining contentions are without merit.

SKELOS, J.P., RITTER, FLORIO and MILLER, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court