

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

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_____AD3d_____

Submitted - February 13, 2009

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
RANDALL T. ENG
JOHN M. LEVENTHAL, JJ.

2008-02823

DECISION & ORDER

In the Matter of Christine Pryor, appellant, v Elijah
Lindsay, respondent.
(Proceeding No. 1)

In the Matter of Christine Pryor, appellant, v Suffolk
County Department of Social Services, respondent.
(Proceeding No. 2)

In the Matter of Christine Pryor, appellant, v Natasha
Mathis, respondent.
(Proceeding No. 3)

(Docket Nos. V-6013-07, V-6017-07, V-6020-07)

Yasmin Daley Duncan, Brooklyn, N.Y., for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Brian B. Mulholland of
counsel), for respondent Suffolk County Department of Social Services.

In three related child custody proceedings pursuant to Family Court Act article 6, the
petitioner appeals from an order of the Family Court, Suffolk County (Freundlich, J.), dated February
21, 2008, which, after a hearing, denied her petitions for custody of her granddaughter.

March 17, 2009

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MATTER OF PRYOR v MATHIS

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

The standard to be applied in a change of custody determination is the best interests of the child (*see Matter of Destiny O.*, 44 AD3d 951, 952). “Social Services Law § 383(3) gives preference for adoption to a foster parent who has cared for a child continuously for a period of 12 months or more, while members of the child’s extended biological family are given no special preference with regard to custody” (*Matter of Takylia B.*, 24 AD3d 759; *see Matter of Peter L.*, 59 NY2d 513). Thus, a nonparent relative takes no precedence for custody over the adoptive parents selected by an authorized agency (*see Matter of Peter L.*, 59 NY2d at 520; *Matter of Linda S. v Krishnia S.*, 50 AD3d 805; *Matter of Ella J. v Iva J.*, 4 AD3d 527, 528).

Here, the Family Court, in a well-reasoned decision, considered the totality of the circumstances and properly determined that the child’s best interests required continuing custody with the Suffolk County Department of Social Services so that the child could be made available for adoption by the foster mother with whom the child had resided for almost two years. The child had bonded with the foster mother, and was healthy, happy, and well-provided for financially (*see Matter of Linda S. v Krishnia S.*, 50 AD3d at 805; *Matter of Destiny O.*, 44 AD3d at 951; *Matter of Takylia B.*, 24 AD3d at 759; *Matter of Ella J. v Iva J.*, 4 AD3d at 527). Accordingly, the Family Court properly denied the maternal grandmother’s custody petitions.

MASTRO, J.P., COVELLO, ENG and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court