

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

D23577
C/prt

_____AD3d_____

Argued - April 30, 2009

PETER B. SKELOS, J.P.
STEVEN W. FISHER
ARIEL E. BELEN
PLUMMER E. LOTT, JJ.

2007-09095

DECISION & ORDER

In the Matter of Jennifer Edwards, appellant, v
Ian Crombie, respondent, Alysa Stevens,
respondent-respondent.
(Proceeding No. 1)

(Docket Nos. V-04210-05/06B, V-04211-05/06B)

In the Matter of Alysa Stevens, petitioner-respondent,
v Ian Crombie, respondent; Jennifer Edwards,
nonparty-appellant.
(Proceeding No. 2)

(Docket Nos. V-05011-05/06B, V-05012-05/06B)

Gail Jacobs, Great Neck, N.Y., for appellant.

Neal D. Futerfas, White Plains, N.Y., for Alysa Stevens, respondent-respondent in
Proceeding No. 1 and petitioner-respondent in Proceeding No. 2.

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

In related child custody proceedings pursuant to Family Court Act article 6, the paternal grandmother appeals, as limited by her brief, from so much of an order of the Family Court, Nassau County (Doyle, Ct. Atty. Ref.), dated August 31, 2007, as, after a hearing, denied her petition for custody of the subject children and granted the mother's petition to modify so much of a prior order of the same court dated March 29, 2006, awarding the father custody of the subject children,

June 16, 2009

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and awarded the mother custody of the subject children, with only limited visitation to the paternal grandmother.

ORDERED that the order dated August 31, 2007, is affirmed insofar as appealed from, with one bill of costs.

Custody matters are within the sound discretion of the Family Court. The findings of the Family Court should be accorded great deference on appeal since it is in the best position to evaluate the testimony, character, and sincerity of the parties (*see Matter of Desroches v Desroches*, 54 AD3d 1035; *Matter of Etienne v Sylvain*, 47 AD3d 930, 931). The award of custody to the mother is supported by a sound and substantial basis in the record, and there is no basis to disturb it (*see Matter of Gilleo v Lienhard*, 19 AD3d 490).

The paternal grandmother's remaining contentions are without merit.

SKELOS, J.P., FISHER, BELEN and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court