

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

D25141  
O/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - October 30, 2009

PETER B. SKELOS, J.P.  
RANDALL T. ENG  
LEONARD B. AUSTIN  
SHERI S. ROMAN, JJ.

---

2009-01677

DECISION & ORDER

In the Matter of O. (Anonymous), respondent,  
v M. (Anonymous), appellant.

(Docket No. P-4297-08)

---

Levine, Hofstetter & Frangk, Poughkeepsie, N.Y. (Ronald R. Levine of counsel), for appellant.

Brooke & Brady, LLP, Poughkeepsie, N.Y. (Kelly Romano Brady of counsel), attorney for the child.

In a paternity proceeding pursuant to Family Court Act article 5, Todd M. appeals, by permission, from so much of an order of the Family Court, Dutchess County (Posner, J.), dated January 26, 2009, as directed him to submit to genetic or DNA marker tests.

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

Contrary to the appellant's contention, the evidence in the record supports the court's finding that genetic or DNA marker testing is in the best interests of the subject child, and a hearing was not required (*see Matter of Vernon J. v. Sandra M.*, 36 AD3d 912).

Todd M.'s remaining contentions are without merit.

SKELOS, J.P., ENG, AUSTIN and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

November 24, 2009

MATTER OF O. (ANONYMOUS) v M. (ANONYMOUS)