

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

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Submitted - December 14, 2009

JOSEPH COVELLO, J.P.
DANIEL D. ANGIOLILLO
RUTH C. BALKIN
SANDRA L. SGROI, JJ.

2009-04344

DECISION & ORDER

In the Matter of Vilma Serra, petitioner,
v Edwin Benitez, respondent.
(Proceeding No. 1)

In the Matter of Edwin Benitez, respondent,
v Vilma Serra, appellant.
(Proceeding No. 2)

(Docket Nos. V-30102-07, V-30139-07)

Cantor Coscia & Schustal, LLP, Brooklyn, N.Y. (Michael A. Coscia of counsel), for appellant.

Edwin Benitez, Brooklyn, N.Y., respondent pro se.

Karen P. Simmons, Brooklyn, N.Y. (Janet Neustaetter and Barbara H. Dildine of counsel), attorney for the child.

In two related proceedings pursuant to Family Court Act article 6, the mother appeals, as limited by her brief, from so much of an order of the Family Court, Kings County (Krauss, J.), dated April 3, 2009, as, after a hearing, granted that branch of the father's petition which was for visitation to the extent of awarding him visitation with the subject child on alternate weekends from Friday evening until Monday morning and for three 10-day periods during the summer vacation.

January 19, 2010

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ORDERED that the order is affirmed insofar as appealed from, with costs.

“The extent to which the noncustodial parent may exercise parenting time is a matter committed to the sound discretion of the hearing court, to be determined on the basis of the best interests of the child” (*Chamberlain v Chamberlain*, 24 AD3d 589, 592). The Family Court’s determination regarding visitation was not an improvident exercise of its discretion (*cf. Chamberlain v Chamberlain*, 24 AD3d at 592).

COVELLO, J.P., ANGIOLILLO, BALKIN and SGROI, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court