

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

D26519  
G/ct

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

Argued - February 22, 2010

REINALDO E. RIVERA, J.P.  
ANITA R. FLORIO  
DANIEL D. ANGIOLILLO  
ARIEL E. BELEN, JJ.

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2009-05246

DECISION & ORDER

In the Matter of Lisa C. (Anonymous), respondent, v  
Steven T. (Anonymous), appellant.

(Docket No. P-01806/08)

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Christopher J. Robles, Brooklyn, N.Y., for appellant.

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

In a proceeding pursuant to Family Court Act article 5 to establish paternity and for an award of child support, the putative father appeals from an order of the Family Court, Kings County (Feldman, J.H.O.), dated April 27, 2009, which, after a hearing, determined that he is the father of the subject child.

ORDERED that on the Court's own motion, the notice of appeal from the order is deemed to be an application for leave to appeal, and leave to appeal is granted (*see* Family Ct Act § 1112; *Matter of Mayra C. v Derek C.*, 62 AD3d 870; *Matter of Shirley R. v Ricardo B.*, 144 AD2d 472; *Matter of Harstein v Mike S.*, 107 AD2d 684); and it is further,

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

Contrary to the appellant's contention, the Family Court was presented with sufficient evidence at the hearing and at an in camera interview with the child to make the determination that it was in the best interests of the child to equitably estop the appellant from denying paternity and

March 16, 2010

MATTER OF C. (ANONYMOUS) v T. (ANONYMOUS)

Page 1.

seeking DNA genetic marker testing (*see Matter of Juan A. v Rosemarie N.*, 55 AD3d 827; *Matter of Jose F.R. v Reina C.A.*, 46 AD3d 564).

The appellant's remaining contentions are without merit.

RIVERA, J.P., FLORIO, ANGIOLILLO and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court