

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

D30628
W/kmb

_____AD3d_____

Submitted - February 18, 2011

REINALDO E. RIVERA, J.P.
THOMAS A. DICKERSON
RANDALL T. ENG
PLUMMER E. LOTT, JJ.

2010-01479

DECISION & ORDER

In the Matter of Francesco Manzella, respondent,
v Dawn Milano, appellant.

(Docket Nos. V-10824-07, V-10825-07)

Susan A. DeNatale, Mastic, N.Y., for appellant.

Francesco Manzella, Rocky Point, N.Y., respondent pro se.

Arza Feldman, Uniondale, N.Y. (Steven A. Feldman of counsel), attorney for the children.

In a visitation proceeding pursuant to Family Court Act article 6, the mother appeals from an order of the Family Court, Suffolk County (Budd, J.), dated January 8, 2010, which, after a hearing, granted the father's motion to modify the visitation provision contained in an order of the same court dated March 10, 2008, and directed that the mother's visitation with the parties' children be supervised.

ORDERED that the order is affirmed, with costs.

"In order to modify an existing custody or visitation arrangement, there must be a showing that there has been a change in circumstances such that modification is required to protect the best interests of the child" (*Matter of Arduino v Ayuso*, 70 AD3d 682, 682; *see Matter of Quinones v Ibarondo*, 67 AD3d 686, 686). "The court's determination [with respect to custody and visitation] depends to a great extent upon its assessment of the credibility of the witnesses and upon the character, temperament, and sincerity of the parents" (*Matter of Blanco v Corbett*, 8 AD3d 374,

March 29, 2011

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374). As such, the credibility findings of the hearing court are entitled to great weight and should not be disturbed unless they lack a sound and substantial basis in the record (*see Matter of Sinnott-Turner v Kolba*, 60 AD3d 774, 775; *Cashel v Cashel*, 46 AD3d 501). Here, contrary to the mother's contention, the Family Court's determination had a sound and substantial basis in the record.

The mother's remaining contentions are without merit.

RIVERA, J.P., DICKERSON, ENG and LOTT, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court