

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

D30895
H/kmb

_____AD3d_____

Submitted - March 28, 2011

DANIEL D. ANGIOLILLO, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
SANDRA L. SGROI, JJ.

2010-02294

DECISION & ORDER

In the Matter of Judy Lapham, respondent,
v Danielle Osik, appellant.

(Docket No. V-08394-09)

Edward D. Dowling IV, Port Jefferson, N.Y., for appellant.

Elizabeth A. Pfister, Center Moriches, N.Y., attorney for the child.

In a visitation proceeding 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, Suffolk County (Lynaugh, J.), dated February 5, 2010, as, after a hearing, granted the paternal grandmother's petition to hold her in contempt for violating a prior order of the same court dated September 15, 2009, on the ground that she violated the terms and conditions thereof, imposed a sentence of incarceration of six months, and suspended the sentence subject to her future compliance with the order dated September 15, 2009.

ORDERED that the order dated February 5, 2010, is affirmed insofar as appealed from, without costs or disbursements.

Contrary to the mother's contentions, the evidence adduced at the hearing established, beyond a reasonable doubt, that she willfully violated a prior order of the court by depriving the paternal grandmother of certain visitation time with the subject child (*see Matter of Rubackin v*

April 19, 2011

Page 1.

MATTER OF LAPHAM v OSIK

Rubackin, 62 AD3d 11, 15; *cf. Matter of Dorf v Alvalle*, 76 AD3d 629; *Matter of Anonymous v Anonymous*, 222 AD2d 501).

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

ENTER:


Matthew G. Kiernan
Clerk of the Court