

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

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_____AD3d_____

Submitted - June 16, 2011

DANIEL D. ANGIOLILLO, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2010-07788

DECISION & ORDER

In the Matter of James Gant, respondent,
v Sheila Chambliss, appellant.

(Docket No. V-2949-96)

Daniel L. Pagano, Yorktown Heights, N.Y., for appellant.

Richard S. Birnbaum, White Plains, N.Y., for respondent.

Stephen G. Gordon, White Plains, N.Y., attorney for the child.

In a child custody and visitation proceeding pursuant to Family Court Act article 6, the mother appeals from an amended order of the Family Court, Westchester County (Spitz, J.H.O.), entered June 24, 2010, which, after a hearing, denied her petition to modify a prior order of custody dated October 24, 1996, and directed that her visits with the subject child be supervised.

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

“Custody determinations are ordinarily a matter of discretion for the hearing court, whose determination will not be set aside on appeal unless it lacks a sound and substantial basis in the record” (*Matter of Ortiz v Maharaj*, 8 AD3d 574, 574). Here, there was a sound and substantial basis for the Family Court’s denial of the mother’s petition to modify a prior order of custody dated October 24, 1996 (*see Matter of Reyes v Alvarado*, 50 AD3d 1152). “Modification of an existing custody or visitation arrangement is permissible only upon a showing that there has been a change in circumstances such that a modification is necessary to ensure the continued best interests and welfare of the child” (*Matter of Mazzola v Lee*, 76 AD3d 531, 531, quoting *Matter of Leichter-Kessler v Kessler*, 71 AD3d 1148, 1148-1149). The evidence in the record amply supported

July 19, 2011

Page 1.

MATTER OF GANT v CHAMBLISS

the Family Court's determination that the circumstances did not warrant a modification.

The Family Court's determination that supervised visitation by the mother would be in the child's best interests also had a sound and substantial basis in the record (*see Matter of Lorraine D. v Widmack C.*, 79 AD3d 745, 745-746; *Matter of Anwar v Sani*, 78 AD3d 827).

ANGIOLILLO, J.P., DICKERSON, HALL and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court