

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

D33427
W/kmb

_____AD3d_____

Argued - November 21, 2011

DANIEL D. ANGIOLILLO, J.P.
THOMAS A. DICKERSON
PLUMMER E. LOTT
ROBERT J. MILLER, JJ.

2011-00953

DECISION & ORDER

In the Matter of Shulem Indig, respondent,
v Chaya Indig, also known as Chaya Kenig,
appellant.

(Docket Nos. V-3866/08, V-3867/08)

Michael G. Paul, New City, N.Y., for appellant.

Eric Ole Thorsen, New City, N.Y., for respondent.

Rachel Tanguay-McGuane, New City, N.Y., attorney for the children.

In a child visitation proceeding pursuant to Family Court Act article 6, the mother appeals, as limited by her brief, from so much of an order of disposition of the Family Court, Rockland County (Warren, J.), entered December 17, 2010, as, after a hearing, directed her to ensure that, during visitation, the children abide by the rules of their respective Satmar Hasidic community schools whenever possible.

ORDERED that on the Court's own motion, the notice of appeal dated January 21, 2011, is deemed to be a notice of appeal by the mother (*see* CPLR 2001; *Matter of Tagliaferri v Weiler*, 1 NY3d 605, 606); and it is further,

ORDERED that the order of disposition is affirmed insofar as appealed from, without costs or disbursements.

The determination of visitation issues is entrusted to the sound discretion of the Family Court, and must be based upon the best interests of the child (*see Matter of Wiebke v Wiebke*,

December 27, 2011

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77 AD3d 964, 964; *Matter of Ciccone v Ciccone*, 74 AD3d 1337, 1338; *Matter of Thompson v Yu-Thompson*, 41 AD3d 487, 488). The Family Court's determination will not be set aside unless it lacks a sound and substantial basis in the record (see *Matter of Larkin v White*, 79 AD3d 751, 751; *Matter of Wiebke v Wiebke*, 77 AD3d at 964; *Matter of Ciccone v Ciccone*, 74 AD3d at 1338).

The Family Court's determination that it would be in the children's best interests to direct the mother to ensure that, during visitation, the children abide by the rules of their respective Satmar Hasidic community schools whenever possible has a sound and substantial basis in the record, which includes a stipulation entered into by the parties (see *Matter of Powell v Blumenthal*, 35 AD3d 615, 617; *Matter of Booth v Booth*, 8 AD3d 1104, 1106; *Lebovich v Wilson*, 155 AD2d 291, 291; *Matter of Bentley v Bentley*, 86 AD2d 926, 927).

The parties' remaining contentions and those of the attorney for the children are without merit.

ANGIOLILLO, J.P., DICKERSON, LOTT and MILLER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court