

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

D34095  
Y/prt

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

Argued - February 3, 2012

RUTH C. BALKIN, J.P.  
RANDALL T. ENG  
L. PRISCILLA HALL  
SANDRA L. SGROI, JJ.

2011-01859

DECISION & ORDER

In the Matter of Joe Cordero, Jr., appellant,  
v Judith Ann DeLeon, respondent.

(Docket No. V-259-10)

Yasmin Daley Duncan, Brooklyn, N.Y., for appellant.

David Laniado, Cedarhurst, N.Y., for respondent.

Karen P. Simmons, Brooklyn, N.Y. (Tammy Linn and Janet Neustaetter of counsel),  
attorney for the child.

In a child custody proceeding pursuant to Family Court Act article 6, the father appeals from an order of the Supreme Court, Queens County (IDV Part) (Harrington, J.), dated January 10, 2011, which, upon a decision of the same court, also dated January 10, 2011, made after a hearing, awarded sole custody of the subject child to the mother.

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

In resolving custody disputes, the paramount concern is the best interests of the child (*see Eschbach v Eschbach*, 56 NY2d 167; *Matter of Cavallero v Pena*, 83 AD3d 1062). The Supreme Court's determination of custody disputes is largely dependent upon an assessment of the credibility of the parties, and those credibility determinations are generally accorded great deference on appeal. The determination should not be disturbed unless it lacks a sound substantial basis in the record (*see Matter of Duran v Sutherland*, 86 AD3d 539, 539).

February 28, 2012

MATTER OF CORDERO v DeLEON

Page 1.

Contrary to the father's contention, the Family Court properly considered the totality of the circumstances in determining that the best interests of the child would be served by awarding sole custody to the mother (*see Eschbach v Eschbach*, 56 NY2d 167). The determination is supported by the record, including the testimony of the parties and the opinion of a court-appointed forensic psychologist. The determination is also consistent with the position of the attorney for the child (*see Matter of Duran v Sutherland*, 86 AD3d at 540; *Matter of Martinez v Hyatt*, 86 AD3d 571). Since the Family Court's determination has a sound and substantial basis in the record, it will not be disturbed (*see Matter of Duran v Sutherland*, 86 AD3d at 540).

BALKIN, J.P., ENG, HALL and SGROI, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court