

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

D36374
G/nl

_____AD3d_____

Submitted - October 5, 2012

DANIEL D. ANGIOLILLO, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
ROBERT J. MILLER, JJ.

2011-02711

DECISION & ORDER

In the Matter of Christina E. Santiago, appellant,
v Douglas J. Riley, respondent.

(Docket No. O-7766-09)

Lisa Siano, Bellmore, N.Y., for appellant.

Gail Jacobs, Great Neck, N.Y., for respondent.

David H. Ledgin, Mineola, N.Y., attorney for the children.

In a family offense proceeding pursuant to Family Court Act article 8, the mother appeals from an order of the Family Court, Nassau County (Stack, J.H.O.), dated February 4, 2011, which dismissed the proceeding.

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

The Family Court properly dismissed this proceeding, since a custody proceeding between these parties is pending in Delaware (*see* Domestic Relations Law § 75-a[7]; *Matter of Navarrete v Wyatt*, 52 AD3d 836), and the exercise of temporary emergency jurisdiction in New York is not warranted (*see* Domestic Relations Law § 76-c[1]; *Matter of Scott v Jackson*, 38 AD3d 788).

The mother's remaining contentions are without merit.

ANGIOLILLO, J.P., AUSTIN, SGROI and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

November 14, 2012

MATTER OF SANTIAGO v RILEY