

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1233

CAF 15-00712

PRESENT: PERADOTTO, J.P., CARNI, CURRAN, TROUTMAN, AND SCUDDER, JJ.

IN THE MATTER OF TRISTYN R. AND ADDASYN R.

CATTARAUGUS COUNTY DEPARTMENT OF SOCIAL
SERVICES, JENNA W. AND TREVOR W.,
PETITIONERS-RESPONDENTS;

MEMORANDUM AND ORDER

JOSHUA R., RESPONDENT-APPELLANT,
AND JACQUELINE Z., RESPONDENT.

CARR SAGLIMBEN LLP, OLEAN (JAY D. CARR OF COUNSEL), FOR
RESPONDENT-APPELLANT.

MICHAEL D. BURKE, ATTORNEY FOR THE CHILDREN, OLEAN.

Appeal from an amended order of the Family Court, Cattaraugus County (Michael L. Nenno, J.), entered March 24, 2015 in a proceeding pursuant to Family Court Act article 10. The amended order, *inter alia*, determined that respondent Joshua R. violated a temporary order of protection.

It is hereby ORDERED that the amended order so appealed from is unanimously affirmed without costs.

Memorandum: Respondent father appeals from an amended custody and dispositional order that, *inter alia*, determined that he violated a temporary order of protection issued in favor of his children. Family Court credited the testimony at the hearing that the father had contact with his children on numerous occasions. " 'According deference to that credibility determination, as we must, we conclude that petitioner established by clear and convincing evidence that [the father] willfully violated the relevant order of protection' " (*Matter of Schoenl v Schoenl*, 136 AD3d 1361, 1362; see *Matter of Da'Shunna M.H. [Delbert W.H.]*, 133 AD3d 1381, 1382).

Entered: December 23, 2016

Frances E. Cafarell
Clerk of the Court