

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

997

CAF 24-01545

PRESENT: BANNISTER, J.P., MONTOUR, SMITH, GREENWOOD, AND HANNAH, JJ.

IN THE MATTER OF JAE'LISA BARNETTE,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

WILLIE MILLER, JR., RESPONDENT-RESPONDENT.

IN THE MATTER OF WILLIE MILLER, JR.,
PETITIONER-RESPONDENT,

V

JAE'LISA BARNETTE, RESPONDENT-APPELLANT.

IN THE MATTER OF DANELL BARNETTE,
PETITIONER-RESPONDENT,

V

JAE'LISA BARNETTE, RESPONDENT-APPELLANT,
AND WILLIE MILLER, JR., RESPONDENT-RESPONDENT.

LAW OFFICE OF VERONICA REED, SCHENECTADY (VERONICA REED OF COUNSEL),
FOR PETITIONER-APPELLANT AND RESPONDENT-APPELLANT.

ELIZABETH C. FRANI, SYRACUSE, FOR RESPONDENT-RESPONDENT AND
PETITIONER-RESPONDENT WILLIE MILLER, JR.

SHARON P. O'HANLON, SYRACUSE, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Onondaga County (Lourdes P. Rosario, R.), entered July 30, 2024, in proceedings pursuant to Family Court Act article 6. The order, among other things, awarded respondent-petitioner Willie Miller, Jr. sole legal and physical custody of the subject child.

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

Memorandum: In these proceedings pursuant to Family Court Act article 6, petitioner-respondent mother appeals from an order that, inter alia, awarded respondent-petitioner father sole legal and physical custody of the subject child. We affirm.

The mother contends that Family Court, in its decision, erred in considering information contained in records from prior proceedings, of which it had taken judicial notice, that had not been properly received in evidence at the fact-finding hearing. Inasmuch as there was no objection to the court's alleged error, the mother's evidentiary contention is not preserved for our review (see *Matter of Ayden G. [Nicky C.]*, 240 AD3d 1389, 1390 [4th Dept 2025]).

We agree with the mother that the court improperly disclosed the child's statements at the *Lincoln* hearing, and we remind the court that the disclosure of any statements made by a child during a confidential *Lincoln* hearing is improper (see *Kaleta v Kaleta*, 225 AD3d 1293, 1295 [4th Dept 2024]). We conclude, however, that the error does not justify disturbing an otherwise valid determination (see generally *Matter of Carter v Work*, 100 AD3d 1557, 1558 [4th Dept 2012]).

We have reviewed the mother's remaining contention and conclude that it lacks merit.