

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

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**CAF 10-01831**

PRESENT: SCUDDER, P.J., CENTRA, FAHEY, GREEN, AND GORSKI, JJ.

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IN THE MATTER OF DENISE M. CANFIELD,  
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

CHRISTOPHER V. CANFIELD, RESPONDENT-RESPONDENT.

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JOSEPH S. DRESSNER, ATTORNEY FOR THE CHILD  
NATHANIEL C., APPELLANT;

LESLIE A. ROFF, ATTORNEY FOR THE CHILD  
JENNIFER C., RESPONDENT.

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JOSEPH S. DRESSNER, ATTORNEY FOR THE CHILD, CANANDAIGUA, APPELLANT PRO SE.

KATHLEEN P. REARDON, ROCHESTER, FOR PETITIONER-RESPONDENT.

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Appeal from an order of the Family Court, Yates County (W. Patrick Falvey, J.), entered April 30, 2010 in a proceeding pursuant to Family Court Act article 6. The order, inter alia, granted petitioner sole custody of the parties' children.

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

Memorandum: The Attorney for the Child representing the parties' son appeals from an order that, inter alia, granted the petition of the mother seeking sole custody of the parties' children and denied the cross petition of the father seeking sole custody of only the parties' son. Contrary to the contention of the Attorney for the Child, Family Court properly awarded sole custody of the parties' son to the mother. The court's determination, based upon its assessment of the character and credibility of the witnesses, is entitled to great weight (see *Matter of Green v Bontzolakes*, 83 AD3d 1401, lv denied 17 NY3d 703; *Matter of Chappell v Dibble*, 82 AD3d 1669). "We will not disturb that determination inasmuch as the record establishes that it is the product of 'careful weighing of [the] appropriate factors' . . . , and it has a sound and substantial basis in the record" (*Matter of McLeod v McLeod*, 59 AD3d 1011, 1011; see *Chappell*, 82 AD3d 1669).

Entered: September 30, 2011

Patricia L. Morgan  
Clerk of the Court