

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

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**CAF 10-01420**

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, SCONIERS, AND GORSKI, JJ.

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IN THE MATTER OF SVETLANA SOROKINA,  
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

JOHN MOODY, RESPONDENT-RESPONDENT.

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THOMAS N. MARTIN, ROCHESTER, FOR PETITIONER-APPELLANT.

LIONEL LEE HECTOR, WATERTOWN, FOR RESPONDENT-RESPONDENT.

RUTHANNE G. SANCHEZ, ATTORNEY FOR THE CHILD, WATERTOWN, FOR NICKOLAI M.

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Appeal from an order of the Family Court, Jefferson County (Kim H. Martusewicz, A.J.), entered April 20, 2010 in a proceeding pursuant to Family Court Act article 6. The order denied the petitions.

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

Memorandum: Petitioner mother appeals from an order denying her amended petition seeking modification of prior orders of custody and visitation, as well as her petition alleging that the father violated those orders. Contrary to the contention of the mother, we conclude that the record supports the determination of Family Court that the mother "failed to make the requisite evidentiary showing of a change of circumstances warranting a reexamination of the existing custody arrangement" (*Matter of Jackson v Beach*, 78 AD3d 1549, 1550 [internal quotation marks omitted]). With respect to the violation petition, we further conclude that the record is insufficient to establish that the father wilfully violated a clear mandate of the prior orders (see *Matter of Maurice H. v Charity C.*, 49 AD3d 1248, 1249).

Entered: January 31, 2012

Frances E. Cafarell  
Clerk of the Court