

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

1338

CAF 13-00935

PRESENT: CENTRA, J.P., FAHEY, VALENTINO, WHALEN, AND DEJOSEPH, JJ.

IN THE MATTER OF WANDA R. THOMPSON,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

WARD A. THOMPSON, RESPONDENT-RESPONDENT.

THE ABBATOY LAW FIRM, PLLC, ROCHESTER (DAVID M. ABBATOY, JR., OF
COUNSEL), FOR PETITIONER-APPELLANT.

SETH B. BUCHMAN, ATTORNEY FOR THE CHILD, THREE MILE BAY.

Appeal from an order of the Family Court, Jefferson County (Peter A. Schwerzmann, A.J.), entered May 7, 2013 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

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

Memorandum: Petitioner mother appeals from an order that dismissed her petition seeking modification of a prior custody order awarding sole custody of the subject child to respondent father. Contrary to the mother's contention, there is a sound and substantial basis in the record for Family Court's determination that the mother failed to make the requisite evidentiary showing of a change in circumstances to warrant an inquiry into whether the best interests of the child would be served by modifying the existing custody arrangement (*see Matter of Wawrzynski v Goodman*, 100 AD3d 1559, 1559).

Entered: January 2, 2015

Frances E. Cafarell
Clerk of the Court