

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

Matter of Jessica B. (Anonymous) v. Narone G. (Anonymous)

134 A.D.3d 1034 (N.Y. App. Div. 2d Dep't 2015) · No. 2015-00622 · Decided December 23, 2015

SUMMARY

The New York Appellate Division, Second Department, affirmed an order denying the mother's objections to two Family Court orders. One order vacated an acknowledgment of paternity under Family Court Act § 516-a, and the other dismissed the mother's child-support petition.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Ruth C. Balkin, J.P.; Thomas A. Dickerson, J.; Colleen D. Duffy, J.; Hector D. LaSalle, J.
JURISDICTION	New York
DECIDED	December 23, 2015
DOCKET	2015-00622
DISPOSITION	affirmed
PROCEDURAL POSTURE	The mother appealed from a Family Court order denying her objections to two orders that vacated an acknowledgment of paternity and dismissed her child-support petition.
STANDARD OF REVIEW	Whether the Support Magistrate's hearing findings were supported by the record.
PRECEDENTIAL VALUE	published appellate opinion
PARTIES	Jessica B. (Anonymous), mother v. Narone G. (Anonymous)

TOPICS

- paternity
- child support
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- family law
- paternity
- child support
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Family Court properly denied the mother's objections when the Support Magistrate's findings after a hearing were supported by the record.
2. Whether the orders vacating the acknowledgment of paternity and dismissing the mother's child-support petition should be affirmed.

HOLDINGS

1. Under the particular circumstances of the case, the Family Court properly determined that the Support Magistrate's findings, made after a hearing, were supported by the record.
2. The Family Court's order denying the mother's objections to the two underlying orders was affirmed.

FACTUAL BACKGROUND

Narone G. petitioned to vacate an acknowledgment of paternity. Following a hearing, the Family Court granted that petition and dismissed the mother's related petition for child support. The mother objected to both orders, but the Family Court denied her objections.

PROCEDURAL HISTORY

After a hearing, the Family Court granted Narone G.'s petition under Family Court Act § 516-a to vacate an acknowledgment of paternity and separately dismissed the mother's Family Court Act article 4 petition for child support. The Family Court denied the mother's objections to those orders. The Appellate Division affirmed.

DISPOSITION

affirmed

OPINION

PER CURIAM.

Matter of Jessica B. (Anonymous) v Narone G. (Anonymous) (2015 NY Slip Op 09430) Matter of Jessica B. (Anonymous) v Narone G. (Anonymous) 2015 NY Slip Op 09430 Decided on December 23, 2015 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports.

Decided on December 23, 2015 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department RUTH C. BALKIN, J.P. THOMAS A. DICKERSON COLLEEN D. DUFFY, J. HECTOR D. LASALLE, JJ. 2015-00622 (Docket Nos. F-7276-11, P-8269-12) [*1]In the Matter of Jessica B. (Anonymous), appellant, vNarone G. (Anonymous), respondent. (Proceeding No. 1) In the Matter of Narone G. (Anonymous), respondent, vvJessica B. (Anonymous), appellant.

(Proceeding No. 2) Frank Bruno, Jr., Glendale, NY, for appellant. Eric Perlmutter, Jamaica, NY, attorney for the child. DECISION & ORDER Appeal from an order of the Family Court, Queens County (Fran L. Lubow, J.), dated December 24, 2014.

The order denied the mother's objections to two orders of that court (Michael J. Fondacaro, S.M.), both dated April 1, 2014. ORDERED that the order dated December 24, 2014, is affirmed, without costs or disbursements. By order dated April 1, 2014, after a hearing, the Family Court granted the petition of Narone G. pursuant to Family Court Act § 516-a to vacate an acknowledgment of paternity.

By separate order of that court, also dated April 1, 2014, the court dismissed the mother's petition pursuant to Family Court Act article 4 for child support. In the order appealed from, dated December 24, 2014, the Family Court denied the mother's objections to the two orders dated April 1, 2014.

Under the particular circumstances of this case, the Family Court properly determined that the Support Magistrate's findings, made after a hearing, were supported by the record. BALKIN, J.P., DICKERSON, DUFFY and LASALLE, JJ., concur. ENTER: Aprilanne Agostino Clerk of the Court