

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

887

**CAF 15-01961**

PRESENT: WHALEN, P.J., PERADOTTO, DEJOSEPH, CURRAN, AND WINSLOW, JJ.

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IN THE MATTER OF CHERIS N. LAWRENCE,  
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

STEPHEN C. LAWRENCE, RESPONDENT-RESPONDENT.

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SUSAN B. MARRIS, ESQ., ATTORNEY FOR THE  
CHILD, APPELLANT.

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SUSAN B. MARRIS, ATTORNEY FOR THE CHILD, MANLIUS, APPELLANT PRO SE.

STEPHANIE N. DAVIS, ATTORNEY FOR THE CHILD, OSWEGO.

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Appeal from an order of the Family Court, Oswego County (Thomas Benedetto, R.), entered August 28, 2015 in a proceeding pursuant to Family Court Act article 6. The order dismissed the petition.

It is hereby ORDERED that said appeal is unanimously dismissed without costs.

Memorandum: In this proceeding pursuant to Family Court Act article 6, the Attorney for the Child representing the parties' oldest child appeals from an order dismissing the mother's petition seeking modification of a custody order. Inasmuch as "the mother has not taken an appeal from that order[, the] child[ ], while dissatisfied with the order, cannot force the mother to litigate a petition that she has since abandoned" (*Matter of Kessler v Fancher*, 112 AD3d 1323, 1324). A child in a custody matter does not have "full-party status" (*Matter of McDermott v Bale*, 94 AD3d 1542, 1543), and we decline to permit the child's desires "to chart the course of litigation" (*Kessler*, 112 AD3d at 1324).

Entered: June 16, 2017

Frances E. Cafarell  
Clerk of the Court