

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

1069

CAF 16-00428

PRESENT: CARNI, J.P., LINDLEY, NEMOYER, CURRAN, AND TROUTMAN, JJ.

IN THE MATTER OF ERIC BURK,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

SABRINA TRENTO, RESPONDENT-APPELLANT.

IN THE MATTER OF SABRINA TRENTO,
PETITIONER-APPELLANT,

V

ERIC BURK, RESPONDENT-RESPONDENT.

PAUL M. DEEP, UTICA, FOR RESPONDENT-APPELLANT AND PETITIONER-APPELLANT.

PAUL SKAVINA, ROME, FOR PETITIONER-RESPONDENT AND RESPONDENT-RESPONDENT.

Appeal from an order of the Family Court, Oneida County (Julia Brouillette, J.), entered September 30, 2015 in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded Eric Burk sole custody of the subject child.

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

Memorandum: Respondent-petitioner mother appeals from an order that, inter alia, granted petitioner-respondent father's amended petition by awarding him primary physical residence and sole legal custody of the parties' child. We reject the mother's contention that Family Court's determination lacks a sound and substantial basis in the record.

It is well settled that a custody determination following a hearing is entitled to great deference (see *Eschbach v Eschbach*, 56 NY2d 167, 173 [1982]), "particularly in view of the hearing court's superior ability to evaluate the character and credibility of the witnesses" (*Matter of Thillman v Mayer*, 85 AD3d 1624, 1625 [4th Dept 2011]). In our view, the court's written decision establishes that the court engaged in a " 'careful weighing of [the] appropriate factors' " (*Matter of Triplett v Scott*, 94 AD3d 1421, 1422 [4th Dept 2012]), and the court's determination has a sound and substantial

basis in the record (see *Matter of Bonnell v Rodgers*, 106 AD3d 1515, 1516 [4th Dept 2013], *lv denied* 21 NY3d 864 [2013]; *Thillman*, 85 AD3d at 1625 [2013]).

Entered: November 9, 2017

Mark W. Bennett
Clerk of the Court