

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

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CAF 15-00405

PRESENT: WHALEN, P.J., SMITH, CENTRA, CARNI, AND SCUDDER, JJ.

IN THE MATTER OF CHRISTOPHER P. FOWLER,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

VALERIE M. VANGEE, RESPONDENT-RESPONDENT.

ROBERT A. DINIERI, CLYDE, FOR PETITIONER-APPELLANT.

Appeal from an order of the Family Court, Wayne County (Daniel G. Barrett, J.), entered December 16, 2014 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 father appeals from an order dismissing his petition seeking to modify a prior order of visitation. Contrary to the father's contention, we conclude that Family Court did not abuse its discretion in dismissing his petition without conducting a hearing. A hearing is not required whenever a parent seeks modification of a visitation order and, here, the father "failed to make a sufficient evidentiary showing of a change in circumstances to require a hearing" (*Matter of Consilio v Terrigino*, 114 AD3d 1248, 1248 [internal quotation marks omitted]).

Entered: February 5, 2016

Frances E. Cafarell
Clerk of the Court