

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

1019

CAF 16-00880

PRESENT: CENTRA, J.P., CARNI, LINDLEY, TROUTMAN, AND WINSLOW, JJ.

IN THE MATTER OF STEVEN MORALES,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

SARAH MORALES, RESPONDENT-APPELLANT.

LAW OFFICE OF PETER VASILION, ESQ., WILLIAMSVILLE (PETER P. VASILION
OF COUNSEL), FOR RESPONDENT-APPELLANT.

JENNIFER M. LORENZ, ORCHARD PARK, FOR PETITIONER-RESPONDENT.

JOSEPH C. BANIA, ATTORNEY FOR THE CHILD, BUFFALO.

Appeal from an order of the Family Court, Erie County (Brenda Freedman, J.), entered April 28, 2016 in a proceeding pursuant to Family Court Act article 6. The order granted sole custody of the parties' child to petitioner and supervised visitation to respondent.

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

Memorandum: Respondent mother appeals from an order that modified a prior order of custody by granting petitioner father sole custody of the subject child and requiring the mother's visitation to be supervised. We affirm for reasons stated in the decision at Family Court. We add only that, contrary to the mother's contention, the court was authorized to modify the prior custody order inasmuch as the father moved for such relief by order to show cause (*see* Family Ct Act § 651 [b]; *cf. Matter of Kieffer v DeFrain*, 147 AD3d 1539, 1540, *lv denied* 29 NY3d 910; *Matter of Majuk v Carbone*, 129 AD3d 1485, 1485-1486).

Entered: September 29, 2017

Mark W. Bennett
Clerk of the Court