

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

806

CAF 19-00615

PRESENT: CENTRA, J.P., PERADOTTO, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

IN THE MATTER OF CRYSTAL L. RICHTER,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

JOSEPH T. RICHTER, RESPONDENT-RESPONDENT.

DEBORAH J. SCINTA, ORCHARD PARK, FOR PETITIONER-APPELLANT.

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

AUDREY ROSE HERMAN, BUFFALO, ATTORNEY FOR THE CHILDREN.

Appeal from an order of the Family Court, Erie County (Kevin M. Carter, J.), entered February 14, 2019 in a proceeding pursuant to Family Court Act article 6. The order modified a prior visitation order.

It is hereby ORDERED that said appeal insofar as it concerns the older child is unanimously dismissed and the order is affirmed without costs.

Memorandum: In this proceeding pursuant to Family Court Act article 6, petitioner mother appeals from an order modifying a prior visitation order. The appeal is moot with respect to the older child because she is now 18 years old (*see Matter of Rosborough v Alatawneh*, 129 AD3d 1537, 1538 [4th Dept 2015], *lv dismissed in part and denied in part* 26 NY3d 982 [2015]). Contrary to the mother's contention, we conclude that there is a sound and substantial basis in the record for Family Court's determination with respect to the best interests of the younger child (*see Matter of Pierce v Pierce*, 151 AD3d 1610, 1610-1611 [4th Dept 2017], *lv denied* 30 NY3d 902 [2017]).

Entered: October 2, 2020

Mark W. Bennett
Clerk of the Court