

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

1132

CAF 20-01613

PRESENT: SMITH, J.P., PERADOTTO, CARNI, AND BANNISTER, JJ.

IN THE MATTER OF TEELA PARATORE,
PETITIONER-APPELLANT,

V

MEMORANDUM AND ORDER

MICHAEL PARATORE, MARLENE FOLEY AND
WALTER FOLEY, RESPONDENTS-RESPONDENTS.

KOSLOSKY & KOSLOSKY, UTICA (WILLIAM L. KOSLOSKY OF COUNSEL), FOR
PETITIONER-APPELLANT.

SCOTT T. GODKIN, WHITESBORO, FOR RESPONDENT-RESPONDENT MICHAEL
PARATORE.

STEPHANIE R. DIGIORGIO, UTICA, FOR RESPONDENT-RESPONDENT MARLENE
FOLEY.

DIANE MARTIN-GRANDE, ROME, ATTORNEY FOR THE CHILD.

Appeal from an order of the Family Court, Oneida County (Julia Brouillette, J.), entered November 19, 2020 in a proceeding pursuant to Family Court Act article 6. The order, among other things, determined a visitation schedule for petitioner to visit with the subject child.

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

Memorandum: Petitioner mother appeals from an order that, *inter alia*, modified a prior order of custody and visitation, entered on consent of the parties, by setting a specific schedule for the mother's parenting time.

Contrary to the mother's sole contention on appeal, we conclude that Family Court's determination regarding her parenting time was supported by a sound and substantial basis in the record (*see generally Matter of Verne v Hamilton*, 191 AD3d 1433, 1434 [4th Dept 2021]; *Matter of Allen v Boswell*, 149 AD3d 1528, 1529 [4th Dept 2017], *lv denied* 30 NY3d 902 [2017]). Although the mother contends that the parenting time schedule set by the court was too restrictive, the record establishes that the court's determination resulted from a "careful weighing of [the] appropriate factors" as applied to the circumstances of this case (*Matter of Biernbaum v Burdick*, 162 AD3d 1664, 1665 [4th Dept 2018] [internal quotation marks omitted]), and

the court explicitly provided that the mother's consistent exercise of the established parenting time would constitute a change in circumstances allowing her to seek modification of the order in the near future.

Entered: February 4, 2022

Ann Dillon Flynn
Clerk of the Court