

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

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CAF 22-01684

PRESENT: SMITH, J.P., MONTOUR, OGDEN, DELCONTE, AND KEANE, JJ.

IN THE MATTER OF CHRISTINE TAGGART,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

LINCOLN DUNCAN SISK, RESPONDENT-APPELLANT.

FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (PHILIP ROTHSCHILD OF
COUNSEL), FOR RESPONDENT-APPELLANT.

CHRISTINE TAGGART, PETITIONER-RESPONDENT PRO SE.

ARLENE BRADSHAW, SYRACUSE, ATTORNEY FOR THE CHILDREN.

Appeal from an order of the Family Court, Onondaga County (Julie A. Cecile, J.), entered October 4, 2022, in a proceeding pursuant to Family Court Act article 6. The order, among other things, awarded petitioner sole legal and physical custody of the subject children.

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

Memorandum: In this proceeding pursuant to Family Court Act article 6, respondent father appeals from an order that, inter alia, awarded petitioner mother sole legal and physical custody of the subject children. We affirm.

On appeal, the father contends that Family Court abused its discretion in denying his request for an adjournment on the day of trial on the mother's modification petition. We reject that contention. "The grant or denial of a motion for an adjournment for any purpose is a matter resting within the sound discretion of the trial court" (*Matter of Dixon v Crow*, 192 AD3d 1467, 1467 [4th Dept 2021], lv denied 37 NY3d 904 [2021] [internal quotation marks omitted]; see *Matter of John D., Jr. [John D.]*, 199 AD3d 1412, 1413 [4th Dept 2021], lv denied 38 NY3d 903 [2022]). Here, the father failed to demonstrate that the need for an adjournment to prepare for a trial on a petition that had been pending for two years was not due to his refusal to cooperate with his assigned counsel without good cause (see generally *Matter of Carter H. [Seth H.]*, 191 AD3d 1359, 1361 [4th Dept 2021]; *Matter of Anthony J.A. [Jason A.A.]*, 180 AD3d 1376, 1378 [4th Dept 2020], lv denied 35 NY3d 902 [2020]; *Matter of*

Petkovsek v Snyder, 251 AD2d 1088, 1088-1089 [4th Dept 1998]).

Entered: March 15, 2024

Ann Dillon Flynn
Clerk of the Court