

All highlighting, comments, emphases added by Coughlin!

220 A.D.2d 299, 632 N.Y.S.2d 561

In the Matter of Lisa L., Respondent,
v.
Anthony H., Appellant.

Supreme Court, Appellate Division, First
Department, New York
55843
(October 19, 1995)

CITE TITLE AS: Matter of Lisa L. v
Anthony H.

HEADNOTE

****THIS IS NOT PART OF COURT'S
OPINION, just a legal point it addresses. DO
NOT QUOTE OR CITE!!**

PARENT AND CHILD
CUSTODY

([1]) Review of record supports court's award of sole custody to natural mother as being in best interests of child; although appellant was awarded sole custody of his son in 1989 when child was almost three years old, beginning in 1991, when appellant moved from his parent's home to apartment, child remained with his grandparents; mother is fully capable of properly caring for her son, who, during in camera interview, expressed preference for living with her.

**HERE IS WHERE COURT'S OPINION
STARTS!! PROCEDURAL HISTORY**

Order, Family Court, Bronx County (Richard Ross, J.), entered on or about May 18, 1994, which *300 awarded custody of the parties' minor child to petitioner mother.
DISPOSITION: unanimously affirmed, without costs.

REASONING (this is the "applicable law"—law the court applied in this case): Custody determinations are ordinarily a matter of discretion for the hearing court, whose determination should be accorded deference on appeal (*Matter of Davis v McIntosh*, 202 AD2d 354). **HOLDING** (plus **ISSUE**, plus **REASONING** (more "applicable law," in bold): A thorough review of the record supports the court's award of sole custody to the natural mother as being in the best interests of the child. **REASONING** (plus **FACTS**,

underlined): Although appellant was awarded sole custody of his son in 1989 when the child was almost three years old, beginning 1991, when appellant moved from his parent's home in the Bronx to an apartment in Mount Vernon, the child remained with his grandparents. The record also reveals that the mother is fully capable of properly caring for her son, who, during an in camera interview, expressed a preference for living with her.

We have reviewed appellant's remaining arguments and find them to be without merit.

Concur--Murphy, P. J., Asch, Nardelli and Mazzarelli, JJ.

Commented [KC1]: **ISSUE:** Whether trial court's award of sole custody to mother, after originally awarding it to father, was in child's best interests?

Commented [KC2]: You could include this in a "Notes" section, or just leave it out.

Commented [KC3]: This shows that all the judges on the panel agree ("concur") with this decision.