

SAMPLE BRIEF!!

Case Citation: Lisa L. v. Anthony H., 220 A.D.2d 299 (1st Dep't 1995).

Procedural History: Trial court (Family Court, Bronx County) awarded sole custody of child to mother. Father appealed.

Statement of Facts: Sole custody was originally awarded to father, in 1989 when son was 3 years old. They lived in the Bronx with father's parents. In 1991, father moved to Mount Vernon, left son in Bronx with grandparents. Mother is fully capable of caring for son. Son prefers to live with mother.

Issue(s)/Question(s) Presented: Whether trial court's award of sole custody to mother, after originally awarded to father, was in child's best interests?

Holding/Rule of Law: Yes. In these circumstances, awarding sole custody to mother, after originally awarded to father, was in child's best interests.

Reasoning/Rationale/Analysis: Custody determinations must serve best interests of the child. Trial court's determination is accorded deference on appeal. Here, although father was originally awarded sole custody, two years later he left son in the Bronx with grandparents, and moved to Mount Vernon. Mother is fully capable of caring for son, and son expressed preference for living with mother. In these circumstances, sole custody to mother served best interests of child.

Disposition: Trial court's award of sole custody to mother unanimously affirmed.