

State of New York  
Supreme Court, Appellate Division  
Third Judicial Department

Decided and Entered: June 8, 2023

535359

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In the Matter of CRAIG WW.,  
Respondent,

v

JACKLYNN WW.,  
Appellant.

MEMORANDUM AND ORDER

(And Two Other Related Proceedings.)

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Calendar Date: April 26, 2023

Before: Lynch, J.P., Clark, Aarons, Reynolds Fitzgerald and McShan, JJ.

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*Monique B. McBride*, Albany, for appellant.

*Alexandra G. Verrigni*, Rexford, attorney for the child.

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Aarons, J.

Appeal from an order of the Family Court of Schenectady County (Jill S. Polk, J.), entered February 1, 2022, which granted petitioner's application, in a proceeding pursuant to Family Ct Act article 6, to modify a prior order of custody.

Petitioner (hereinafter the father) and respondent (hereinafter the mother) are the parents of a child (born in 2012). A 2020 order provided that the parties had joint legal custody of the child, with the father having primary physical custody and the mother having parenting time. The father commenced this modification proceeding seeking sole legal and physical custody of the child, with the mother having supervised visitation upon her completion of substance abuse and mental health evaluations. On the hearing date,

the parties advised Family Court that they had stipulated to a custodial and parenting time arrangement, which was placed on the record. The stipulation was subsequently embodied by the court in a 2022 written order, from which the mother appeals.

The appeal must be dismissed. Because the order stemmed from a stipulation and the consent of the parties, the 2022 order is not appealable (*see Matter of Frank CC. v Cecilia BB.*, 182 AD3d 642, 643 [3d Dept 2020]).

Lynch, J.P., Clark, Reynolds Fitzgerald and McShan, JJ., concur.

ORDERED that the appeal is dismissed, without costs.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger  
Clerk of the Court