

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

Decided and Entered: June 20, 2024

CV-23-1634

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In the Matter of CHENANGO  
COUNTY DEPARTMENT OF  
SOCIAL SERVICES, on Behalf  
of GLENDA M. WAYMAN,

Respondent,

MEMORANDUM AND ORDER

v

KELLY L. FERGUSON,

Appellant.

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Calendar Date: June 5, 2024

Before: Pritzker, J.P., Lynch, Ceresia, Fisher and Mackey, JJ.

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*Christopher Hammond*, Cooperstown, for appellant.

*Chenango County Department of Social Services*, Norwich (*Jennifer E. Mason* of counsel), for respondent.

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Lynch, J.

Appeal from an order of the Family Court of Chenango County (Frank B. Revoir Jr., J.), entered July 27, 2023, which, in a proceeding pursuant to Family Ct Act article 4, revoked a suspended sentence and committed respondent to jail for 30 days.

On May 2, 2023, a Support Magistrate (Natoli, S.M.) found, among other things, that respondent willfully failed to obey an order of child support and directed that money judgments be entered for child support arrears. The Support Magistrate further recommended that respondent be incarcerated in the event the arrears were not paid by a

specified time and referred the matter to Family Court for confirmation. At the scheduled confirmation hearing, at which respondent failed to appear but her counsel was present, Family Court, by order dated June 20, 2023, confirmed the willfulness determination and imposed a 30-day suspended sentence upon the condition that respondent pay the calculated arrears by July 21, 2023. Thereafter, Family Court, by order entered July 27, 2023, revoked the suspension of respondent's incarceration and issued an arrest warrant for her to serve 30 days in jail. Respondent appeals from the July 27, 2023 order.

The challenges raised on appeal relate to the finding of willfulness in the Support Magistrate's May 2, 2023 order and Family Court's June 20, 2023 confirmation order, from which no appeals were taken.<sup>1</sup> As such, the allegations of errors and improprieties stemming from these orders are not properly before this Court, despite respondent's contention to the contrary (*see Matter of Clark v Clark*, 61 AD3d 1274, 1275 [3d Dept 2009], *lv denied* 13 NY3d 702 [2009]; *Matter of Dauria v Dauria*, 286 AD2d 879, 880 [3d Dept 2001]). As no issues are raised with respect to the July 27, 2023 order, we affirm.

Pritzker, J.P., Ceresia, Fisher and Mackey, JJ., concur.

ORDERED that the order is affirmed, 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

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<sup>1</sup> In her appellate reply brief, respondent withdrew any argument with respect to a proposed order to show cause seeking to vacate the July 27, 2023 order, which Family Court declined to sign.