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Supreme Court, Appellate Division, Second Department, New York.

In the Matter of Susan McFARLAND, etc., appellant,

v.

Grant SMITH, respondent. (Proceeding No. 1)

In the Matter of Grant Smith, respondent,

v.

Susan McFarland, etc., appellant. (Proceeding No. 2).

July 1, 2008.

Braunstein & Zuckerman, White Plains, N.Y. (Linda A. Redlisky of counsel), for appellant.

Michael P. O'Connor, New City, N.Y., for respondent.

Cassandra Bilotta, New City, N.Y., attorney for the child.

**\*500** In related proceedings pursuant to Family Court Act article 6, the mother appeals, by permission, from an order of the Family Court, Rockland County (Warren, J.), dated February 26, 2008, which awarded the father temporary supervised visitation with the parties' child.

ORDERED that the order is affirmed, with costs.

Absent "exceptional circumstances," some form of visitation with the noncustodial parent "is always appropriate" (*Zafran v. Zafran*, 28 A.D.3d 753, 755, 814 N.Y.S.2d 669; see *Weiss v. Weiss*, 52 N.Y.2d 170, 175, 436 N.Y.S.2d 862, 418 N.E.2d 377; *Matter of Thompson v. Yu-Thompson*, 41 A.D.3d 487, 488, 837 N.Y.S.2d 313; *Matter of Kachelhofer v. Wasiak*, 10 A.D.3d 366, 780 N.Y.S.2d 290). The court has discretion to determine what, if any, visitation is in the best interests of the child (see *Matter of Pettiford-Brown v. Brown*, 42 A.D.3d 541, 542, 840 N.Y.S.2d 118; **\*501***Matter of Thompson v. Yu-Thompson*, 41 A.D.3d at 488, 837 N.Y.S.2d 313; *Matter of Kachelhofer v.*

*Wasiak*, 10 A.D.3d at 366, 780 N.Y.S.2d 290).

This determination will not be set aside unless "it lacks a substantial evidentiary basis in the record" (see *Matter of Thompson v. Yu-Thompson*, 41 A.D.3d at 488, 837 N.Y.S.2d 313; *Matter of Kachelhofer v. Wasiak*, 10 A.D.3d at 366, 780 N.Y.S.2d 290).

Contrary to the mother's contentions, the Family Court did not improvidently exercise its discretion when it determined that temporary supervised visitation with the father was in the best interests of the child (see *Matter of Thompson v. Yu-Thompson*, 41 A.D.3d 487, 488, 837 N.Y.S.2d 313; *Matter of Kachelhofer v. Wasiak*, 10 A.D.3d 366, 780 N.Y.S.2d 290).

MASTRO, J.P., DILLON, ENG and BELEN, JJ., concur.

N.Y.A.D. 2 Dept. 2008.

McFarland v. Smith

53 A.D.3d 500, 859 N.Y.S.2d 567, 2008 N.Y. Slip Op. 06159

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