

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D13135  
G/cb

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Submitted - November 9, 2006

A. GAIL PRUDENTI, P.J.  
GABRIEL M. KRAUSMAN  
WILLIAM F. MASTRO  
REINALDO E. RIVERA, JJ.

2005-03660

DECISION & ORDER

In the Matter of Yadvendra Sharma, respondent,  
v Kamal Sharma, appellant.

(Docket No. V-1893/04)

Kamal Sharma, Jericho, N.Y., appellant pro se.

Patricia Latzman, Port Washington, N.Y., for respondent.

Eileen T. Stapleton, Levittown, N.Y., Law Guardian for the child.

In a child custody proceeding pursuant to Family Court Act article 6, the mother appeals from an amended order of the Family Court, Nassau County (Foskey, J.), dated April 1, 2005, which, upon confirming a referee's report (Phillips, Ct. Atty. Ref.), dated February 7, 2005, made after a hearing, inter alia, modified a stipulation of settlement entered into by the parties on March 12, 1999, by awarding the father sole custody of the parties' child.

ORDERED that the amended order is affirmed, with costs.

There is a sound and substantial basis in the record for the Family Court's determination that there had been a sufficient change in circumstances since the parties entered into a stipulation concerning custody (*see* Family Court Act § 652 [b]; *Matter of Shehata v Shehata*, 31 AD3d 773, 773-734), and that a transfer of sole legal and physical custody of the parties' child to the father would be in the child's best interests (*see Eschbach v Eschbach*, 56 NY2d 167, 171; *Friederwizter v Friederwizter*, 55 NY2d 89, 94). Accordingly, the Family Court correctly confirmed

December 19, 2006

Page 1.

MATTER OF SHARMA v SHARMA

the referee's report (*cf. Shen v Shen*, 21 AD3d 1078, 1079), and properly modified the stipulation by awarding the father sole custody of the child (*see Matter of Shehata v Shehata*, *supra* at 774; *Bobinski v Bobinski*, 9 AD3d 441, 441-442).

PRUDENTI, P.J., KRAUSMAN, MASTRO and RIVERA, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

James Edward Pelzer  
Clerk of the Court