

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

D21366
O/kmg

_____AD3d_____

Submitted - November 10, 2008

HOWARD MILLER, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-01894

DECISION & ORDER

In the Matter of Wanda Rydberg, respondent,
v James Rydberg, appellant.

(Docket No. F-00162-93)

David B. Rigney, New York, N.Y., for appellant.

Christine Malafi, County Attorney, Central Islip, N.Y. (Mary Ann Filosa of counsel),
for respondent.

In a child support proceeding pursuant to Family Court Act article 4, the father appeals from an order of the Family Court, Suffolk County (Simeone, J.), dated November 2, 2007, which denied his objections to a determination of the Suffolk County Department of Social Services Child Support Enforcement Bureau dated September 12, 2007, denying his challenge to a notice to suspend his driver's license.

ORDERED that the order is affirmed, without costs or disbursements.

A support obligor may avoid suspension of driving privileges by "providing to the support collection unit . . . documentation," such as "a verified statement of net worth on a form prescribed by the commissioner setting forth the obligor's income from all sources, liquid assets and holdings, copies of the obligor's drivers license, most recent federal and state tax return, and a representative pay stub, and an eighteen month employment history," which is "sufficient for the support collection unit to determine . . . that the support obligor's income, as defined by [Family Court Act § 413(1)(b)(5)], falls below the self-support reserve as defined by [Family Court Act § 413(1)(b)(6)]" (Social Services Law §§ 111-b[12][b][1], [12][e][2][ii], [12][e][4][i]). The Family Court's review of the support collection unit's determination is limited to "the record and submissions

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of the support obligor and the support collection unit,” and the court is required to “deny the objections” unless the support collection unit’s determination “is based upon a clearly erroneous determination of fact or error of law” (Family Ct Act § 454[5]; *see Matter of Forbes v Nixon*, 36 AD3d 702).

We cannot conclude that the determination of the Suffolk County Department of Social Services Child Support Enforcement Bureau was based on a clearly erroneous determination of fact or error of law. The father failed to carry his burden of submitting sufficient documentation demonstrating that his income falls below the “self-support reserve.”

The father's remaining contention is without merit (*see* 22 NYCRR 205.11[d], [e]).

MILLER, J.P., DICKERSON, LEVENTHAL and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court