

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

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_____AD3d_____

Submitted - May 14, 2009

STEVEN W. FISHER, J.P.
MARK C. DILLON
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2008-03278

DECISION & ORDER

In the Matter of Jonathan Arroyo, respondent, v Abby
Jean Thompson, appellant.
(Proceeding No. 1)

In the Matter of Abby Jean Thompson, appellant, v
Jonathan Arroyo, respondent.
(Proceeding No. 2)

(Docket Nos. V-19461-07, V-20985-07)

Gina M. Scelta, Centerport, N.Y., for appellant.

Jeanne R. Burton, Ronkonkoma, N.Y., for respondent.

In two related child custody and visitation proceedings pursuant to Family Court Act article 6, the mother appeals, as limited by her brief, from so much of an order of the Family Court, Suffolk County (Burke, R.), dated March 28, 2008, as, after a hearing, denied that branch of her petition which was for permission to relocate to Ohio with the parties' child.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The record contains a sound and substantial basis for the Family Court's denial of that branch of the mother's petition which was for permission to relocate to Ohio with the parties' child

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(see *Matter of Tropea v Tropea*, 87 NY2d 727). The evidence did not demonstrate that relocation to Ohio was in the best interests of the child (see *Matter of Said v Said*, 61 AD3d 879).

FISHER, J.P., DILLON, COVELLO and DICKERSON, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court