

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

D25983  
Y/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - January 4, 2010

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
THOMAS A. DICKERSON  
SHERI S. ROMAN, JJ.

2008-07517

DECISION & ORDER

In the Matter of Brian Desroches, appellant, v Nikki  
Desroches, respondent.

(Docket Nos. V-943-07, V-944-07, V-945-07, V-947-07,  
V-948-07, V-949-07)

Edward Cigna, Esq., P.C., Stoney Point, N.Y., for appellant.

Nicole Harris, New City, N.Y., for respondent.

In a proceeding pursuant to Family Court Act article 6, the father appeals, by permission, from an order of the Family Court, Rockland County (Warren, J.), dated July 8, 2008, which stayed his petition seeking to modify an order of the same court entered October 5, 2007, inter alia, awarding, after a hearing, custody of the parties' children to the mother and permitting her to relocate to the State of Florida with the children.

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

The Family Court properly considered that the relevant evidence required to resolve the petition was located in the State of Florida, where the parties' children had resided since January 2007. In addition, the parties' relative financial circumstances weighed in favor of the matter being adjudicated in Florida (*see* Domestic Relations Law § 76-f; *Matter of Jenkins v Jenkins*, 9 AD3d 633; *Matter of Trice v Trice*, 301 AD2d 535; *Matter of Koch v Andres*, 295 AD2d 609; *Matter of DeGrizje v Delviccaro*, 279 AD2d 574; *cf. DeJac v DeJac*, 17 AD3d 1066).

The Family Court did not improvidently exercise its discretion by declining to retain jurisdiction and allowing submission of evidence by electronic means (*see* Domestic Relations Law § 75-j; *Matter of Kelly v Krupa*, 63 AD3d 1395, 1396; *cf. DeJac v DeJac*, 17 AD3d 1066).

SKELOS, J.P., SANTUCCI, DICKERSON and ROMAN, JJ., concur.

ENTER:

A handwritten signature in cursive script that reads "James Edward Pelzer".

James Edward Pelzer  
Clerk of the Court