

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

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_____AD3d_____

Submitted - May 10, 2010

MARK C. DILLON, J.P.
RUTH C. BALKIN
ARIEL E. BELEN
PLUMMER E. LOTT, JJ.

2009-01297

DECISION & ORDER

In the Matter of David Tyska, appellant, v Mariane
Jensen, respondent.

(Docket No. V-999-07)

Jason Bassett, Central Islip, N.Y., for appellant.

Mariane Jensen, Murfreesboro, Tennessee, respondent pro se.

Myrka A. Gonzalez, Sayville, N.Y., attorney for the child.

In a proceeding pursuant to Family Court Act article 6, the father appeals, as limited by his brief, from so much of an order of the Family Court, Suffolk County (Tarantino, Jr., J.), dated January 5, 2009, as granted the mother's cross petition to relocate to Tennessee with the parties' child.

ORDERED that the order is affirmed insofar as appealed from, without costs or disbursements.

There is a sound and substantial basis in the record for the Family Court's determination to grant the mother's cross petition to relocate to Tennessee with the parties' child (*see Matter of Tropea v Tropea*, 87 NY2d 727, 738; *Matter of Aruty v Mormando*, 70 AD3d 683; *Matter of Wirth v Wirth*, 56 AD3d 787, 788). The father's claim that the Family Court should have ordered

a forensic evaluation of him before determining the mother's cross petition is without merit (*compare Matter of Rovenia G.M. v Lesley P.A.*, 44 AD3d 942, 943-944).

DILLON, J.P., BALKIN, BELEN and LOTT, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court