

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

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Submitted - January 24, 2011

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2009-07044

DECISION & ORDER

In the Matter of Afaf Zaky, respondent,
v Daa Andil, appellant.
(Proceeding No. 1)

In the Matter of Daa Andil, petitioner,
v Afaf Zaky, respondent.
(Proceeding No. 2)

(Docket Nos. F-06348-08, F-00613-09)

Daa Andil, Wappingers, N.Y., appellant pro se.

Del Atwell, East Hampton, N.Y., for respondent.

In related support proceedings pursuant to Family Court Act article 4, the husband appeals, as limited by his brief, from so much of an order of the Family Court, Dutchess County (Sammarco, J.), dated June 29, 2009, as denied his objections to so much of an order of the same court (Kaufman, S.M.), entered April 17, 2009, as granted, after a hearing, that branch of the wife's petition which was for spousal support.

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

Pursuant to Family Court Act § 412, “[a] married person is chargeable with the support of his or her spouse and, if possessed of sufficient means or able to earn such means, may be required to pay for his or her support a fair and reasonable sum, as the court may determine, having due regard to the circumstances of the respective parties” (Family Ct Act § 412). The determination

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of a spouse's support obligation depends on the particular circumstances of the case, including each spouse's financial means, each spouse's need to have money to live on after payments are made, the duration of the marriage, and each spouse's ability to be self-supporting (*see Matter of Christian v Christian*, 5 AD3d 765; *Matter of Brandt v Brandt*, 205 AD2d 767, 768; *Polite v Polite*, 127 AD2d 465, 467). Under the circumstances presented here, we perceive no basis to disturb the Family Court's determination.

SKELOS, J.P., DICKERSON, AUSTIN and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court