

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

D30462
O/kmb

_____AD3d_____

Submitted - February 25, 2011

WILLIAM F. MASTRO, J.P.
CHERYL E. CHAMBERS
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2010-03995

DECISION & ORDER

In the Matter of Andrew Getreu, appellant, v
Samantha Bossert, respondent.

(Docket Nos. V-06532-08, V-06533-08, V-06534-08)

William A. Sheeckutz, Massapequa, N.Y., for appellant.

Mitra K. Zervos, Great Neck, N.Y., for respondent.

Jeffrey W. Halbreich, Baldwin, N.Y., attorney for the children.

In related child custody and visitation proceedings pursuant to Family Court Act article 6, the father appeals from an order of the Family Court, Nassau County (Lopresti, Ct. Atty. Ref.), dated March 8, 2010, which denied, without a hearing, his motion to modify a “final modified order of parenting time” of the same court dated August 14, 2009, by appointing a new therapist to conduct the court-ordered program of therapeutic visitation.

ORDERED that the order dated March 8, 2010, is affirmed, without costs or disbursements.

One who seeks a change in visitation is not automatically entitled to a hearing but must make a sufficient evidentiary showing of a material change of circumstances to warrant a hearing (*see Matter of Collazo v Collazo*, 78 AD3d 1177; *Matter of Reilly v Reilly*, 64 AD3d 660; *Matter of Rodriguez v Hangartner*, 59 AD3d 630, 630-631; *Matter of Perez v Sepulveda*, 51 AD3d 673; *Matter of Walberg v Rudden*, 14 AD3d 572). Contrary to the father’s contention, the Family Court properly denied, without a hearing, his motion to modify the “final modified order of parenting time”

March 22, 2011

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(see *Matter of Collazo v Collazo*, 78 AD3d 1177; *Matter of Reilly v Reilly*, 64 AD3d at 660; *Matter of Rodriguez v Hangartner*, 59 AD3d at 630-631; *Matter of Perez v Sepulveda*, 51 AD3d at 673; *Matter of Walberg v Rudden*, 14 AD3d at 572).

MASTRO, J.P., CHAMBERS, LOTT and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court