

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

D31523
O/prt

_____AD3d_____

Submitted - May 16, 2011

MARK C. DILLON, J.P.
ARIEL E. BELEN
SANDRA L. SGROI
ROBERT J. MILLER, JJ.

2010-08149

DECISION & ORDER

In the Matter of Jennifer Gracie, appellant, v
Patrick Donovan, respondent.

(Docket No. F-12827-08)

Daniel D. Molinoff, Larchmont, N.Y., for appellant.

Neal D. Futerfas, White Plains, N.Y., for respondent.

In a child support proceeding pursuant to Family Court Act article 4, the mother appeals from an order of the Family Court, Westchester County (Edlitz, J.), dated July 12, 2010, which denied her objections to an order of the same court (Cabanillas-Thompson, S.M.), dated November 16, 2009, denying her motion for an upward modification of a prior order of child support dated December 9, 1999.

ORDERED that the order dated July 12, 2010, is affirmed, with costs.

The Family Court providently exercised its discretion in denying the mother's objections to the Support Magistrate's determination that she failed to establish a substantial change in circumstances warranting an upward modification of child support (*see* Domestic Relations Law § 236[B][9][b]; *Nelson v Nelson*, 75 AD3d 593, 594; *Matter of Simmons v Simmons*, 71 AD3d 775, 776).

DILLON, J.P., BELEN, SGROI and MILLER, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

May 31, 2011

MATTER OF GRACIE v DONOVAN