

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

D32000
O/kmb

_____AD3d_____

Submitted - June 16, 2011

DANIEL D. ANGIOLILLO, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
SHERI S. ROMAN, JJ.

2010-11373

DECISION & ORDER

In the Matter of Kellyann Toale, appellant,
v Michael Caravella, respondent.

(Docket Nos. V-4921/00, V-4934/00)

Michael G. Paul, New City, N.Y., for appellant.

Susan Argento Ferlauto, Thornwood, N.Y., attorney for the children.

In a child custody proceeding pursuant to Family Court Act article 6, the mother appeals, as limited by her brief, from so much of an order of the Family Court, Orange County (Kiedaisch, J.), dated November 16, 2010, as dismissed her petition to modify an order of the same court dated August 19, 2009, among other things, awarding, after a hearing, custody of the parties' children to the father and permitting the children to relocate to the State of California with the father.

ORDERED that the order dated November 16, 2010, is affirmed insofar as appealed from, without costs or disbursements.

Contrary to the mother's contention, the Family Court providently exercised its discretion, after reviewing the appropriate factors, in declining to exercise jurisdiction of this matter because the State of California is a more appropriate and convenient forum (*see* Domestic Relations Law § 76-f; *Matter of Desroches v Desroches*, 70 AD3d 686; *Matter of Erlec v Johnson*, 58 AD3d 730, 731; *Matter of Hall v Hall*, 44 AD3d 771; *Clark v Clark*, 21 AD3d 1326, 1327-1328; *Matter of Koch v Andres*, 295 AD2d 609, 610).

ANGIOLILLO, J.P., DICKERSON, HALL and ROMAN, JJ., concur.

ENTER: 
Matthew G. Kiernan
Clerk of the Court

July 12, 2011

MATTER OF TOALE v CARAVELLA