

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

D32405
N/ct

_____AD3d_____

Submitted - September 15, 2011

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2010-09855

DECISION & ORDER

In the Matter of Craig Uher, appellant, v
Anne Uher, respondent.
(Proceeding No. 1)

In the Matter of Anne Uher, respondent, v Craig
Uher, appellant.
(Proceeding No. 2)

(Docket Nos. F-01243-10/10A, F-01243-10/10B)

Craig Uher, Coram, N.Y., appellant pro se.

In related child support proceedings pursuant to Family Court Act article 4, the father appeals from an order of the Family Court, Suffolk County (Hoffmann, J.), dated August 19, 2010, which, in effect, denied his objections to (1) an order of the same court (Parisi, S.M.), dated June 25, 2010, which, after a hearing, in effect, denied his petition in Proceeding No. 1 for a downward modification of his child support obligation, and (2) an order of the same court (Parisi, S.M.), also dated June 25, 2010, which, after the same hearing, granted the mother's petition in Proceeding No. 2 for child support arrears.

ORDERED that the order dated August 19, 2010, is affirmed, without costs or disbursements.

A party seeking downward modification of a child support obligation has the burden of establishing a change in circumstances (*see Matter of Dinhofer v Zabezhanskaya*, 79 AD3d 1039, 1040; *Matter of Piernick v Nazinitsky*, 48 AD3d 690). "A parent's loss of employment may constitute a change of circumstances warranting a downward modification of child support if it is demonstrated that the noncustodial parent has diligently sought reemployment" (*Matter of*

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McAndrew v McAndrew, 84 AD3d 1381, 1382; *see Ritchey v Ritchey*, 82 AD3d 948, 949). Here, however, the father failed to establish that he made a good-faith effort to obtain new employment commensurate with his qualifications and experience (*see Matter of Awwad v Awwad*, 62 AD3d 695; *Matter of D'Altilio v D'Altilio*, 14 AD3d 701).

Accordingly, the Family Court properly denied the father's objections to the Support Magistrate's order denying the father's petition for a downward modification of his child support obligation.

The father's remaining contentions are either without merit or not properly before this Court (*see Matter of Betancourt v Betancourt*, 71 AD3d 764).

PRUDENTI, P.J., RIVERA, AUSTIN and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court