

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

D33649
G/prt

_____AD3d_____

Argued - December 19, 2011

PETER B. SKELOS, J.P.
L. PRISCILLA HALL
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2011-04449

DECISION & ORDER

In the Matter of Ricardo Ramirez, appellant,
v Aneta Sygutowska, respondent.

(Docket No. V-11962-10)

Mark Brandys, New York, N.Y., for appellant.

Agnieszka M. Dobrzanski, Brooklyn, N.Y., for respondent.

Karen P. Simmons, Brooklyn, N.Y. (Janet Neustaetter and Barbara H. Dildine of counsel), attorney for the child.

In a proceeding commenced by the father, the father appeals from an order of the Family Court, Kings County (Gruebel, J.), dated April 27, 2011, which granted the mother's motion to dismiss his petition on the ground that the court lacked jurisdiction.

ORDERED that the order is affirmed, without costs or disbursements.

The Family Court correctly determined that it lacked exclusive, continuing jurisdiction pursuant to Domestic Relations Law § 76-a(1), even though the father lived in New York, because the parties' child had not maintained a significant connection with New York, and substantial evidence was no longer available in New York concerning the child's "care, protection, training, and personal relationships" (Domestic Relations Law § 76-a[1][a]; *see Matter of Gulyamova v Abdullaev*, 53 AD3d 489; *Matter of Felicia McM. v Jerrold L.W.*, 51 AD3d 501; *Matter of King v King*, 15 AD3d 999; *cf. Vernon v Vernon*, 100 NY2d 960, 972). Accordingly, the

January 17, 2012

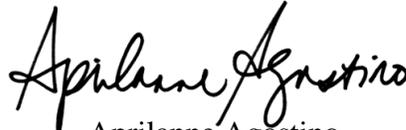
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Family Court correctly granted the mother's motion to dismiss the petition for lack of jurisdiction.

SKELOS, J.P., HALL, AUSTIN and MILLER, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court