

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

D33718
G/kmb

_____AD3d_____

Submitted - January 3, 2012

MARK C. DILLON, J.P.
PLUMMER E. LOTT
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2010-09820

DECISION & ORDER

In the Matter of Mariano Morillo, appellant,
v Lourdes Nunez, respondent.

(Docket No. V-10058-04)

Lisa F. Colin, White Plains, N.Y., for appellant.

In a child custody proceeding pursuant to Family Court Act article 6, the father appeals from an order of the Family Court, Westchester County (Cerrato, J.), entered August 11, 2010, which, after a hearing, denied his petition to modify so much of an order of the same court dated August 31, 2009, as continued an award of sole custody of the parties' child to the mother, so as to award him sole custody of the child.

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

The Family Court did not err in denying the father's petition to modify a prior custody order dated August 31, 2009, so as to award him sole custody of the parties' child. "A modification of an existing custody arrangement should be allowed only upon a showing of a sufficient change in circumstances demonstrating a real need for a change of custody in order to insure the child's best interests" (*Matter of Nava v Kinsler*, 85 AD3d 1186, 1186; *see* Family Ct Act § 652[a]; *Matter of Catalano v Catalano*, 66 AD3d 1012, 1013). Here, the father's testimony did not establish a sufficient change in circumstances since the entry of the prior order (*see generally* *Matter of Catalano v Catalano*, 66 AD3d at 1013; *Matter of Jennings v Small*, 59 AD3d 546, 546).

DILLON, J.P., LOTT, ROMAN and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

January 24, 2012

MATTER OF MORILLO v NUNEZ