

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

D34137
Y/prt

_____AD3d_____

Submitted - February 6, 2012

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
JEFFREY A. COHEN, JJ.

2011-04278

DECISION & ORDER

In the Matter of Dina Adams, respondent,
v Adrian C. Adams, appellant.

(Docket No. F-7158-10)

Golden Hirschhorn, LLP, Garden City, N.Y. (Lisa Golden of counsel), for appellant.

In a child support proceeding pursuant to Family Court Act article 4, the father appeals from an order of the Family Court, Nassau County (Zimmerman, J.), dated March 7, 2011, which denied his objections to so much of an order of the same court (Watson, S.M.), dated December 16, 2010, as, after a hearing, directed him to pay child support in the sum of \$1,355.34 per month.

ORDERED that the order dated March 7, 2011, is affirmed, without costs or disbursements.

The Support Magistrate correctly determined the basic child support obligation. A Support Magistrate is afforded “considerable discretion” in determining a parent’s income (*Matter of Julianska v Majewski*, 78 AD3d 1182, 1183). Indeed, contrary to the father’s contention, the Support Magistrate did not base the child support calculation on the father’s regular income rate. Rather, the Support Magistrate determined the father’s overall 2010 income by adding the regular rate of pay through the end of August 2010 to the reduced salary rate for the period of September through December 2010. The determination was supported by the documentary evidence and the

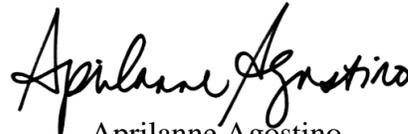
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father's testimony. The Support Magistrate also properly computed the basic child support obligation based on the father's pro rata share of the total parental income for 2010 (*see* Family Ct Act § 413[1][c]).

RIVERA, J.P., ANGIOLILLO, LEVENTHAL and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court