

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

D36708
C/kmb

_____AD3d_____

Submitted - November 16, 2012

WILLIAM F. MASTRO, J.P.
PLUMMER E. LOTT
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2012-01333

DECISION & ORDER

In the Matter of Ella Shillingford, appellant,
v Skip Dielinger, respondent.

(Docket No. F-4023-06)

Ella Shillingford, Brooklyn, N.Y., appellant pro se.

Robert A. Ugelow, P.C., Brooklyn, N.Y., for respondent.

In a child support proceeding pursuant to Family Court Act article 4, the mother appeals from an order of the Family Court, Kings County (Gruebel, J.), dated January 9, 2012, which denied her objections to an order of the same court (Palos, S.M.), dated November 7, 2011, which, after a hearing, denied her petition for an upward modification of a prior order of child support dated September 17, 2007.

ORDERED that the order dated January 9, 2012, is affirmed, with costs.

The Family Court providently exercised its discretion in denying the mother's objections to the Support Magistrate's determination that she failed to establish a substantial change in circumstances warranting an upward modification of child support (*see* Domestic Relations Law § 236[B][9][b]; *Matter of Gracie v Donovan*, 84 AD3d 1375, 1376; *Matter of Simmons v Simmons*, 71 AD3d 775, 776; *Matter of Heyward v Goldman*, 23 AD3d 468, 469).

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

ENTER:



Aprilanne Agostino
Clerk of the Court

December 12, 2012

MATTER OF SHILLINGFORD v DIELINGER