

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

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Submitted - May 29, 2018

RUTH C. BALKIN, J.P.  
LEONARD B. AUSTIN  
HECTOR D. LASALLE  
ANGELA G. IANNACCI, JJ.

2018-00583

DECISION & ORDER

In the Matter of Hao Liu, appellant, v Yuwei Xu,  
respondent.  
(Proceeding No. 1)

In the Matter of Yuwei Xu, respondent,  
v Hao Liu, appellant.  
(Proceeding No. 2)

(Docket Nos. F-06173-09/17G/17H)

Hao Liu, Edison, New Jersey, appellant pro se.

Yuwei Xu, Monroe, NY, respondent pro se.

In two related proceedings pursuant to Family Court Act article 4, the father appeals from an order of the Family Court, Orange County (Victoria B. Campbell, J.), entered December 7, 2017. The order, in effect, denied the father's objections to two orders of the same court (Barbara O. Afriyie, S.M.), both entered October 4, 2017, which, after a hearing, respectively, in effect, denied the father's petition for a downward modification of his child support obligation and granted the mother's violation petition, found the father in violation of a prior order of child support, and directed the father to pay arrears in the sum of \$2,310.90 in payments of \$50 per month.

ORDERED that the order entered December 7, 2017, is affirmed, without costs or disbursements.

June 27, 2018

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The parties, who are the parents of one child, executed a stipulation which was incorporated into a judgment of divorce. The stipulation provided, inter alia, that the father would pay a specified amount of child support based upon the amount of unemployment benefits he was receiving at the time. The father filed a petition for a downward modification of his child support obligation. The mother thereafter filed a violation petition alleging that the father had failed to make the required child support payments. In two orders, both entered October 4, 2017, after a hearing, the Support Magistrate, in effect, denied the father's petition for a downward modification and granted the mother's violation petition, setting the amount of arrears owed by the father at the sum of \$2,310.90, payable in \$50 monthly installments. The father filed objections to the Support Magistrate's orders. The Family Court, in effect, denied the father's objections. The father appeals and we affirm.

Contrary to the father's contention, the Family Court has jurisdiction to entertain an application to enforce the child support provisions of a judgment of divorce (*see* Family Ct Act § 461[b][i]). Moreover, the father's contention that because the mother's violation petition was signed by a supervisor of the support collection unit, the violation petition was improperly filed by the support collection unit, rather than the mother, also is without merit. Family Court Act § 453 provides that the support collection unit may originate and prosecute a proceeding alleging a violation of a court order under certain circumstances, such as those present in this proceeding (*see* Family Ct Act § 453[a]).

The father's remaining contention is without merit.

BALKIN, J.P., AUSTIN, LASALLE and IANNACCI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court