



139 A.D.3d 962, 30 N.Y.S.3d 566
(Mem), 2016 N.Y. Slip Op. 03891

****1** In the Matter of Andrew
J. Verrino, Respondent

v

Nicole Bright, Appellant. (Proceeding No. 1.) In
the Matter of Nicole Bright, Appellant, v Andrew
J. Verrino, Respondent. (Proceeding No. 2.)



Supreme Court, Appellate Division,
Second Department, New York
2015-03208, V-1661-11, V-7349-10
May 18, 2016

CITE TITLE AS: Matter of Verrino v Bright

Jennifer Lombardo, Yonkers, NY, for appellant.
Scott Stone, P.C., White Plains, NY, for respondent.
Thomas F. Fanelli, Jr., White Plains, NY, attorney for the
child.
Appeal from an order of the Family Court, Westchester
County (Hal B. Greenwald, J.), entered March 13, 2015. The
order, insofar as appealed from, after a hearing, denied that
branch of the mother's petition which was for permission to
relocate with the subject child to Ohio. ***963**

Ordered that the order is affirmed insofar as appealed from,
with costs.

The parties, who were never married to each other, are the
parents of a son born in 2009. In 2011, the mother filed a
petition seeking sole custody of the child and permission to
relocate with him to Ohio. After a hearing, the Family Court
granted that branch of the mother's petition which was for sole
custody, and denied that branch of her petition which was for
permission to relocate.

When reviewing a custodial parent's request for permission to
relocate, the court's primary focus must be the best interests
of the child (see  *Matter of Tropea v Tropea*, 87 NY2d
727, 739 [1996]; *Matter of Steadman v Roumer*, 81 AD3d
653 [2011]). Here, the Family Court's determination that
the subject child's best interests would not be served by
relocating to Ohio was supported by a sound and substantial
basis in the record (see  *Matter of Tropea v Tropea*, 87
NY2d at 739; *Matter of Karen H. v Maurice G.*, 101 AD3d
1005 [2012]; *Matter of McBryde v Bodden*, 91 AD3d 781
[2012]). Accordingly, the court properly denied that branch
of the mother's petition which was for permission to relocate
with the child to Ohio. Dillon, J.P., Chambers, Barros and
Brathwaite Nelson, JJ., concur.

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