

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1205

CAF 09-02496

PRESENT: SCUDDER, P.J., MARTOCHE, CENTRA, FAHEY, AND GREEN, JJ.

IN THE MATTER OF MARGUERITE MACWILLIAMS,
PETITIONER-RESPONDENT,

V

MEMORANDUM AND ORDER

ROBERT MACWILLIAMS, RESPONDENT-APPELLANT.

MAUREEN A. PINEAU, ROCHESTER, FOR RESPONDENT-APPELLANT.

THE ODORISI LAW FIRM, EAST ROCHESTER (TERRENCE C. BROWN-STEINER OF
COUNSEL), FOR PETITIONER-RESPONDENT.

Appeal from an order of the Family Court, Livingston County
(Robert B. Wiggins, J.), entered October 7, 2009 in a proceeding
pursuant to Family Court Act article 4. The order modified the order
of the Support Magistrate.

It is hereby ORDERED that the order so appealed from is
unanimously affirmed without costs.

Memorandum: Respondent appeals from an order granting the
petition seeking, inter alia, to modify the award of spousal support
to respondent. We conclude that Family Court properly determined that
petitioner met her burden of establishing a substantial change of
circumstances to warrant downward modification (*see Matter of Fafinski
v Bialaszewski*, 289 AD2d 1066). " '[S]pousal support should be
awarded for a duration that would provide the recipient with enough
time to become self-supporting' " (*Walter v Walter*, 38 AD3d 763, 765).
Here, respondent was awarded spousal support to enable him to obtain
full-time employment as a teacher. Nevertheless, respondent failed to
secure a full-time teaching position or to obtain a Master's degree
that would have assisted him in doing so for four years, and thus the
court properly reduced the award of spousal support.

Entered: November 12, 2010

Patricia L. Morgan
Clerk of the Court