

0297

FAMILY COURT OF THE STATE OF NEW YORK  
CITY OF NEW YORK : COUNTY OF RICHMOND

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In the Matter of  
RONALD RENZULLI,  
Petitioner,

-against-  
NORMA RENZULLI,  
Respondent.

DOCKET NOS.V587-588/99

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100 Richmond Terrace  
Staten Island, NY 10301

May 18, 1999- Prt. I

H O N O R A B L E: Honorable TERRENCE J. MCELRATH, Judge

A P P E A R A N C E S:

NORMAN ROSIN, ESQ.  
Counsel for Ronald Renzulli

NORMA RENZULLI, ESQ.  
Pro Se

RICHARD KATZ, ESQ.  
Law Guardian For the Child

P R E S E N T: RONALD RENZULLI, Petitioner  
NORMA RENZULLI, Respondent

JOANNE JORDAN  
Official Court Reporter.

## Proceedings

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MR. KATZ: I understand.

THE COURT: You know, I have good, competent counsel in front of me.

MR. KATZ: Judge, if indeed there is no custody application, custody order in front of Your Honor, that means that the order to change custody, there need not be a hearing because there is no custody.

If there is no order of custody and no hearing is necessary, then based upon the reports of Dr. Kaplan, the probation report, and based upon my recommendation, based upon my previous report to the Court, I would request an immediate change of custody to the father.

I don't believe a hearing is necessary because no order of custody exists. So, if they don't exist, then no hearing is necessary.

Based upon that, my application is for an immediate change of custody. I believe it's in the best interest of the child. The reports make that imminently clear.

MS. RENZULLI: In the pleadings of the petitioner, opposing counsel, they say in paragraph number three, and I quote, "Plaintiff is

## Proceedings

1  
2 the custodial parent."

3 They are talking out of two sides of their  
4 mouth. They are looking for some very obscure  
5 little crack in the judgment.

6 MR. KATZ: I am making this application on  
7 behalf of my clients, Your Honor. Recognizing the  
8 apparent reality that there is no order of  
9 custody.

10 THE COURT: Custodial parent interprets that  
11 who has the body. You know, custodial parent and  
12 non custodial parent we have. Whether it's  
13 physical custody or legal custody, I don't know,  
14 this is the first time that someone has drawn that  
15 distinction.

16 MS. RENZULLI: I submit, Your Honor, this  
17 confusion is symptomatic of confusion that has  
18 surrounded this case.

19 THE COURT: No. It's the result of a divorce  
20 judgment that's not clear. That's what it is.  
21 But I can't change that. It is what it is.

22 If the parties didn't review it, I can't  
23 control that. If the parties kept on going back  
24 to get a new amended judgment, that still didn't  
25 address custody, I can't control that. All right.