

**RECORD IMPOUNDED**

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This opinion shall not "constitute precedent or be binding upon any court." Although it is posted on the internet, this opinion is binding only on the parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-2248-16T3

S.D.L.,

Plaintiff-Respondent,

v.

C.B.,

Defendant-Appellant.

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Submitted December 19, 2017 – Decided January 5, 2018

Before Judges Fisher and Fasciale.

On appeal from Superior Court of New Jersey,  
Chancery Division, Family Part, Bergen County,  
Docket No. FD-02-0446-14.

C.B., appellant pro se.

Respondent has not filed a brief.

PER CURIAM

Defendant C.B. (Corinne, a fictitious name) appeals an order denying her application to modify a custody order we recently affirmed. See S.L. v. C.M.B.A., No. A-0287-14 (App. Div. Apr. 8, 2016). Soon after our decision, Corinne again moved in the trial court for a modification of the custody order. On October 24,

2016, the judge heard the parties' arguments, heard their testimony as well as the testimony of a representative of the Division of Child Protection and Permanency, and found no substance in Corinne's claim that the custody order should be altered, modified, or amended.

Corinne appeals; she argues in a pro se brief, which mainly assails the motion judge as well as the judge who previously presided over the matter, that the denial of her application was erroneous. We reject her arguments and affirm.

To be sure, we have recognized that "custody is always temporary in nature and may be changed at any time as the future conditions and circumstances reasonably recommend." Scanlon v. Scanlon, 29 N.J. Super. 317, 327 (App. Div. 1954). But a moving party must demonstrate the circumstances which "formed the basis for the existing order have changed in a material way such that modification of the order is in the child's best interests." Fall & Romanowski, Relationships Involving Children § 24:2-1 at 413 (2015) (citing Beck v. Beck, 86 N.J. 480, 496 n.8 (1981) and numerous other cases). The judge correctly applied these principles and found that any arguable changed circumstances were immaterial and of insufficient substance to warrant a modification of the custody order.

We affirm substantially for the reasons set forth by Judge James X. Sattely in his oral decision.

Affirmed.

I hereby certify that the foregoing is a true copy of the original on file in my office.



CLERK OF THE APPELLATE DIVISION