

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

GABRIELLE SHAPIRO

: IN THE SUPERIOR COURT OF
: PENNSYLVANIA

V.

MICHAEL SHAPIRO

Appellant

: No. 2400 EDA 2025

Appeal from the Order Entered August 18, 2025
In the Court of Common Pleas of Chester County
Civil Division at No: 2024-05799-CU

BEFORE: PANELLA, P.J.E., STABILE, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY STABILE, J.:

FILED AUGUST 26, 2026

Michael Shapiro (“Father”) appeals *pro se* from the August 18, 2025, order granting, in part, his motion for reconsideration of the custody order entered on July 23, 2025, awarding him partial physical custody and Gabrielle Shapiro (“Mother”) primary physical custody in Jackson, New Jersey, with respect to their daughters, B.S., born in December of 2021, and S.S., born in January of 2024 (collectively, “the Children”).¹ We affirm.

* Retired Senior Judge assigned to the Superior Court.

¹ We consider the merits of Father’s appeal upon remand by our Supreme Court, which vacated the order that had quashed his appeal. ***See Shapiro v. Shapiro***, 353 A.3d 186 (Pa. 2026) (citing Pa.R.A.P. 1701(b)(3)) (“A timely order granting reconsideration under this paragraph shall render inoperative any such notice of appeal or petition for review of a quasijudicial order theretofore or thereafter filed or docketed with respect to the prior order.”).

In its opinion accompanying the July 23, 2025, custody order, the trial court aptly set forth the following factual and procedural history:

The parties married on December 17, 2019, and the Children were born during the marriage. The parties separated on June 14, 2024 after Mother left the marital home in Oxford, Pennsylvania with the Children and moved in with her parents in New Jersey following an alleged domestic violence incident involving Mother and Father. On July 8, 2024, Mother filed a complaint for custody. Thereafter, on September 13, 2024, Father filed [through counsel] a complaint and counterclaim for custody.

After a September 24, 2024 custody conciliation, an agreed interim custody order was entered that awarded the parties shared legal custody and Mother primary physical custody of the Children subject to Father's partial custody schedule. Father [was awarded] partial physical custody of the Children every other weekend from Saturday at 10:00 a.m. until Sunday at 6:00 p.m. and every Monday and Wednesday from 3:00 p.m. until 7:00 p.m. Father was permitted to have his weekday visits at a relative's residence in New Jersey.^[2] In addition, due to allegations of domestic violence and mental health issues, both parties were ordered to undergo a psychological evaluation with an agreed-upon provider.

Trial Court Opinion, 7/23/25, at 2 (cleaned up).

On October 9, 2024, Father, through counsel, filed a "statement of objection to relocation" pursuant to Pa.R.C.P. No. 1915.17(h), wherein he objected to the Children relocating to New Jersey with Mother at the time of the parties' separation in June of 2024. **See** Pa.R.C.P. No. 1915.17(h) (Relocation. Notice and Counter-Affidavit). On the same date, he filed a

² These "relatives" are Father's parents who live approximately twenty minutes from Mother's parents in New Jersey. **See** N.T., 6/24/25, at 97.

“request for an expedited hearing” on relocation pursuant to Rule 1915.17(h). Mother timely filed an answer. She alleged that Father “is seeking to claim an ex post facto violation of the relocation statute” by having filed his objection **after** the issuance of the interim custody order and approximately four months after Mother moved to New Jersey with the Children upon her separation from Father. Mother’s Answer to Request for Expedited Hearing, 10/22/24, at ¶ 5(iv); **see also** 23 Pa.C.S. § 5337 (Relocation). In addition, Mother alleged that Father’s claims under the relocation statute, “even if accepted, may be addressed . . . as part of the parties’ pending custody trial. . . .” **Id.** at ¶ 5(v).

There is no order on the trial court docket disposing of Father’s petition for an expedited hearing. However, the trial court notified the parties that it would address Father’s objection to the Children’s relocation during the custody trial. **See** N.T., 6/24/25, at 11-14 (the trial court’s colloquy with Father and Mother’s counsel regarding preliminary matters, including Father’s objection to the relocation).

The trial court continued with the following procedural history:

On June 24 and June 26, 2025, a custody trial was held. Mother and Father appeared at trial and testified. Mother was represented by counsel and Father appeared as a self-represented party. The other witnesses that testified at trial were V. Richard Roeder (“Dr. Roeder”), Arianna Ritzer – Mother’s sister, and Meghan Molloy – Mother’s best friend. The Children were not interviewed by the court.

Trial Court Opinion, 7/23/25, at 2.

The following evidence was adduced during the trial. In October of 2021, the parties left New Jersey, where their extended families lived, and moved to North Carolina, where the Children were born. **See** N.T., 6/24/25, at 31-32, 44-45. In early 2024, the family moved from North Carolina to Oxford, in Chester County, Pennsylvania. **Id.** at 44-45.

Mother described the parties' marital relationship as "toxic," which she stated meant that they "argued a lot." **Id.** at 33. Mother testified that she and Father have "mental health issues" which affected their "daily lives." **Id.** Mother testified that she suffers from anxiety and post-traumatic stress disorder, for which she "sought mental health help" while in North Carolina. **Id.** She continued to receive mental health treatment at the time of the hearing. **Id.** at 34. In contrast, Mother declared that Father's mental health issues "had gone untreated for quite some time. . . ." **Id.** at 33-34 (cleaned up).

In addition, Mother testified that their marriage was rife with domestic violence, and she acknowledged that she was charged with simple assault for an incident that occurred between them after their honeymoon. **Id.** at 34-35, 47-49. Mother blames Father, however, for the recurring domestic violence in their relationship. For instance, Mother testified that in February of 2022, Father "put his fist . . . in my face and told me that he was going to kill me[,] and [that] I was lucky to be alive." **Id.** at 38. She also described the incident that led to their marital separation in June of 2024, at which time the parties

had been living in Oxford, Pennsylvania, for approximately five months. **Id.** at 44-45, 77. Mother explained that she and Father were arguing in the kitchen, and B.S., their oldest child who was then two and one-half years old, wanted cake that was sitting on the kitchen island, along with a knife. **Id.** at 77-78. Mother testified that Father “gave [B.S.] the knife and said, “Go ahead, [B.S.]. Go kill your mother.” **Id.** at 78. Mother testified that she “took [B.S. and] went outside on the porch and I called the police.” **Id.** Mother explained that the police “convinced” Father to let her use the family car to leave the marital home with the Children. **Id.** Mother then drove with the Children to the home of her parents in New Jersey, where they continued to reside at the time of the hearing.

The trial court inquired of Father about the incident with B.S. and the knife. Father testified that B.S. “took the knife off the counter” and “was holding it.” N.T., 6/26/25, at 73. He acknowledged that he “very foolishly made the comment, “Go get her, [B.S.]” **Id.**

Father testified that Mother demanded that he seek mental health treatment during their marriage. **See** N.T., 6/24/25, at 225-226. While living in North Carolina, he was diagnosed with obsessive-compulsive personality disorder and prescribed medication for it. **See id.** at 159. At the time of trial, Father did not believe that he had a “diagnosable” mental condition either during their marriage or at present. **Id.** at 161; **see also** N.T., 6/26/25, at 55-68. Rather, he claims that Mother had “a tough time accepting

accountability for issues in our relationship and it was constantly put on me that I have mental health issues. I'm the problem." N.T., 6/24/25, at 161. Nonetheless, Father acknowledged that, in December of 2024, six months prior to the custody hearing, he had a "breakdown," which

got to the point where I was thinking about ending my life for the first and only time in my life. I [had] panic attacks for the first and only time in my life. It was bad. The lowest place I've ever been by a long shot.

Id. at 162. Father testified he was not receiving mental health treatment at the time of the hearing. **Id.** at 164-165.

With respect to the parties' custody requests, Mother desired that the interim custody order, set forth above, become a final order, with the exception that the trial court award her sole legal custody in connection with the Children's medical and psychological issues. Father requested primary physical and shared legal custody and alleged that the interim order "does not best serve [the Children's] stability, nurturance, development, [and] over[all] wellbeing. . . ." **Id.** at 21.

Most of the testimonial evidence regarding the Children involved B.S., whom the parties agreed has behavioral problems. Mother testified that B.S. has "real nasty tantrums," which included hitting, biting, and once she put "her hands around my neck and said, "Choke, Mommy. Choke." **Id.** at 76, 104. Mother requested that the trial court order the parties to obtain behavioral therapy for B.S. She testified that Father "doesn't understand why a behavioral therapist would benefit [B.S.] and he doesn't want her to go. He

thinks we can solve the problem ourselves.” **Id.** at 76. Mother explained that Father has a “stigma against professional help.” **Id.** at 77.

Father testified that he blames B.S.’s behavioral issues, in part, upon Mother giving the child “everything she wants, always, all the time, no exceptions,” but he stated he does not believe that B.S. has “a diagnosable medical mental condition.” **Id.** at 167-173. Therefore, Father does not want B.S. to receive therapy. **Id.** at 171-172. Rather, he requested that the parties engage in “coparenting counseling” in order “to work collaboratively rather than competitively” in parenting the Children. **Id.** at 172.

Besides Mother’s parents, her adult sister, Ms. Ritzer, lives in the New Jersey residence with Mother and the Children. **Id.** at 26-27. Mother intended to remain in the residence and stated that the Children “are so obsessed with my parents” and “love” her sister. **Id.** at 94. Father continued to live in the marital home in Oxford, which is 108 miles from Mother’s residence. **Id.** at 111. The record reveals that the parties’ divorce action was pending,³ and Father planned to sell the marital home and then move to New Jersey to be closer to the Children. **Id.** at 184-186.

The trial court entered the final custody order on July 23, 2025, and it contemporaneously filed an opinion that set forth its findings of fact and conclusions of law. The court awarded Mother primary physical custody and

³ Mother had commenced the divorce action in New Jersey on a date unspecified in the record. **See** N.T., 6/24/25, at 13.

Father partial physical custody on alternating weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. and every Monday and Wednesday from 3:00 p.m. until 7:00 p.m. Further, the trial court set forth a holiday schedule.

In addition, the trial court awarded the parties shared legal custody “with the exception that Mother shall have limited sole legal custody for the purpose of scheduling and coordinating the Children’s medical care, including any behavioral care or care related to the mental health of the Children.” Order, 7/23/25, at ¶ 2(a). The order also provided that (1) Mother “shall enroll [one or both of the Children] in age-appropriate behavioral therapy with a therapist located close to Mother’s current residence”; and (2) the parties “shall immediately enroll in individual therapy/counseling for not less than one year to aid in their own mental health needs.”⁴ **Id.** at ¶¶ 6(a), 8.

On August 1, 2025, Father, acting *pro se*, filed a notice of appeal at docket no. 2064 EDA 2025. He also filed a motion for reconsideration in the trial court. On August 18, 2025, the trial court expressly granted reconsideration, in part, and issued an order amending the July 23, 2025, opinion that accompanied the final custody order. Specifically, the court’s

⁴ On July 28, 2025, the trial court supplemented the July 23, 2025, opinion with respect to consideration of the Children’s safety. Specifically, the parties had informed the court that the New Jersey Division of Child Protection and Permanency (“DCP&P”) was investigating allegations against Father. However, the parties did not know the status of the investigation at the time of the hearing. The court filed the supplemental opinion upon receiving a status report on the allegations, discussed *infra*.

reconsideration order provided, in contrast to what was stated in the July 23, 2025, opinion, that the parties had not agreed to the interim custody order at the time it was issued. **See** Reconsideration Order, 8/18/25, at ¶ 1(a)(ii). Further, the reconsideration order corrected typographical errors in the July 23, 2025, opinion concerning (1) the parties' marriage date; and (2) the parties' verbal altercation that occurred at the Children's "daycare" rather than their "school," discussed *infra*.⁵ **Id.** at ¶ 1(a)(i) and (ii). The trial court denied the remainder of Father's reconsideration motion. **See id.** at ¶ 2. Thereafter, on August 29, 2025, Father filed a praecipe to discontinue his appeal at docket no. 2064 EDA 2025.

On September 12, 2025, Father, acting *pro se*, filed an appeal from the August 18, 2025, reconsideration order, along with a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b). The trial court filed its Rule 1925(a) opinion on October 8, 2025. This Court subsequently quashed the appeal *sua sponte*. However, Father filed a petition

⁵ Father testified that the altercation between him and Mother occurred in "the daycare parking lot when I picked up" B.S. on February 12, 2025. N.T., 6/24/25, at 221, 224. The record reveals that the altercation was the subject of a petition for emergency relief that Mother filed on March 24, 2025. In the petition, Mother alleged that Father "poses a significant danger to the" Children because his "behavior has been erratic." Petition for Special Relief, 3/24/25, at ¶ 11. In addition, she alleged that Father was under investigation by DCP&P for this incident as well as other accusations that had been reported to that agency. Mother requested temporary sole legal and physical custody pending DCP&P's investigation. Following a hearing on March 25, 2025, the trial court denied Mother's request for emergency relief and directed that the interim custody order remain in effect.

for allowance of appeal in our Supreme Court, and, on January 20, 2026, the Court granted his petition, vacated the order, and remanded the case for consideration on the merits. ***See Shapiro, supra.***

On appeal, Father presents the following issues for review:

1. Whether the trial court abused its discretion by entering a custody order that is not supported by competent evidence and is contrary to the Children's best interests under 23 Pa.C.S. § 5328(a).
2. Whether the trial court erred and abused its discretion by granting relocation under 23 Pa.C.S. § 5337 after Father timely objected and requested expedited review, where the court never conducted a meaningful relocation hearing or focused relocation analysis.
3. Whether the trial court erred by permitting the September 23, 2024 interim custody order to remain in effect for approximately nine months, thereby creating a defective status quo that improperly affected its final custody and relocation determinations.
4. Whether the trial court relied on unsupported or inaccurate factual findings, including findings later corrected on reconsideration and findings not reflected in the trial transcript.
5. Whether the cumulative procedural and factual errors require vacatur and remand for further proceedings.

Father's Brief at 3-4.

We review Father's issues according to the following scope and standard of review:

[T]he appellate court is not bound by the deductions or inferences made by the trial court from its findings of fact, nor must the reviewing court accept a finding that has no competent evidence to support it. . . . However, this broad scope of review does not vest in the reviewing court the duty or the privilege of making its own independent

determination. . . . Thus, an appellate court is empowered to determine whether the trial court's incontrovertible factual findings support its factual conclusions, but it may not interfere with those conclusions unless they are unreasonable in view of the trial court's factual findings; and thus, represent a gross abuse of discretion.

R.M.G., Jr. v. F.M.G., 986 A.2d 1234, 1237 (Pa. Super. 2009) (quoting **Bovard v. Baker**, 775 A.2d 835, 838 (Pa. Super. 2001)). Moreover,

[O]n issues of credibility and weight of the evidence, we defer to the findings of the trial [court] who has had the opportunity to observe the proceedings and demeanor of the witnesses.

The parties cannot dictate the amount of weight the trial court places on evidence. Rather, the paramount concern of the trial court is the best interest of the child. Appellate interference is unwarranted if the trial court's consideration of the best interest of the child was careful and thorough, and we are unable to find any abuse of discretion.

R.M.G., Jr., supra at 1237 (internal citations omitted). The test is whether the evidence of record supports the trial court's conclusions. **Ketterer v. Seifert**, 902 A.2d 533, 539 (Pa. Super. 2006).

A.V. v. S.T., 87 A.3d 818, 820 (Pa. Super. 2014).

We have explained, "It is not this Court's function to determine whether the trial court reached the 'right' decision; rather, we must consider whether, 'based on the evidence presented, given [sic] due deference to the trial court's weight and credibility determinations,' the trial court erred or abused its discretion. . . ." **King v. King**, 889 A.2d 630, 632 (Pa. Super. 2005) (quoting **Hanson v. Hanson**, 878 A.2d 127, 129 (Pa. Super. 2005)). This Court has recognized that "the knowledge gained by a trial court in observing witnesses

in a custody proceeding cannot adequately be imparted to an appellate court by a printed record.” **Ketterer**, 902 A.2d at 540 (quoting **Jackson v. Beck**, 858 A.2d 1250, 1254 (Pa. Super. 2004)).

With respect to custody cases, the primary concern is the best interests of the child. “The best-interests standard, decided on a case-by-case basis, considers all factors that legitimately have an effect upon the child’s physical, intellectual, moral, and spiritual wellbeing.” **Saintz v. Rinker**, 902 A.2d 509, 512 (Pa. Super. 2006) (citation omitted).

Child custody actions are governed by the Child Custody Act (“Act”), 23 Pa.C.S. §§ 5321-5340. In this case, because Father filed the aforementioned objection to the Children’s relocation to New Jersey, the trial court considered the following ten relocation factors set forth under Section 5337(h):⁶

(h) Relocation factors.--In determining whether to grant a proposed relocation, the court shall consider the following factors, giving weighted consideration to those factors which affect the safety of the child:

- (1) The nature, quality, extent of involvement and duration of the child’s relationship with the party proposing to relocate and with the nonrelocating party, siblings and other significant persons in the child’s life.
- (2) The age, developmental stage, needs of the child and the likely impact the relocation will have on the child’s physical, educational and emotional development, taking into consideration any special needs of the child.

⁶ Although the trial court recognized that Mother relocated to New Jersey with the Children upon separation from Father, and no custody order was in effect, the court fully considered the relocation factors in this case. **See** N.T., 6/24/25, at 12-13.

(3) The feasibility of preserving the relationship between the nonrelocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.

(4) The child's preference, taking into consideration the age and maturity of the child.

(5) Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.

(6) Whether the relocation will enhance the general quality of life for the party seeking the relocation, including, but not limited to, financial or emotional benefit or educational opportunity.

(7) Whether the relocation will enhance the general quality of life for the child, including, but not limited to, financial or emotional benefit or educational opportunity.

(8) The reasons and motivation of each party for seeking or opposing the relocation.

(9) The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.

(10) Any other factor affecting the best interest of the child.

23 Pa.C.S. § 5337(h). The Act also provides, "If a party relocates with the child prior to a full expedited hearing, the court shall not confer any presumption in favor of the relocation." 23 Pa.C.S. § 5337(l).

The trial court also was required to consider the custody factors set forth in the Act, as follows.

(a) Factors. In ordering any form of custody, the court shall determine the best interest of the child by considering all relevant factors, giving substantial weighted consideration to the factors

specified under paragraphs (1), (2), (2.1) and (2.2) which affect the safety of the child, including the following:

(1) Which party is more likely to ensure the safety of the child.

(2) The present and past abuse committed by a party or member of the party's household, which may include past or current protection from abuse or sexual violence protection orders where there has been a finding of abuse.

(2.1) The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services).

(2.2) Violent or assaultive behavior committed by a party.

(2.3) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party if contact is consistent with the safety needs of the child.

(3) The parental duties performed by each party on behalf of the child.

(4) The need for stability and continuity in the child's education, family life and community life, except if changes are necessary to protect the safety of the child or a party.

(5) The availability of extended family.

(6) The child's sibling relationships.

(7) The well-reasoned preference of the child, based on the child's developmental stage, maturity and judgment.

(8) The attempts of a party to turn the child against the other party, except in cases of abuse where reasonable safety measures are necessary to protect the safety of the child. A party's reasonable concerns for the safety of the child and the party's reasonable efforts to protect the child shall not be considered attempts to turn the child against the other party. A child's deficient or negative relationship with a party shall not be presumed to be caused by the other party.

(9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.

(10) Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.

(11) The proximity of the residences of the parties.

(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.

(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child or self from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

(14) The history of drug or alcohol abuse of a party or member of a party's household.

(15) The mental and physical condition of a party or member of a party's household.

(16) Any other relevant factor.

23 Pa.C.S. § 5328(a) (effective Aug. 13, 2024 to Aug. 28, 2025);⁷ **see also** **A.M.S. v. M.R.C.**, 70 A.3d 830, 836 (Pa. Super. 2013) (stating that, when making a decision on relocation that also involves a custody decision, "the trial court must consider all ten relocation factors and all sixteen custody factors" outlined in the Act.).

⁷ The General Assembly has since amended the Section 5328(a) custody factors. **See** 23 Pa.C.S. § 5328 (Act of June 30, 2025, P.L. 18, No. 11, § 1, effective Aug. 29, 2025).

Instantly, in its July 23, 2025, opinion, the trial court set forth its assessment of the ten relocation factors and found that all of them favored Mother except for Section 5337(h)(4), which it weighed neutrally since it did not interview the Children, who were then three and one-half and one and one-half years old, respectively. **See** Trial Court Opinion, 7/23/25, at 24-29. The court “strongly” weighed Section 5337(h)(8) in Mother’s favor, i.e., the reasons and motivation of each party for seeking or opposing the relocation, as follows:

Mother testified that the main reason for relocating to New Jersey was to remove herself from a history of domestic violence and Father’s untreated mental health issues which impacted his ability to parent and care for the Children. Mother and the Children were able to move into [her parents’] home, which provided a safe and stable environment.

Father denied any history of domestic violence, but he did acknowledge a high level of conflict between the parties. Father believes that Mother relocated without his consent to New Jersey because of her unwillingness to co-parent. Father opposes the relocation, but he indicated a willingness to move to New Jersey after the sale of the marital home.

The court believes that Mother’s main motivation for the relocation was to benefit her needs and the Children’s needs equally.

Id. at 28.

In addition to the testimonial evidence related above, we particularly note the following testimony by Mother that supports the court’s findings under Section 5337(h)(8):

Q. Were there any other incidents between [Father] and one of the kids in which he did . . . a violent or aggressive act toward one of the Children and he couldn’t remember doing it?

A. Yes. . . . [Father] was lying on the couch on his phone . . . and [B.S.] . . . picked up her bottle up and threw it[,] and it hit [Father] in his head and bounced off his head and . . . cracked his eyebrow open.

[Father] jumped up and grabbed [B.S.] by . . . the neck (indicating) but it's like the shoulder/neck like this and pushed her down to which I immediately jumped up, grabbed my daughter. . . . I said "You're bleeding. Go in the bathroom."

N.T., 6/24/25, at 61-62. Mother continued to testify that Father returned from the bathroom in "no more than 10 minutes," and asked, "what happened[?]" ***Id.*** at 62-63. Mother alleged that Father has a poor memory overall and, at the time of the parties' separation, she feared for the Children's safety in his custody. ***Id.*** at 63-64.

With respect to the sixteen custody factors, the trial court found that none of them favored Father. The court found that Section 5328(a)(2), (2.1), (2.3), (3)-(5), (9), (10), and (12) favored Mother, and it neutrally weighed Section 5328(a)(1), (2.2), (6)-(8), (11), and (13)-(15). The court found inapplicable Section 5328(a)(16) since the parties did not present any other relevant factors. ***See id.*** at 3-22. The trial court "strongly" weighed in Mother's favor Section 5328(a)(4), i.e., the need for stability and continuity in the child's education, family life and community life, except if changes are necessary to protect the safety of the child or a party, as follows:

Education

B.S. is currently enrolled in daycare in New Jersey through the summer and is registered to attend elementary school in New Jersey in September. Mother stated that there has been a myriad

of behavioral issues with B.S. Mother is planning on enrolling S.S. in daycare in the fall in New Jersey as well. Mother testified that Father agreed to the registration for the Children. Father testified that he is not opposed to the Children remaining in New Jersey for school.

Family Life

The Children currently live with Mother, [her parents] and maternal aunt in Jackson, New Jersey. The family has two dogs. [Mother's father] is disabled, and [Mother's mother] is retired. They live in a five-bedroom home with a pool where each of the Children have a bedroom. Mother testified that their current living arrangement is "fantastic" and the Children are "thriving." It is clear that the Children have bonded with Mother and her family. For the near future, Mother plans to remain living with the Children at her parents' home.

Mother has always been the primary caretaker of the Children. Mother acknowledged at trial that Father has increased his parenting responsibilities since the parties separated. It appears that Mother and her family provide a good source of emotional support for the Children. Mother's best friend of twenty years, Meghan Molloy, testified that she has not observed any screaming or fights at Mother's family home. She testified that she knew of no drug or alcohol abuse within the family.

Father testified that Mother has kept the Children from him by moving to New Jersey hindering his relationship with the Children. Father, however, testified that the Children can visit his family twice a week in New Jersey where they live near Mother's current residence. Father testified that he would move to New Jersey to live with his father and that he wishes to sell the marital home in Oxford, Pennsylvania.

Community Life

Mother testified that the Children have adjusted well to living with [her parents] in their home and neighborhood.

Father did not present any evidence regarding community life in Oxford, Pennsylvania.

Id. at 13-14 (cleaned up). Mother's and Father's testimony aptly supports the trial court's findings under Section 5328(a)(4). **See** N.T., 6/24/25, at 82-88, 90-93, 112, 127-128, 184, 190, 198, 202-204, 207-209.

Turning to the merits of this appeal, we note that Father contests only the primary physical custody award. He does not contest the legal custody award.

In his first issue, Father argues that the trial court abused its discretion by adopting Mother's "danger narrative" against him in awarding her primary physical custody. Father's Brief at 10. Father emphasizes that Dr. Roeder, who performed his psychological evaluation on October 7, 2024, opined that Father did not present a danger to himself or to others. **See *id.*; see also** N.T., 6/26/25, at 122, 126 (Dr. Roeder testified that Father is diagnosed with "generalized anxiety disorder," but there is no evidence that Father was "a danger to himself or anyone else.>"). In addition, Father argues that the final custody order is not supported by the certified record due to the court's reconsideration order that amended the July 23, 2025, opinion, discussed above. **See** Father's Brief at 10. We conclude that Father's first issue is meritless.

Primarily, Father's premise that the trial court fashioned the final custody order upon Mother's "danger narrative" is flawed. The court did not give determinative weight to any of the relocation or custody factors affecting the Children's safety, i.e., Section 5337(h)(9), Section 5328(a)(1), (2), (2.1),

and (2.2). Furthermore, in its supplemental opinion on July 28, 2025, the trial court set forth the following additional findings with respect to its consideration of the Children's safety while in Father's custody, noted above:

Both Mother and Father testified to an investigation of Father by the [DCP&P]. Mother testified she believed the investigation was still pending, but she had no other evidence to present about its status. Father denied any child abuse or child neglect allegations. Father testified to open investigations with DCP&P stemming from incidents in February and June 2025. He stated the matters are being handled by a case worker who has called and interviewed Father, but no reports or letters [concluding the investigation] have been received. . . . According to Father, the allegations related to neglect and physical abuse related to a diaper rash. He denied any allegations of sexual abuse. He stated the investigation remains open pending a background check.

Following its inquiry with the appropriate agencies regarding the parties' disclosure of an investigation in New Jersey, **the trial court further concludes that the Children's safety is not at risk currently while in the custody of Father.**

Supplemental Opinion, 7/28/25, at 1-2 (emphasis added); **see also** N.T., 6/24/25, at 69, 220-225. Thus, Father's argument that the trial court did not award him primary physical custody because of Mother's "danger narrative" is without merit.

Likewise, we reject Father's argument that the final custody order is not supported by the record because the trial court granted reconsideration, in part. As discussed above, the court's reconsideration order corrected facts in the June 23, 2025, opinion, none of which were material to its ultimate conclusions in this case. Based upon the foregoing, Father's first issue fails.

Father's second and third issues are related, and so we review them together. Father argues that the trial court committed reversible error under Section 5337 by not holding an expedited relocation hearing upon his request filed on October 9, 2024. **See** Father's Brief at 12, 14. Father argues that by the time the evidentiary hearing occurred in this case, it was not "timely and meaningful" with respect to his objection to the Children's relocation. **Id.** at 14. Simply put, Father baldly asserts that the final custody order "was materially shaped by" the Children living in New Jersey for nine months prior to the hearing. **Id.** at 12, 15. For the reasons that follow, Father's claims are without merit.

Initially, whether Section 5337 is applicable in this case when Mother relocated with the Children prior to commencing the custody action and, thus, prior to the interim custody order being in effect, is not before this Court. Here, the trial court considered all the statutory relocation factors, along with the custody factors, in fashioning the final custody order. Further, neither Father nor Mother, in her appellee brief, questions the applicability of any of the Section 5337 provisions. As such, assuming *arguendo* that Section 5337 is applicable, we address Father's arguments.

We note, however, that Father does not support his argument regarding reversible error with a meaningful discussion of the applicable law, if any. Nonetheless, we address his overarching argument pursuant to the following relevant statutory provision:

(g) Hearing.—

(1) Except as set forth in paragraph (3), the court shall hold an expedited full hearing on the proposed relocation **after a timely objection has been filed and before the relocation occurs.**

(2) Except as set forth in paragraph (3), the court may, on its own motion, hold an expedited full hearing on the proposed relocation before the relocation occurs.

(3) Notwithstanding paragraphs (1) and (2), if the court finds that exigent circumstances exist, the court may approve the relocation pending an expedited full hearing.

. . .

23 Pa.C.S. § 5337(g) (emphasis added); **see also** 23 Pa.C.S. § 5337(c)(3)(xi) (providing that, in giving notice of the proposed relocation to the nonrelocating party, the notice must include, inter alia, a “warning to the nonrelocating party that if the nonrelocating party does not file with the court an objection to the proposed relocation within 30 days after receipt of the notice, that party shall be foreclosed from objecting to the relocation.”)

Based upon the foregoing statutory provisions as applied to the facts in this case, we conclude that the trial court did not commit an error of law by consolidating Father’s relocation objections with the trial on the parties’ competing custody requests. Here, Mother relocated to New Jersey with the Children on June 14, 2024, due to the incident involving Father, B.S., and the kitchen knife. Father does not dispute that he knew Mother and the Children fled to her parents’ residence in New Jersey. However, he neither initiated a custody action nor objected to the relocation at that time. Rather, Mother

initiated the custody action on July 8, 2024, and Father filed a cross-claim for primary physical custody on September 13, 2024. Father did not object to the relocation until October 9, 2024. Given that the Children had relocated to New Jersey four months before Father filed his objection, we conclude that the trial court in this case was not required to expedite the relocation hearing. **See** 23 Pa.C.S. § 5337(g)(1).

Further, we reject Father's assertion that the custody decision was based upon the Children residing in New Jersey for a significant period by the time of the hearing. The Act contemplates situations where a party relocates with the child prior to a full expedited hearing and requires trial courts not to "confer any presumption in favor of the relocation." 23 Pa.C.S. § 5337(l) (Effect of relocation prior to hearing).

In its Rule 1925(a) opinion, the court stated that it considered

the parties' history prior to and after relocation, including issues of abuse. The trial court analyzed the parties' engagement and involvement with the Children both pre - and post - relocation. The trial court analyzed the time the parties spent living together in Pennsylvania, North Carolina and Mother's time in New Jersey. The trial court properly focused on the living arrangements and the quality of the Children's lives in each home, their relationships with their parents and their extended family. The trial court also considered the Children's present surroundings in assessing what would be an appropriate custodial arrangement and whether to grant Mother's request for relocation.

Trial Court Opinion, 10/7/25, 6-7. Our review of the trial court's opinion accompanying the final custody order and its supplemental opinion confirms

that the court did not confer any presumption in favor of the Children's relocation to New Jersey. Thus, Father's second and third issues fail.

In his fourth issue, Father argues that the trial court abused its discretion in finding that he "struck [Mother] with a fist" after their honeymoon. Father's Brief at 16 (citing Trial Court Opinion, 6/23/25, at 8). He asserts that this "erroneous finding bears directly on the court's abuse and safety analysis . . . [and] undermines the reliability of the custody determination as a whole rather than a discrete portion of it." ***Id.*** Upon review, Father is not entitled to relief.

With respect to Section 5328(a)(2), the present and past abuse committed by a party, the trial court found, in part:

Mother testified that Father's hostility began after their honeymoon. She testified to an incident where Father struck her on the arm with a fist. When she spat on him, he said he was going to kill her. Father testified about the same incident but he stated that Mother punched him. The police were called and Mother was charged with simple assault. However, Father did not pursue the charges.

Trial Court Opinion, 7/23/25, at 8.

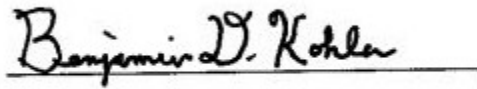
Father correctly asserts that Mother did not testify that he struck her on the arm with a fist. Rather, Mother testified about the incident that occurred after their honeymoon, and that she struck him "in the arm with" her fist. N.T., 6/24/25, at 48. Mother also testified that during the same incident she "spit on him," and Father then "climbed on top of me and held me down and told me that it was my turn now and he was going to kill me." ***Id.***

In analyzing Section 5328(a)(2), the trial court also considered the parties' testimony about the incident with Father and B.S. in the kitchen with a knife, detailed above, and other testimony by them about the domestic violence during and after their marriage. **See** Trial Court Opinion, 7/23/25, at 8-9. For instance, the court considered Mother's testimony, inter alia, that she received "threatening text messages from Father after she left him. . . . Mother later filed a temporary restraining order in New Jersey, which the parties converted to a stay-away agreement," and it remained in effect at the time of the hearing. **Id.** at 9; **see also** N.T., 6/24/25, at 50-54, 110, 215-220. Thus, we conclude that the court's factual error that Father struck Mother with a fist after their honeymoon is harmless in light of Mother's extensive testimony about his other abusive behavior throughout their relationship, which the court credited. Father's fourth issue fails.

In his fifth and final issue, Father asserts that based on his arguments regarding the foregoing issues, he was deprived "of a legally sound custody determination" and requests that we vacate the order and remand "for a new custody and relocation determination." Father's Brief at 18. Given our conclusion that Father's first through fourth issues are without merit, we will not disturb the final custody order. Accordingly, we affirm the order.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 8/26/2026