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Designated by Order of the Court for the publication of court and other legal notices, the Franklin County Legal Journal (USPS 378-950), 100 Lincoln Way East, Chambersburg, Franklin County, PA 17201-2291, contains reports of cases decided by the various divisions of the Franklin County Branch of the Court of Common Pleas of the 39th Judicial District of Pennsylvania and selected cases from other counties.

CHESTON M. MILLER, Plaintiff, v.

AMBER R. MILLER, Defendant

Court of Common Pleas of the 39th Judicial District of Pennsylvania,
Franklin County Branch, Civil - Law No. 2020 - 2430

HOLDING: Plaintiff and Defendant shall share legal custody of A.B.M., V.J.M., and A.H.S. Plaintiff and Defendant shall share physical custody on a 2-2-3 schedule.

HEADNOTES

Child Custody – Grounds and Factors

1. The paramount concern of the trial court is the best interest of each child. *R.M.G., Jr. v. F.M.G.*, 986 A.2d 1234, 1237 (Pa. Super. 2009). Each case must be examined independently and individually, looking at factors that bear in the child’s well-being. *Saintz v. Rinker*, 902 A.2d 509, 512 (Pa. Super. 2006).

Child Custody – Grounds and Factors

2. The Factors codified at 23 Pa.C.S. § 5328 are of utmost importance in the Court’s determination. A court must consider all of the § 5328(a) best interest factors when ordering any form of custody. *S.W.D. v. S.A.R.*, 96 A.3d 396, 401 (Pa. Super. 2014).

Child Custody – Grounds and Factors

3. A trial court must apply the statutory custody factors and issue a written explanation of its decision when it orders any of the seven forms of custody provided for by the Child Custody Act. 23 Pa.C.S. § 5328(a).

Child Custody – Public Policy

4. Every parent has the right to develop a good relationship with the child, and every child has the right to develop a good relationship with both parents. *Pamela J.K. v. Roger D.J.*, 419 A.2d 1301, 1309 (Pa. Super. 1980).

Appearances:

Michael B. Finucane, Esquire *for Plaintiff*

Bradley L. Griffie, Esquire *for Defendant*

OPINION

Before Zook, J.

Before the Court is the custody of A.B.M. (6), V.J.M. (4), and A.H.S. (1). A one-day trial was held on September 29, 2021. The matter is now ready for decision.

I. PROCEDURAL HISTORY

On August 26, 2020, Father filed a *Complaint for Custody*. The initial presentation to the Court occurred on September 10, 2020. The Court issued an *Order* that date staying this matter until the Adams County Court of Common Pleas relinquished jurisdiction. On December 12, 2020, the Court lifted the stay on this matter, and presentation of the custody complaint was continued generally.¹

The presentation ultimately occurred before the Court on February 25, 2021. *See Order of Court* (February 5, 2021). After presentation, the Court entered a temporary custody order and directed the parties to attend a conciliation conference on April 1, 2021. *See Order of Court and Directive for Conciliation* (February 25, 2021). The Court entered a modified temporary order after conciliation. *See Order* (April 12, 2021).

On May 25, 2021, Father filed a *Motion for Scheduling of a Pre-Trial Conference*. The Court scheduled a pre-trial conference for June 21, 2021. *See Order of Court for Pre-Trial Conference* (May 26, 2021). At the Defendant's request, the pre-trial conference was continued to July 28, 2021. *See Order of Court* (June 14, 2021). On July 28, 2021, the pre-trial conference was held as scheduled; trial date was set for September 29, 2021. *See Pre-Trial Conference Order* (July 28, 2021).

On August 10, 2021, the Plaintiff filed a *Petition for Civil Contempt for Disobedience of a Custody Order*. The Court issued a *Notice and Order to Appear* to the Defendant; hearing on the *Petition* was consolidated with the scheduled custody trial. *See Notice and Order to Appear* (August 11, 2021).

II. FACTUAL BACKGROUND

The Plaintiff (hereinafter "Father") and the Defendant (hereinafter "Mother") are the natural parents of three minor children: 1) A.B.M. (6); 2) V.J.M (4); and 3) A.H.S. (1).² Mother and Father remain married; however they separated in April 2020. In addition, there is a pending divorce action between them. Mother was pregnant with A.H.S. when the parties separated.

1 Due to COVID- 19 pandemic restrictions then in place. *See Order* (December 11, 2020).

2 Any reference to "the children" in this opinion refers to all three children, unless specifically noted othen.vise.

After the separation, Mother sought a *Protection from Abuse Order* due to alleged harassment and physical abuse inflicted by Father against her. A *Final Protection from Abuse Order (PFA Order)*³ was entered by consent without admission against Father on May 6, 2020. The *PFA Order* was in place for one year and expired on May 6, 2021. The children were not named as protected parties in the *PFA Order*. See Plaintiffs Exhibit 11.

A.B.M., V.J.M., A.H.S. currently live primarily with Mother in Fulton County, Pennsylvania. Mother lives in the children’s maternal grandparent’s home with maternal great-grandfather and six of the children’s maternal aunt and uncles, respectively. Mother lives in a two-bedroom apartment created in the home’s basement. A.B.M. and V.J.M. share a bedroom, and A.H.S. sleeps in a crib in Mother’s bedroom. Mother is unemployed and is supported by maternal grandparents and child support payments.

Father currently lives alone in the prior marital home in Upper Strasburg, Pennsylvania. Father’s home has four bedrooms. A.B.M. and V.J.M. have their own bedrooms, and A.H.S. sleeps in a crib in Father’s bedroom. Father works full-time for the Borough of Chambersburg and works part-time for Weaver Bus Line, Apple Valley Waste, and Jones’s Home Improvement Construction.

III. BEST INTERESTS ANALYSIS

“The paramount concern of the trial court is the best interest of the child.” *R.M.G., Jr. v. F.M.G.*, 986 A.2d 1234, 1237 (Pa. Super. 2009). Each case must be examined independently and individually, looking at factors that bear on the child’s well-being. *Saintz v. Rinker*, 902 A.2d 509, 512 (Pa. Super. 2006)

The factors codified at 23 Pa.C.S. § 5328 are of utmost import in the Court’s determination. A court must “consider all of the § 5328(a) best interest factors when “ordering any form of custody.” *S.W.D. v. S.A.R.*, 96 A.3d 396, 401 (Pa. Super. 2014).

*(1) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party?*⁴

Both parties are willing to permit contact between the children and the other party to some degree. However, there is no evidence that communication between the children and the other party is encouraged when in the a party’s physical custody. Conversely, there is no evidence that communication is discouraged. This factor weighs in favor of neither

³ The PFA action was initiated and litigated in the Adams County Court of Common Pleas.

⁴ 23 Pa.C.S. § 5328(a)(1)

party.

*(2) The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party, and which party can better provide adequate physical safeguards and supervision of the child.*⁵

A *Final Protection from Abuse Order* was entered against Father by Mother after allegations of physical contact and harassment inflicted upon Mother by Father. The *PFA Order* expired on May 6, 2021. There is no evidence that Father (or Mother) abused the subject children. There was no evidence presented that any of the alleged abuse by Father of Mother significantly impacted the children.⁶ This factor does not weigh in favor of either party.

*(2.1) The information set forth in section 5329.1 (a) (relating to consideration of child abuse and involvement with protective services).*⁷

Franklin County Children and Youth Services investigated Father after an incident in which he removed A.B.M. and V.J.M.'s earrings. There was no evidence that this investigation resulted in a finding of abuse by CYS. This factor does not weigh in favor of either party.

*(3) The parental duties performed by each party on behalf of the child.*⁸

Both parties are fully capable of taking care of the children. Both have done so since separation, providing food, clothing, shelter, and other needs. This factor does not weigh in favor of either party.

*(4) The need for stability and continuity in the child's education, family life, and community life.*⁹

The children have community ties in both Father's community and Mother's community. The children attend church with Father and Mother, respectively. Father's church is the same church that Father, Mother, and the children attended while the parties were still together.

A.B.M. and V.J.M. attend Southern Fulton School District. A.B.M. is in second grade and V.J.M. is in pre-kindergarten. A.B.M. and V.J.M.

5 23 Pa.C.S. § 5328(a)(2)

6 The testimony supports that the parties frequently quarreled in the presence of the children. Mother testified that she was strangled at least two times by Father; however, she confirmed that the children were not present. She also testified that Father grabbed her wrist during an argument, causing her pain. The children were present for this incident.

7 23 Pa.C.S. § 5328(a)(2.1)

8 23 Pa.C.S. § 5328(a)(3)

9 23 Pa.C.S. § 5328(a)(4)

attend school in-person and ride the school bus to and from Mother's house. Father lives approximately one hour away from A.B.M. and V.J.M.'s school. If the children were to live with Father during the school year, they would have to wake up substantially earlier to get to school on time. Without substantial contrary evidence, this fact is generally not in the children's best interests. This factor weighs in favor of Mother.

(5) The availability of extended family.¹⁰

The children have a relationship with both Mother's and Father's extended family. Father's extended family live close to him. The children visit their paternal grandmother every Sunday night for dinner while in Father's custody. The children have paternal aunts, uncles, and cousins they routinely visit.

Mother currently lives with most of her extended family. The children live with their maternal grandmother, grandfather, great-grandfather, uncles, and nieces. This factor does not weigh in favor of either party.

(6) The child's sibling relationships.¹¹

A.B.M., V.J.M., and A.H.S. have close relationships with each other. The children do not have step-siblings or half-siblings on either Mother or Father's side. This factor does not weigh in favor of either party.

(7) The well-reasoned preference of the child, based on the child's maturity and judgment.¹²

A.B.M. is six years old, V.J.M. is four, and A.H.S. is one; therefore, all three children are of a tender age. With the agreement of the parties, the Court did not interview the children. This factor does not weigh in favor of either party.

(8) The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.¹³

There is evidence that Mother is trying to turn the children against Father. Mother gave birth to A.H.S. while the *Final Protection from Abuse Order* was in place against Father. Mother chose to give A.H.S. her maiden name as the child's last name instead of Father's last name. Mother chose this despite herself, A.B.M., and V.J.M. sharing Father's last name. Neither

10 23 Pa.C.S. § 5328(a)(S)

11 23 Pa.C.S. § 5328(a)(6)

12 23 Pa.C.S. § 5328(a)(7)

13 23 Pa.C.S. § 5328(a)(8)

Mother nor anyone in Mother's family informed Father of the birth of A.H.S. Neither Mother nor anyone in her family discussed the choice of A.H.S.'s last name with Father, or otherwise sought his input into the last name of his own child. Mother deliberately acted in choosing the name to disassociate A.H.S. from her Father; [a]pparently, Mother did so with little thought as to the effect this decision would have on A.H.S. and her relationship with Father and her siblings.

A child's name is far more than a personal identifier. It ties the child to their family, gives them a sense of where they belong. Not only did Mother's rash and ill-advised decision symbolically effectuate a separation of the child from Father, it now stands as a point of separation from A.H.S.'s own Mother and siblings.

Additionally, and despite having primary physical custody, Mother does not provide Father any information regarding A.B.M. and V.J.M.'s schooling. Mother did not tell Father A.B.M. and V.J.M. see a counselor nor did she divulge any information regarding who their counselor is or why it was recommended the girls begin counseling. Further, Mother did not tell or consult Father when she enrolled A.B.M. and V.J.M. in ballet lessons or when getting their ears pierced. These types of decisions significantly affect a child; both parents have a right to participate in these decisions when they share legal custody. Mother's disregard of Father's role in the children's lives, both legal and natural, weighs heavily against her.

It is clear Mother prefers Father not play a significant role in the children's lives, if he is to have a role at all. She testified she intends to tell the children about the abuse inflicted upon her by Father when they are older.¹⁴ Neither Mother nor anyone in her family willingly provides Father with information regarding the children and consistently make significant life decisions without consulting Father. This conduct violates the public policy of this Commonwealth. As the Superior Court has noted:

It has long been against our public policy to limit or destroy the relationship between parent and child, and except in unusual circumstances the estrangement of a child from either parent will not be sanctioned. Furthermore, this court has in the past carefully guarded the right of a non-custodial parent to visit the child, for when parents are separated and custody is placed in one of the parents, there exists a danger that the parent having custody of the child may

¹⁴ The Court can only hope Mother intends to do this when the children are adults and mentally and emotionally ready to receive this information; we also hope it is under the guidance of a therapist. To do otherwise, Mother risks a claim of parental alienation being brought by Father to this Court. We strongly suggest that Mother engage in mental health counseling to address her feelings towards Father and trauma caused by Father; her ability to co-parent with Father despite her antipathy towards him is critical to the long-term success of the children.

use his or her advantageous position to alienate the other parent from the affections of the child.

Every parent has the right to develop a good relationship with the child, and every parent has the right to develop a good relationship with both parents.

Pamela J.K. v. Roger D.J., 419 A.2d 1301, 1309 (Pa.Super. 1980) (internal citations and quotation marks omitted).

This factor weighs heavily in favor of Father.

*(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.*¹⁵

Both parties love and care for the children. Both care and provide for their emotional needs. This factor does not weigh in favor of either party.

*(10) Which party is more likely to attend to the daily physical, emotional, developmental, educational, and special needs of the child.*¹⁶

Both parties have the means and capabilities to attend to A.B.M., V.J.M., and A.H.S.'s daily needs. A.B.M. and V.J.M. currently attend school. The children are enrolled in school in Mother's school district. Father lives approximately one hour away from the school. Father would rely on the children's paternal grandmother to take the children to school each morning due to his work schedule. This factor weighs in favor of neither party.

*(11) The proximity of the residences of the parties.*¹⁷

Mother lives in Fulton County, Pennsylvania, and Father lives in Upper Strasburg, Pennsylvania. The parties meet for custody exchanges halfway between the two homes at the Milky Way Restaurant in Fort Loudon, Pennsylvania. Transportation does not seem to be an issue at this time. This factor does not weigh in favor of either party.

*(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.*¹⁸

Father works full-time from 4 a.m. until noon. Father also works on and off at several part-time jobs. Father testified he would not work at these part-time jobs while he has physical custody of the children. Father has extended family available to provide any needed child-care, including

15 23 Pa.C.S. § 5328(a)(9)

16 23 Pa.C.S. § 5328(a)(10)

17 23 Pa.C.S. § 5328(a)(11)

18 23 Pa.C.S. § 5328(a)(12)

the children's paternal grandmother and paternal aunts.

Mother does not work outside the home and cares for the children when they are in her custody. Mother also has extended family available for childcare, including the children's maternal grandparents. This factor does not weigh in favor of either party.

(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 from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.¹⁹

There is conflict between the parties due to a history of alleged abuse by Father against Mother. Mother and Father do not communicate directly. The parties communicate through text messages between maternal grandfather and Father. Mother appears unwilling or unable to co-parent with Father. Neither Mother nor anyone in her family divulges information regarding the children's education, health, or extracurricular activities, unless Father explicitly asks them. They fault him for not asking, which the Court finds a bit childish. To cite an old maxim, Father doesn't know what he doesn't know, so how can he ask?

Mother and her family are hostile towards Father and prefer to communicate with him as little as possible. The lack of cooperation is an ongoing issue between the parties due to the alleged history of abuse. Unless Mother can separate the bad experience she had with Father as her husband²⁰ from his role as the children's Father, the Court predicts stormy seas ahead.

Regardless, Mother has had primary custody of the children for a significant number of months. As the primary physical custodian, she bears the primary burden to relay information concerning the children to the out-of-custody parent, whether he asks or not. Her conduct thus far does not favor a finding that Mother fulfills this duty. Mother's inability to be forthcoming with information is entirely consistent with her explicit and implicit desire to limit Father's role in the children's lives. This factor weighs heavily in favor of Father.

19 23 Pa.C.S. § 5328(a)(13)

²⁰ Pointed cross-examination on this point was illuminating for the Court. Mother was asked by Father's counsel whether she believed Father was a "good father." Mother testified that she does not think he is a good father. When asked why, she responded, "because he strangled me" and was "verbally abusive to" her. Without diminishing the trauma Mother suffered in her relationship with Father, we are constrained to point out that these answers do not relate to Father's ability as a parent. It is not much of a leap in logic to suggest that Mother desires to punish Father for his transgressions against her through his relationship, or lack thereof, with the children. While this may be a natural reaction by Mother, it encroaches not only on Father's right to a good relationship with his children, but upon the children's right to a good relationship with their Father.

*(14) The history of drug or alcohol abuse of a party or member of a party's household.*²¹

No evidence was produced that either party has abused drugs or alcohol. This factor does not weigh in favor of either party.

*(15) The mental and physical condition of a party or member of a party's household.*²²

No evidence was presented that any member of the parties' households suffers from a mental or physical condition that jeopardizes the children's well-being. This factor does not weigh in favor of either party.

*(16) Any other relevant factor.*²³

Father filed a *Petition for Civil Contempt for Disobedience of a Custody Order Pursuant to Pa.R. C.P. 1915.12* on August 10, 2021. The Court did not hear sufficient evidence to find Mother in contempt as alleged. Even if there was sufficient evidence proffered, Father failed to produce evidence supporting his request for relief, *i.e.*, attorney's fees.

IV. CONCLUSION

Both parties clearly love A.B.M., V.J.M., and A.H.S. and want what is best for them. Father testified he would prefer a shared custody schedule; Mother testified she prefers primary physical custody remain with her.

It is clear there are significant communication issues between the parties. Mother and Father do not communicate whatsoever, and Mother and her family have very negative feelings towards Father. Mother's actions regarding the birth and naming of A.H.S. are especially concerning to the Court. It is essential for the children to have a positive relationship with both parents and that both parents do everything in their power to encourage this relationship. The bonds between the children and both of their parents need to be strengthened. The law presumes it is in the best interests of the children that each parent works to strengthen the children's bond with the other parent. Mother has failed thus far in this duty.

The Court believes that maximizing the amount of time the children spend with each parent is in the children's best interests, and will help offset the intentional and negligent efforts of Mother to exclude Father from the children's lives. The bond the children are developing with **both** parents

²¹ 23 Pa.C.S. § 5328(a)(14)

²² 23 Pa.C.S. § 5328(a)(15)

²³ 23 Pa.C.S. § 5328(a)(16)

needs to be strong as they grow and mature. Both parents share the burden to keep these bonds secure.

Mother may be tempted to view this Court's decision as if we are ignoring her testimony of abuse by Father against her. To the contrary, the Court has considered her testimony fully. However, the law considers evidence of abuse between the parties as one of sixteen factors,²⁴ none of which are weighted different than the others. Evidence of abuse against a party, not a subject child, is neither a sword nor a shield in determining what custodial arrangement is in the best interest of that child. *See* 23 Pa.C.S. § 5328(a) (trial court must give "weighted consideration to those factors which affect the safety of **the child**" (emphasis added)). We heard no evidence that supports a finding Father abused the children, or endangered their safety at any time.

In light of the evidence presented, we have appropriately weighted the custodial factors. The resulting custody arrangement is by no means ideal, considering the distance between the parties. Under other circumstances, one or both parties would move to a mutually convenient location which maximizes the time the children spend with both parents and minimizes lengthy drives to school, exchanges, etc. Considering the antipathy Mother and her family hold towards Father, this is an unrealistic possibility. We hope, perhaps with some professional guidance, the parties can forge a future for their children that will foster co-parenting, involvement in the children's lives and activities, and spare the children from experiencing further harm and destabilization the separation of their parents has undoubtedly caused.

An appropriate order follows.

24 23 Pa.C.S. § 5328

ORDER OF COURT

NOW, this 14th day of October, 2021, on the forgoing *Opinion*, **IT IS HEREBY ORDERED** as follows:

1. Legal Custody: The Plaintiff (hereinafter Father) and the Defendant (hereinafter Mother) shall share legal custody of A.B.M., V.J.M., and A.H.S. (collectively “the children,” unless noted otherwise);

2. Physical Custody: Father and Mother shall share physical custody on the following 2-2-3 schedule:

a. Week One: Father shall have physical custody from Monday at the conclusion of school until Wednesday at the conclusion of school; Mother shall have physical custody from Wednesday at the conclusion of school until Friday at the conclusion of school; Father shall have physical custody from Friday at the conclusion of school until Monday at the conclusion of school;

b. Week Two: Mother shall have physical custody from Monday at the conclusion of school until Wednesday at the conclusion of school; Father shall have physical custody from Wednesday at the conclusion of school until Friday at the conclusion of school; Mother shall have physical custody from Friday at the conclusion of school until Monday at the conclusion of school;

c. The party with physical custody is responsible to transport the children to and from school, unless otherwise set forth in this order;

3. Summer Vacation: the parties shall share physical custody on a week on/week off schedule. After the last day of school for the summer, whichever party does not have physical custody of the children that weekend under paragraph 2 above shall begin their first weekly period of physical custody at 4:00 p.m. on the first Sunday after school ends for the summer; exchanges shall be at 4:00 p.m. on Sundays thereafter; the custody schedule under paragraph 2 shall resume with “Week 1” on the last Monday¹ before school resumes in the Fall;

4. Custody Exchanges:

a. School year: Unless otherwise agreed between the parties, custody exchanges shall occur at the school at the end of the school day, with the party beginning their period of physical custody responsible to pick up/transport the children from school. Until A.H.S. begins school, the parties shall agree upon an exchange location within a five-minute drive from the school. Unless otherwise agreed, this location shall not

¹ If school begins on a Monday, that day shall be the recommencement of the physical custody schedule under paragraph 2.

increase Father's drive between his residence and the school;

b. Summer vacation: Unless otherwise agreed between the parties, custody exchanges shall occur at the Milky Way Restaurant in Fort Loudon;

5. School: Unless otherwise agreed between the parties, the children shall attend the Southern Fulton School District;

6. Holidays: notwithstanding paragraphs 2 and 3 above, and unless otherwise agreed:

a. Mother's Day/Father's Day: the party whose relationship with the children is being celebrated shall have physical custody of the children from 9:00 a.m. until 6:00 p.m.;

b. Thanksgiving: in even numbered years, Father shall have physical custody from after school the Wednesday before Thanksgiving Day until the immediate following Friday at 6:00 p.m. and Mother shall have from Friday at 6:00 p.m. until Sunday at 6:00 p.m.; in odd numbered years, these periods reverse between the parties;

c. Christmas: in even numbered years, Mother shall have physical custody from the conclusion of school until December 27 at 3:00 p.m. and Father shall have physical custody from December 27 at 3:00 p.m. until the end of school the first day after Christmas break; in odd numbered years, these periods of physical custody shall reverse between the parties;

d. Family Vacations: unless otherwise agreed, the parties shall take family vacations during their regular weekly period(s) of physical custody under paragraph 3 above;

e. Other holidays: the party with physical custody under paragraphs 2 and 3 above shall enjoy the holiday with the children, unless otherwise agreed between the parties;

7. The out-of-custody parent under paragraphs 2, 3, and 6 shall have not less than one (1) video conference with the children (together) for each full day they do not have physical custody; unless otherwise agreed between the parties, this shall occur at 7:00 p.m.; neither party shall unreasonably interfere with the out-of-custody party's video call, nor shall they unreasonably terminate the video call while the children (individually or collectively) are actively engaged with it; after 10-15 minutes, the in-custody parent may, but is not required to, end the call after affording the children and the out-of-custody parent a reasonable²

² While the Court is loath to micromanage the parties, we feel it is necessary until such time as they are able to better work together. A "reasonable period of time to say goodbye" would include such things as fair warning to the children and the out-of-custody parent that the call needs to end shortly. Further, the parties are warned the provision of a daily video call is for the benefit of the out-of-custody parent and the children; it is not a Trojan horse to be used by

time to say goodbye;

8. Emergency Medical Decisions: if one or more the children suffer a medical emergency while in the physical custody of a party, that party may make all decisions of an emergent nature related to the child's or children's medical care without consulting the other parent under paragraph 1 above; however, that party must immediately notify the other parent as soon practical and seek their input into continued medical care/ decisions; what constitutes an emergent medical decision will be viewed objectively by the Court in any subsequent proceeding related to this provision;

9. Neither party shall make any statement or take any action that is intended or tends to denigrate the other party in the eyes of the children; both parties shall prohibit any third-party from making such statement or taking such action; whether any such statement or act was intended or tended to denigrate the other party in the eyes of the children will be viewed objectively by the Court in any subsequent proceeding related to this provision;

10. Neither party is permitted to relocate the residence of the child to significantly impair the ability of another person to exercise custody UNLESS every individual who has custodial rights to the child consents to the proposed relocation OR the Court approves the proposed relocation. A party proposing to relocate MUST comply with the notice requirements under 23 Pa.C.S. § 5337(c).

11. The Plaintiff's *Petition for Civil Contempt for Disobedience of a Custody Order*, filed August 10, 2021, is **DENIED**.

Notice of this judgment shall be given pursuant to Pa.R.C.P. 236.