

RECENT PA. APPELLATE COURT FAMILY LAW SLIP OPINIONS

June 2014

Summarized by David I. Grunfeld, Esquire

1. **In the Interest of: C.J.L.**, Luz., 2124 MDA 2013
(Pa. Super. 5/12/14)

Mother appealed termination order. Affirmed - properly-counseled voluntary relinquishment here. Memorandum opinion by Donohue joined by Panella and Mundy.

2. **Seyler v. Seyler**, Clint., 1819 MDA 2013
(Pa. Super. 5/12/14)

Husband appealed divorce and E.D. Affirmed - no errors in modest awards of counsel fees and alimony, albeit undocumented, or in findings as to liability for debts. Memorandum opinion by Panella joined by Olson and Musmanno.

3. **M.C. v. S.C.**, Ches., 2817 EDA 2013
(Pa. Super. 5/15/14)

Father appealed custody order to Mother. Affirmed - all factors evaluated, despite Mother's past anger problems and hostility toward Father. Memorandum opinion by Bowes joined by Ott and Jenkins.

4. **A.Y. v. H.Z.**, Cumb., 2038 MDA 2013
(Pa. Super. 5/15/14)

Mother appealed custody order to Father. Vacated and remanded for discussion of all factors. Memorandum opinion by Allen joined by Donohue and Stabile.

5. **B.W.K. v. K.Q.H.T.**, Ven., 1597-8 WDA 2013
(Pa. Super. 5/15/14)

Father and paternal grandparents appealed transfer of custody case to court in Oklahoma. Affirmed on merits because no party in Venango county; grandparents' appeal quashed because not joined as parties. Memorandum opinion by Allen joined by Gantman and Stabile.

6. **Kipp v. Kipp**, Cam., 460 WDA 2013
(Pa. Super. 5/16/14)

Wife appealed denial of petitions for special relief. Quashed - trial court had granted reconsideration. Memorandum opinion by Lazarus joined by Bender and Mundy.

7. **In the Interest of: N.S.S.**, York, 1907, 1772
and 1789 MDA 2013 (Pa. Super. 5/16/14)

Mother appealed termination orders. Affirmed due to substance abuse, incapacity. Memorandum opinion by Mundy joined by Allen. Dissenting memorandum by Donohue, who would find environmental factors beyond control of Mother.

8. **In the Interest of: E.F.**, Phl., 2829 EDA 2013
(Pa. Super. 5/16/14)

Mother appealed dependency order. Affirmed due to criminality, abuse. Memorandum opinion by Wecht joined by Bender and Strassburger.

9. **Lal v. Lal**, Alleg., 607 and 724 WDA 2013
(Pa. Super. 5/19/14)

Parties appealed E.D. order. Affirmed - no errors in property identifications and valuations, or in alimony or counsel fees, but remanded for calculation of tax considerations as to one retirement account. Memorandum opinion by Ford Elliott joined by Bowes and Wecht.

10. **J.L.R. v. G.T.K.**, Leh., 2945 EDA 2013
(Pa. Super. 5/19/14)

Father appealed custody order to Mother. Affirmed - all factors evaluated. Memorandum opinion by Ott joined by Bowes and Jenkins.

11. **C.T. v. N.F.T.**, Alleg., 1530 WDA 2013
(Pa. Super. 5/20/14)

Mother appealed custody order denying her relocation to New York. Affirmed - all factors discussed. Memorandum opinion by Wecht joined by Shogan and Olson.

12. **In the Interest of: Y.A.N.**, Phl., 17 EDA 2014
(Pa. Super. 5/20/14)

Mother appealed termination order. Affirmed due to mental illness, incapacity. Memorandum opinion by Shogan joined by Bowes and Musmanno.

- 13. In Re: Adoption of C.E.C., Montg., 3180 EDA 2013
(Pa. Super. 5/20/14)**

Mother appealed termination order. Affirmed due to safety issues, substance abuse. Memorandum opinion by Platt joined by Shogan and Jenkins.

- 14. In the Interest of: A.D., Frank., 1602-4,
1874-6, 1878-80 MDA 2013 (Pa. Super. 5/21/14)**

CYS appealed denial of termination orders and goal changes from reunification to adoption. Reversed based on children's best interests despite agency failures. Memorandum opinion by Bowes joined by Olson and Fitzgerald.

- 15. In the Interest of: S.R., 1779 EDA 2013
(Pa. Super. 5/22/14)**

CYS appealed return of children to custody of Mother. Affirmed - no error in finding reunification in best interest here. Memorandum opinion by Fitzgerald joined by Panella and Mundy.

- 16. In Re: Y.H.S., Cent., 2112 MDA 2013
(Pa. Super. 5/23/14)**

Mother appealed termination order. Affirmed due to mental illness, safety issues, bond with foster parents. Memorandum opinion by Mundy joined by Bender and Jenkins.

- 17. In the Interest of A.H., Luz., 986 MDA 2013
(Pa. Super. 5/23/14)**

Mother appealed termination order. Affirmed due to incapacity, substance abuse, bond with foster parents. Memorandum opinion by Stabile joined by Ott and Musmanno.

18. **In the Interest of: A.H.**, Luz., 1068 MDA 2013
(Pa. Super. 5/23/14)

Father appealed termination order. Affirmed due to no contact, substance abuse, best interest, bond with foster family. Memorandum opinion by Stabile joined by Ott and Musmanno.

19. **Bauder v. Bauder**, Leb., 1768 MDA 2013
(Pa. Super. 5/23/14)

Husband appealed PFA order. Affirmed - no error in finding fear of injury. Memorandum opinion by Musmanno joined by Ott and Stabile.

20. **M.P. v. G.P.**, Car., 2686 EDA 2013
(Pa. Super. 5/23/14)

Father appealed Mother's custody relocation order to New Jersey. Affirmed - all factors evaluated. Memorandum opinion by Stabile joined by Shogan and Platt.

21. **A.S. v. I.S.**, Montg., 1563 EDA 2013
(Pa. Super. 5/28/14)

Mother appealed dismissal of her child support complaint against stepfather with partial physical custody. Affirmed - no legal duty here. Memorandum opinion by Lazarus joined by Bender and Panella.

22. **In the Interest of: J.B.O.-L.**, Phl.,
3107-10 EDA 2013 (Pa. Super. 5/28/14)

Father appealed termination orders. Affirmed due to safety and incapacity issues, bond with foster parent. Memorandum opinion by Shogan joined by Jenkins and Platt.

23. **R.B. v. M.H.G.**, Clint., 1614 MDA 2013
(Pa. Super. 5/28/14)

Father appealed custody order. Affirmed - no error to modify on contempt petition here for ease of timing and logistics. Memorandum opinion by Strassburger joined by Donohue. Wecht concurs in result.

24. **Cameau v. Burger**, Erie, 1677, 1704, 1750 WDA 2013
(Pa. Super. 5/28/14)

Father appealed child support order. Affirmed - attempt to re-litigate disability. Memorandum opinion by Donohue joined by Panella and Allen.

25. **M.A.L. v. K.M.L.**, Ind., 1715 WDA 2013
(Pa. Super. 5/28/14)

Mother appealed modification of custody order. Vacated and remanded - error in weight given to stale evaluation, insufficient analysis of factors. Memorandum opinion by Gantman joined by Ford Elliott. Olson concurs in result.

26. **In Re: Q.C.V.**, Leh., 300 EDA 2013
(Pa. Super. 5/29/14)

Mother appealed termination order. Affirmed due to substance abuse, no contact or bond. Memorandum opinion by Musmanno joined by Bowes and Shogan.

27. H.L. v. M.S., Cumb., 1933 MDA 2013
(Pa. Super. 5/29/14)

Mother appealed order granting third party in loco parentis rights to file custody complaint. Quashed as interlocutory. Judgment order by Allen joined by Donohue and Mundy.

28. Werdebaugh v. Werdebaugh, Fult., 1306 MDA 2013
(Pa. Super. 5/29/14)

Wife appealed E.D. order. Vacated and remanded - error to find son's property to be marital here. Memorandum opinion by Strassburger joined by Panella and Wecht.

29. In the Interest of: K.L.R., Cent., 1853-4,
1858-9, 1926-7 MDA 2013 (Pa. Super. 5/29/14)

Parents and G.A.L. appealed dependency orders. Affirmed due to safety and incapacity issues. Memorandum opinion by Panella joined by Olson and Musmanno.

30. In Re: D.L.S., Blair, 1735 WDA 2013
(Pa. Super. 5/29/14)

Mother appealed termination order. Affirmed due to substance abuse, incapacity, missed. Memorandum opinion by Stabile joined by Gantman and Allen.

- 31. N.W. v. N.W., West., 1555 WDA 2013
(Pa. Super. 5/29/14)**

Father appealed custody order to Mother and her relocation to West Virginia. Affirmed - all factors considered; credibility up to trial judge. Memorandum opinion by Bowes joined by Jenkins and Fitzgerald.

- 32. Awad v. Awad, Mon., 3112 EDA 2013
(Pa. Super. 5/30/14)**

Wife appealed divorce decree. Affirmed for failure to file R.1925 statement. Memorandum opinion by Platt joined by Ford Elliott and Lazarus.

- 33. In the Interest of: K.M., Miff., 211 MDA 2014
(Pa. Super. 5/30/14)**

Parents appealed termination order. Affirmed due to incapacity, safety, no bond. Memorandum opinion by Strassburger joined by Donohue and Wecht.

- 34. K.T. v. H.T., Law., 1732 WDA 2013
(Pa. Super. 5/30/14)**

Father appealed custody order to Mother and denial of his relocation. Affirmed - all factors considered. Memorandum opinion by Wecht joined by Shogan and Olson.

**35. J.M.M. v. C.A.R., Mer., 1765 WDA 2013
(Pa. Super. 5/30/14)**

Father appealed custody order to Mother and her relocation to Delaware. Affirmed - all factors considered. Memorandum opinion by Olson joined by Gantman and Ford Elliott.

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