

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

J.K.,

*Plaintiff- Appellant*

v.

C. S-C.,

*Defendant-Appellee*

Superior Court of Pennsylvania  
Docket Number: **9 MDA 2018**

Lower Ct Docket No.: 15 - 20,832

CUSTODY - VENUE  
FAST TRACK APPEAL / 1925 (a)

OPINION AND ORDER

Issued Pursuant to Pennsylvania Rule of Appellate Procedure 1925(a)

FILED  
LYCOMING COUNTY  
2018 JAN 26 PM 3:45

This Court issues the following Order pursuant to P.R.A.P. 1925 (a) following an appeal by Mr. K. from an Order dated December 1, 2017 denying, without prejudice, his petition for change of venue. Mr. K. did not file a concise statement as required for FAST TRACK<sup>1</sup> appeals or in response to this Court's Order dated January 5, 2018 directing that one be filed. In addition, the appeal is from an interlocutory and non-appealable order without a showing that conditions of Rule 331(b) are satisfied. (See Superior Court docket).

In the absence of a concise statement, this Court cannot address alleged errors on appeal and respectfully submits that any issues have been waived. See. Pa. R.A.P. 1925(b)(4)(vii). The general reasons for denying the motion for a change of venue without prejudice can be found in the Opinion and Order by this Court on December 1, 2017. The Court believed and continues to believe that Lycoming County (where Mother resides) is the most appropriate venue at this time to enforce the partial physical custody rights Mother currently enjoys while residing in Lycoming County.

The Court retained exclusive, continuing jurisdiction pursuant to 23 Pa.C.S. § 5422 (a) and considered whether Washington County would be a more convenient forum than Lycoming County under 23 Pa.C.S. § 5427.<sup>2</sup> See, B.A.B. v. J.J.B., 2017 PA Super 199, 166 A.3d 395, 402

<sup>1</sup> See, Pa. R.A.P. 102; Pa. R.A.P. 1925(a)(2).

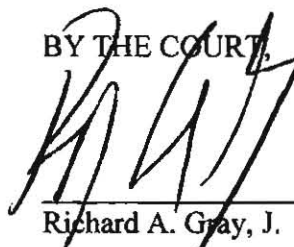
<sup>2</sup> The factors outlined in 23 Pa. C.S. § 5427 (a) are as follows.

- (1) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
- (2) the length of time the child has resided outside this Commonwealth;
- (3) the distance between the court in this Commonwealth and the court in the state that would assume jurisdiction;
- (4) the relative financial circumstances of the parties;
- (5) any agreement of the parties as to which state should assume jurisdiction;
- (6) the nature and location of the evidence required to resolve the pending litigation, including testimony of the child;
- (7) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(Pa. Super. 2017). The Court determined that Lycoming County was the more appropriate forum noting that mother recently resumed partial physical custody while residing in Lycoming County after experiencing poor communication with the father and little to no contact with her child from June 2016 until the date of that Order. The Court believed that the enforcement, expansion or limitation of mother's partial physical custody in Lycoming County made Lycoming County the most convenient forum at this time. Evidence of the quality and circumstances of the mother's partial custody is more readily available in Lycoming County. Moreover, the financial circumstances of the parties support Lycoming County retaining jurisdiction. While mother may be eligible for free legal services in either county, mother already established a relationship with North Penn Legal Services, and has an attorney familiar with her case. Lycoming County Court is familiar with the case can expeditiously determine matters of enforcement of its order.

For these reasons, this Court respectfully requests that the denial without prejudice of the petition for change of venue be affirmed or the appeal be quashed.

BY THE COURT,



Richard A. Gray, J.

January 26, 2018

Date

cc: ✓ Lane M Turturice, Esquire (for Father - Appellant)  
Turturice & Associates LLC, 135 S College St., Washington, PA 15301  
✓ Wesley Speary, Esquire (for Mother - Appellee)  
✓ Prothonotary (SF)  
(Superior & 1)

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(8) the familiarity of the court of each state with the facts and issues in the pending litigation.