

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA
JUVENILE COURT DIVISION**

DAD,	:	No. 12-21,246
Plaintiff	:	772 MDA 2018
	:	
vs.	:	CIVIL ACTION - LAW
	:	
AL,	:	
Defendant	:	

Date: June 12, 2018

**OPINION IN SUPPORT OF THE
ORDER ENTERED APRIL 3, 2018, IN COMPLIANCE WITH
RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

The Defendant (hereinafter referred to as “Appellant”) has appealed this Court’s Order dated March 29, 2018, and docketed on April 3, 2018, which denied Appellant’s Exceptions #1-4 filed on September 29, 2017, to the Hearing Officer’s Order entered on September 19, 2017. At the time of the argument on February 20, 2018, Appellant withdrew Exception #5.

The Court initially notes that Appellant’s Notice of Appeal was filed on May 4, 2018. Pursuant to Pa.R.A.P. 903(a), “the notice of appeal required by Rule 902 (manner of taking appeal) shall be filed within 30 days after the entry of the order from which the appeal was taken.” “Because this filing period is jurisdictional in nature, it must be strictly construed and ‘may not be extended as a matter of indulgence or grace.’” **Commonwealth v. Gaines**, 127 A.3d 15, 17 (Pa. Super. 2015). Appellant’s appeal was not filed within 30 days of the date the Order from which the appeal was

taken was docketed, and therefore is untimely. For this reason, the Court respectfully requests that Appellant's appeal be quashed.

Additionally, by Order docketed on May 16, 2018, Appellant was directed, pursuant to Pa.R.C.P. 1925(b), to file a Concise Statement of the Matters Complained of on Appeal, and to serve a copy of said Concise Statement on the undersigned within 21 days of the date of the Order's entry on the docket. As of the date of this Opinion, more than 21 days have passed since the docketing of the Order requiring Appellant to file a Concise Statement of Matters Complained of on Appeal. The Appellant has failed to timely file and serve a Concise Statement and has therefore waived all issues on appeal.

In the event the Superior Court determines that the Appellant's appeal was timely filed or that the failure to timely file a Concise Statement of Matters Complained of on Appeal did not result in a waiver of all issues on appeal, this Court's Order entered on April 3, 2018, is a comprehensive analysis of the Exceptions raised and the arguments presented. This Court would rely on its Order entered on April 3, 2018, for this appeal.

By the Court,

Joy Reynolds McCoy, Judge