

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

RZ, : NO. 99-20,160  
Plaintiff :  
 :  
vs. : CIVIL ACTION - Law  
 : Custody  
RWI, SR, :  
Defendant :

OPINION AND ORDER

Before the Court is Defendant’s Motion to Dismiss Plaintiff’s Motion for Reconsideration, both the Motion for Reconsideration and Motion for Dismiss having been scheduled for argument June 21, 2002. Since the Motion to Dismiss raises jurisdictional issues, it was agreed by counsel that the Court address those issues prior to conducting further proceedings on the Motion for Reconsideration.

On March 12, 2002, Plaintiff filed a Petition for Contempt, seeking redress for Defendant’s alleged contempt of this Court’s Order of April 3, 2001, in pertinent part establishing terms regarding telephone contact and a prohibition against making disparaging remarks and this Court’s Order of December 20, 2001 establishing the terms of a particular period of partial custody, to be exercised December 26, 2001 through December 31, 2001. A hearing was held April 9, 2002 and by Order dated May 21, 2002, this Court established two periods of partial custody to be exercised during the summer of 2002, as a remedy for Defendant’s contempt. The Order of May 21, 2002 requires Plaintiff to exercise these two periods of partial custody in Washington State, the child’s State of residence. Plaintiff then filed the instant Motion for reconsideration on June 4, 2002, seeking to have the visitation take place in her home State of Florida. In his Motion to Dismiss, Defendant argues that the Motion for Reconsideration was filed untimely, contending such must be filed within ten days of the date of the Order. Defendant is incorrect in this regard, as a Motion for Reconsideration may be filed

within 30 days of the date of the Order. Moore v Moore, 634 A.2d 163 (Pa. 1993); Pa. R. App. P. 1701. The Motion for Reconsideration was filed within the 30 day period and is therefore properly before the Court.

Defendant also challenges the Motion for Reconsideration on jurisdictional grounds, contending this Court no longer has jurisdiction as jurisdiction has been relinquished to the Courts of Washington State. While this Court did enter an Order on May 21, 2002 transferring jurisdiction of the custody matter to Washington, where the child and his father now reside, it appears no further Order has been entered in Washington which would modify this Court's custody Orders. Thus, this Court continues to hold contempt powers to enforce the Pennsylvania Orders. See Shaw v Shaw, 719 A.2d 359 (Pa. Super. 1998) (so long as a custody decree has not been modified by an Order issued by another forum in a valid exercise of its jurisdiction, it is enforceable by the original forum).

The Court therefore concludes it does have jurisdiction over Plaintiff's Motion for Reconsideration and a further hearing on the matter will be scheduled.

#### ORDER

AND NOW, this 15<sup>th</sup> day of July, 2002, Defendant's Motion to Dismiss, filed June 5, 2002, is hereby denied. The Court Scheduling Technician is requested to schedule a hearing on the Motion for Reconsideration. It is anticipated that at least two hours will be required. Both parties may participate in said hearing by telephone, Plaintiff's attorney making appropriate arrangements for the conference call in which both parties may participate on one line.

By the Court,

Dudley N. Anderson, Judge

cc: Steven S. Hurvitz, Esq., 811 University Drive, State College PA 16801-6699  
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Nancy Borgess, CST  
Gary Weber, Esq.