

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

S.J.T.,	:	
Plaintiff	:	
	:	
v.	:	No. 00-21,098
	:	
T.T., JR.,	:	
Defendant	:	

OPINION and ORDER

AND NOW, this 27th day of August, 2007, the plaintiff's Petition for Relocation is granted for the following reasons. Regarding the first prong of Gruber v. Gruber, 400 Pa. Super. 174, 583 A.2d 434 (1990), we find Mother has established that the proposed move will result in a substantial improvement in the lifestyle of Mother and child. Admittedly, this improvement is primarily economic, resulting from the impending termination of employment for Mother's husband, contrasted with the excellent position he has been offered in Florida. This position carries with it a substantially higher beginning salary, potential for bonuses, and the possibility of becoming a company vice-president in the near future. We also note Mother has been the child's primary caretaker, and Mother has been able to be a stay-at-home mother due to her husband's income. Moreover, we note that the child desires to move to Florida. The proposed move will enable the child's custodial family to remain intact, will enable Mother to continue to be available to the child on a full-time basis, and will guarantee the child's financial welfare at a time when it is in jeopardy.

In support of our decision on this issue, the court cites Boyer v. Schake, 799 A.2d 124 (Pa. Super. 2002) and Mealy v. Arnold, 733 A.2d 652 (Pa. Super. 1999). In both of these cases, the Superior Court permitted the mother to relocate the child

primarily based upon economic advantage to mother and child resulting from reuniting with mother's fiancé, who had been transferred/received a promotion, requiring him to move to another state. By contrast, in the case of Ketterer v. Seifert, 902 A.2d 533 (Pa. Super. 2006), the Superior Court denied relocation to a mother wishing to relocate the child to California, finding the mother had not shown substantial improvement in the financial position of herself or her husband.

Regarding the second Gruber prong, the court is satisfied with the integrity of Mother's motivation to move as well as the integrity of Father's motivation in opposing the move. Both are fine people and loving parents. And finally, the court is satisfied that the alternative visitation arrangements will adequately foster an ongoing relationship between Father and child.

Therefore, Mother is granted permission to relocate the child to Oviedo, Florida. The following order takes immediate effect and supersedes any prior custody order.

ORDER

1. The parties shall share legal custody of their child, T.T., born on February 20, 1998. Both parties shall consult with each other and participate in making major decisions affecting the child. Neither party shall make a unilateral decision that significantly affects the child without the consent of the other party. Such decisions shall include, but are not limited to, decisions on health, education, religious upbringing, and extracurricular activities. Both parties shall have access to the child's educational and medical records. Both parties shall work together to promote the child's best interest.
2. Mother shall have primary physical custody.
3. Father shall have partial physical custody as follows:
 - A. For the entire October break.
 - B. For the entire Thanksgiving break.
 - C. For the entire Christmas break, with Mother receiving reasonable time with the child if Mother remains in the Williamsport area during the break.
 - D. For the entire Spring break.
 - E. For not less than one month during the summer.
4. Mother shall provide all transportation.
5. Mother shall facilitate reasonable telephone contact between the child and Father.

6. In order to establish more specific dates and times, a custody conference is scheduled for 9:00 a.m. on October 26, 2007, in Room #403.

BY THE COURT,

Richard A. Gray, J.

cc: Janice Yaw, Esq.
Michael Morrone, Esq.
Gary Weber, Esq.