

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

S.F.,		:	NO. 11-20,301
	Plaintiff	:	
		:	CIVIL ACTION - LAW
	vs.	:	
		:	
C.F.	,	:	CUSTODY
	Defendant	:	RE: School Issue

OPINION AND ORDER

Background:

The parties have two twin children, C.F., born January 3, 2006 and B.F., born January 3, 2006.

The parties unfortunately are going through a divorce and they have entered into an agreement as to custody of the twin children which basically splits custody time of each parent and the children on a 50-50 basis. Under the agreement, mother has the children from Monday at 6:00 p.m. until Wednesday at 6:00 p.m. and father from Wednesday at 6:00 p.m. until Friday at 6:00 p.m. The parents alternate weekends with the children. The parties share legal custody of the children.

Mr. F. grew up in the Montgomery area and his parents and relatives all live in Montgomery. His parents own a 100 acre farm and since the separation of the parties, Mr. F. has lived with his parents. Mr. F. in the future plans to move out of his parents' home and build a home somewhere on the farm property. He plans to live in the Montgomery area where his family and relatives are located.

Mrs. F. is from the Williamsport area and her parents reside in Williamsport.

The parties were married on September 11, 2010 and separated in February 2011. The parties purchased a home in South Williamsport. Their plan had been to live in the Montgomery area but at the time they purchased the house, it was the most affordable option for them.

The parties were able to obtain a significant tax credit in buying the house in South Williamsport, however, if they sell the house before year 2012, they would have to pay back

the \$8,000.00 credit to the I.R.S.

The parties planned to stay in the marital home until 2012 with the eventual goal of moving to the Montgomery area. The parties had some discussion about the twins starting school in South Williamsport with the plan being that eventually they would attend school in Montgomery.

When Mr. F. moved out of the house, Mrs. F. stayed in the South Williamsport home.

Both parents have helpful and supportive families who are very involved in the twins' lives. The maternal and paternal grandparents help with transporting the children for custody exchanges and will help with school transportation.

Mrs. F. works in Allenwood Federal Prison near Montgomery. She has a difficult work schedule because of the change of her shift time. (See Mother's Exhibit 1.) Mr. F. works for a company called Drill String Services in South Williamsport and he works a 8:15 a.m. through 4:00 p.m. schedule. Both employers provide some flexibility for the parents when needed.

A. F., the paternal grandmother, is a retired school teacher. She taught child development and family living. She retired in June 2010, primarily to spend more time with her grandchildren. At the time the parents were paying for daycare and A. F. offered to instead babysit the twins at her home. Both parents agree that A. F. has been and continues to be the "primary" babysitter for the children.

In 2010, the children attended a pre-school program in South Williamsport and A. F. provided transportation. The parties plan for A. F. to continue in her role as primary babysitter.

C.T., the maternal grandmother, also testified at the hearing before the Court. Like A. F., she has closely bonded and is very involved with the children. She has also helped with transportation and babysitting for the children. She works 9:00 a.m. through 5:00 p.m. at the Kutney Insurance Agency but has flexibility from her employer and can leave at about anytime if needed to help transport or care for the children.

Both the parents and the grandparents seem to interact well and all parties cooperate and communicate so as to help the children.

The dispute before the Court arises because the parents cannot agree whether the twins should attend kindergarten in the South Williamsport Area School District or the Montgomery Area School District. The Court thus must make the decision.

The testimony presented to the Court establishes that both school systems have excellent kindergarten programs. Each system has four kindergarten classes and the average class size in Montgomery is 18 and in South Williamsport is 23.<sup>1</sup> The South Williamsport School District is approximately ten blocks from the home in South Williamsport. If the children go to South Williamsport, the parents and both grandmothers will participate in transporting the children. The Montgomery School District has a school bus which comes right to the F.'s home. If the children go to the Montgomery School, they will get on the school bus at the F.'s home. When the children are staying with mother, they could be transported to the F. home to get the bus or they could be taken directly to the school.

Several of the children from the South Williamsport day care are also starting kindergarten in South Williamsport, so the twins would know some of the children.

The twins' aunt, J.U., is a teacher in the Montgomery School. She teaches pre-kindergarten and she will be teaching her class on the same floor with the kindergarten classes. The twins also know some children in Montgomery. Mr. F. testified they know a child named Natalie Bennett who will be starting kindergarten in Montgomery.

The decision is difficult because the Court believes that either kindergarten program could work out fine for the twins. In weighing the competing factors, the Court believes that there may be some advantage in the Montgomery kindergarten program. The reason we believe this is because of A.F.'s role as primary babysitter. She will normally watch the children when the parents are working. The children will get out of school at 2:55 p.m. (South Williamsport) or 3:00 p.m. (Montgomery). Typically A. F. will watch the children when the parents are working. Having the children in Montgomery will lessen the amount of time she would travel over the mountain to South Williamsport.

There may be some slight advantage in Montgomery because of smaller class size.

We note the Montgomery school is near mother's place of employment which might be of some benefit.

Finally, we note that the parties' prior plan for the children before separation pointed toward the children eventually going to school in the Montgomery School District.

We are satisfied mother can maintain involvement with her sons' school in

---

<sup>1</sup> Both parents agree it would be best to place the twins in separate kindergarten classes whichever school they

Montgomery just as well as she could in South Williamsport.

Accordingly, the following is entered.

**ORDER**

AND NOW, this 8<sup>th</sup> day of July 2011, after a hearing, the decision of the Court is that the children be placed in the Montgomery Area School District's kindergarten program.

By the Court,

Kenneth D. Brown, Senior Judge

cc: Family Court  
Christina Dinges, Esq.  
Melissa Clark, Esq.