

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

MDG, JR.,	:	No. 16-21,649
Plaintiff	:	1768 MDA 2017
	:	
vs.	:	CIVIL ACTION - LAW
	:	
KW,	:	
Defendant	:	

Date: December 1, 2017

**OPINION IN SUPPORT OF THE ORDER ENTERED OCTOBER 12, 2017, IN
COMPLIANCE WITH RULE 1925(a) OF THE RULES OF APPELLATE PROCEDURE**

Appellant, MDG, Jr. (hereinafter referred to as “Father”), has appealed this Court’s Order dated October 12, 2017, and Opinion dated October 30, 2017, issued after a trial held on October 3, 2017, and October 12, 2017, with regard to the Complaint for Custody filed by Father on December 23, 2016. Father raises the following issues in his Concise Statement of Matters Complained of on Appeal, filed on November 13, 2017, contemporaneously with his Notice of Appeal:

1. An abuse of discretion occurred because of the lack of evidence to suggest Child would not adjust well to a 50/50 shared custody agreement that Father testified he was willing to accept, given that the Court’s opinion agrees that the Child has adjusted well to the Custody Order established in February 2017.
2. An abuse of discretion occurred when the unreasonable conclusion was made that it is in the Child’s best interest that Child should remain with Mother while she works (babysitting two autistic children until 11:20 p.m. at the employer’s residence) instead of being with Father who is off work and can devote his entire attention to the Child.
3. An abuse of discretion occurred because the Court’s Order fails to establish a specific day for Father’s evening custody, given that the Court’s opinion states the schedule of Parents as the basis for decision.

4. An abuse of discretion occurred because the Order unjustly gives favor to Mother based on her occupation as a babysitter which permits Mother to circumstantially modify and maintain a schedule which, furthermore, will continuously promote favor with the Court based on the opinion regarding Parents' schedules.
5. That the Court's decision erroneously interpreted the testimony of Father by suggesting Father had no objections to Mother's action with Child (regarding Child's accompanying Mother to babysitting job) and allowed for the evolution for circumstances leading to Father's Petition for Custody.
6. An abuse of discretion occurred because there is no evidence or reasonable inference from the evidence to justify the Court's decision based upon the factors of the custody checklist in which no factor grossly favors either party according to the Guardian Ad Litem's report and the opinion of the Court.

Father's appeal should be denied and the Court's Order of October 12, 2017, and the transcript considered the Opinion of the Court in support of said Order, which was filed on October 30, 2017, affirmed. The Order dated October 12, 2017, and Opinion dated October 30, 2017, are a comprehensive analysis of the Court's decision, determination of credibility, and findings of fact, and are supported by the testimony from the trial held on October 3, 2017, and October 12, 2017. This Court will rely on its Opinion and Order for this appeal.

BY THE COURT,

Joy Reynolds McCoy, Judge