

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

|                        |   |                              |
|------------------------|---|------------------------------|
| <b>WILLIAM BEAMER,</b> | : | <b>FC-15-21441</b>           |
| <b>Plaintiff</b>       | : |                              |
|                        | : |                              |
| <b>vs.</b>             | : | <b>CIVIL ACTION-LAW</b>      |
|                        | : |                              |
| <b>SARAH BOBST,</b>    | : |                              |
| <b>Defendant</b>       | : | <b>Petition for Contempt</b> |

**OPINION**

The parties in this matter are the parents of minor child, BB, who is almost seven years old and is enrolled in the Jersey Shore Elementary School. The Jersey School Area School District students are now physically attending school full time. Mother filed a Petition for Contempt/Petition for Special Relief on November 16, 2020 alleging that Father is not permitting the child to physically attend school when she is in his custody in violation of Paragraph 3 of the February 20, 2019 Custody Order which states: "The parties agree that the child shall attend school in the Jersey Shore Area School District . . . ." A hearing was held on December 2, 2020 at which point Father admitted that he has not been sending the child to school while she is in his custody due to the COVID-19 pandemic. Father did testify, however, that he has an arrangement with the school where Father is provided with the child's schoolwork, which he works on with her at home and subsequently submits the completed work back to the school. Mother argues that this is in direct violation of the Custody Order.

While Mother is correct that the Custody Order directs that the child attend the Jersey Shore Area School District, it is clear that the Order, which was entered

in February of 2019, did not contemplate a worldwide pandemic. There is no other provision contained in the Order which addresses the issue of whether the child will attend school in person or remotely. Additionally, after reviewing the Family Group Decision Meeting report, which is dated February 13, 2019, the Court finds that there was no discussion about in person versus remote learning.

With that said, however, it is clear from the letters sent from the Jersey Shore Area School District<sup>1</sup> that it does not consider Father's remote learning plans to be in compliance with its policies. For example, in a letter dated November 23, 2020, the school stated that the child's absences are considered unlawful because no excuse from a doctor has been provided. Despite Father's testimony, it is clear that the Father's arrangements for the child's schooling do not meet the school's requirements.

For these reasons, the Court finds Father in contempt for his failure to ensure the child attends school while she is in his custody. Father is ordered to ensure the child physically attends school at the Jersey Shore Elementary School. Additionally, based upon Father's representations regarding his potential COVID-19 exposure, the child shall remain in Mother's custody until December 11, 2020. The award of attorney fees will be deferred at this time. If Father violates this Order, the Court will institute a sanction of \$550 in attorney's fees for this proceeding along with any additional attorney fees incurred to enforce such a violation. Additionally, Father shall be solely responsible for fines issued to Mother and/or Father for the child's

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<sup>1</sup> Mother's Exhibits 1, 2, and 3.

truancy on November 9<sup>th</sup> through November 13, 2020.

Should Father wish to modify the means by which the child attends school, Father may file a Petition for Special Relief for consideration by the Court. If Father chooses to file such a petition, it is expected that any proposed change would be approved in advance by the Jersey Shore Area School District. The Court is not indicating that a petition of this nature would be granted, but simply that that is the proper procedure and a party may not unilaterally impose a change in the schooling method.

**ORDER**

**AND NOW**, this 3<sup>rd</sup> day of **December, 2020**, for the reasons set forth above, Defendant Mother's Petition for Contempt/Petition for Special Relief is **GRANTED**. Father is **ORDERED** and **DIRECTED** to ensure the child physically attend the Jersey Shore Elementary School while she is in his custody. Additionally, the child shall remain in Mother's physical custody until December 11, 2020 at which point the regular custody schedule will resume. Finally, attorney's fees in the amount of \$550 are deferred unless and until Mother is forced to file an additional petition due to Father's violations of this Order.

By the Court,

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Ryan M. Tira, Judge

RMT/ads

cc: Bradley Hillman, Esquire  
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Gary Weber, Esquire