

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

<b>PATRICIA FORCE,</b>	:	<b>FC-19-20,611</b>
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>CIVIL ACTION-LAW</b>
	:	
<b>BOBBI JO ZAMORA and WILLIAM BYRD,</b>	:	
<b>Defendants</b>	:	
	:	
<b>vs.</b>	:	<b>Petition to Intervene</b>
	:	
<b>GEORGE A. FORCE and ALMA M. FORCE,</b>	:	
<b>Interveners</b>	:	

**OPINION**

**AND NOW**, this 25<sup>th</sup> day of **May, 2021**, this matter is before the Court on a Petition to Intervene filed by George and Alma Force, husband and wife, (Petitioners) who are the child's maternal great uncle and aunt. Plaintiff, Patricia Force, now deceased, was the child's maternal grandmother and Defendants, Bobbi Jo Zamora (Mother) and William Byrd (Father) are the child's parents. Petitioner, George Force, is Plaintiff's brother. The child is N.E.B., born in 2008.

A hearing on the Petition to Intervene was held on May 20, 2021 at which time Petitioners appeared and were represented by W. Jeffrey Yates, Esquire and Defendants failed to appear. Mother's last known location was at the Dekalb County Jail in Georgia but, as of November 2020, she was no longer incarcerated there. Father's last known address is in Chattanooga, Tennessee. Petitioners have attempted to notify both parents of the hearing but their current whereabouts remain unknown. Plaintiff, who was awarded sole physical and shared legal custody of the child in August 2019, was hospitalized in September 2020 and has since passed

away.

Petitioners now ask the Court to allow them to intervene in this custody action because they stand in loco parentis to the child. An individual may file an action for any form of physical custody or legal custody when that person stands in loco parentis to the child. 23 Pa.C.S.A. § 5324(2). “The term *in loco parentis* literally means in the place of a parent. There are two components to *in loco parentis* standing: (1) the assumption of parental status and (2) the discharge of parental duties.” *M.L.S. v. T.H.-S.*, 195 A.3d 265, 267 (Pa. Super. 2018), *citing M.J.S. v. B.B.*, 172 A.3d 651, 656 (Pa. Super. 2017) (cleaned up).

Petitioners testified that in October 2018, Plaintiff arrived at their house with the child. They lived with Petitioners for about one year until they found a place of their own. Plaintiff was awarded custody of the child in August 2019 and, at some point, Plaintiff got sick and was eventually hospitalized in September 2020 at which time Petitioners took physical custody of the child. Plaintiff passed away on February 8, 2021. As far as Petitioners are aware, neither Mother nor Father has had any contact with the child since 2018. Since the child has been in the Petitioner’s care, her grades went from failing to almost straight As, she is playing softball, her confidence has significantly increased, and she has been discharged from all forms of counseling including CSG and in school. Petitioners are the child’s sole caregivers. They provide for all of her daily needs including shelter, clothing, and food. Petitioners desire to continue to care for the child as if they were her parents.

The Court finds that Petitioners have met their burden by showing that they have stepped into the role of the child's parents by assuming parental status and discharging parental duties. Therefore, the Petition to Intervene is granted and Petitioners shall be permitted to intervene in this custody action.

**ORDER**

**AND NOW**, this **25<sup>th</sup>** day of **May, 2021**, for the reasons set forth above, the Petition to Intervene is **GRANTED**. The Prothonotary shall ensure the caption in this matter is reflected accordingly. This matter is hereby scheduled for a custody conference on **July 13, 2021 at 3:00 p.m. in Courtroom No. 7 of the Lycoming County Courthouse**. In the interim, Petitioners shall have sole physical and legal custody of the child.

By the Court,

\_\_\_\_\_  
Ryan M. Tira, Judge

RMT/ads

cc: W. Jeffrey Yates, Esq.  
Bobbie Jo Zamora – Attorney Yates to serve  
William Byrd – 3608 Springer Road, Chattanooga, TN 37407  
Family Court – Stephanie Snyder  
Jerri Rook – Judge McCoy’s Office  
Gary Weber, Esquire  
Alexandra Sholley – Judge Tira’s Office