

COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA

DANIELLE GROSS (ROBERTS)	:	
Plaintiff	:	
VS	:	NO. 15-20936
	:	CIVIL ACTION-LAW
MALVIN GROSS	:	CUSTODY-CONTEMPT
Defendant	:	

Opinion and Order

And now this 11th day of August, 2026, before the Court are the Petition for Contempt filed by Malvin Gross, Father on January 9, 2026 and the Counter Petition for Contempt filed by Danielle Gross (Roberts), Mother on January 29, 2026. Each party filed amendments to their Petitions. This Opinion and Order covers the original and amended Petitions of both parties. The Court held a hearing over three separate dates on the issues raised by the parties. The crux of each Petition was the failure of the other party to exchange the child that is each party's primary custody.¹²

The parties have a long history of contempt allegations over different areas of their Custody Orders. A central topic has been the failure of the younger child, CG, to go with Father during his periods of custodial time. Father has alleged that Mother should be held in contempt for her failure to ensure that CG goes with Father during his allotted custodial time. Further, Father alleges that Mother does not even transport CG to the exchange location. Father repeatedly contacted Mother to confirm custody exchanges would occur in accordance with the Custody Order.

¹ Father has primary custody of B.G. and Mother has primary custody of C.G. The parties are to exchange the children on the third weekend of each month.

² Mother also raised a claim that Father refused to cooperate in obtaining a passport for C.G. This issue was resolved during the hearings by Father executing the necessary documentation for the passport.

Mother does not deny that CG has only gone with Father one time since the Custody Order was issued in 2025. Mother defends against the contempt claims on the basis that CG is 14 and she cannot physically force him to go with Father. Further, Mother claims CG has expressed that he does not feel safe at Father's residence. Additionally, Mother claims Father is in contempt because the older child, BG, has not gone with her during her periods of custodial time. Mother has not on a regular basis contacted the Father about exchanging BG for custody.

It is clear to the Court that neither party is in compliance with the terms of the prior Court Order in regard to the exchange of the child in their primary custody. Both have failed to transport the child in their primary custody for exchanges. The Court finds them both in Contempt of the Court Order. However, the more difficult question is what is the proper remedy for each party's Contempt. In regard to Father's failure to transport B.G., the Court finds that Father's failures came mainly after Mother failed to appear at the exchange location. Father has not prohibited B.G. from having contact with Mother or seeing Mother outside of these designate exchange periods. Further, Mother only seemed to raise the issues with B.G. not coming on her custodial time in response to Father's filing for Contempt. Therefore, while the Court finds Father in Contempt, the Court does not order a sanction at this time. However, the Court hereby reinforces Father's obligation to follow the Court's Order in regards to Mother's custodial time with B.G. Future failures to present B.G. for exchanges may result in further Contempt findings and sanctions.

As to Mother's Contempt of the Court Order, the Court finds that Mother has failed to take sufficient actions to ensure C.G. went with Father during his custodial time. Mother claimed that C.G. is too old to force to go with Father. While C.G. may be too big to physically force to go with Father, Mother failed to take reasonable steps to encourage or ensure C.G. went with Father. Mother's position is that B.G. and C.G. are old enough to make their own decisions on custody and should not be made to

follow the Custody Order to spend time with either of the parents.³ Mother's attitude regarding the Custody Order has condoned C.G.'s refusal to go with Father. The Court previously ordered that if C.G. refused to go with Father that C.G. was not to be permitted to play sports. When C.G. refused to go with Father, Mother disallowed C.G. to not play in sports for that weekend. C.G. is participating in multiple sports and perceives there is no real repercussions for his refusals to go with Father. C.G. feels empowered to refuse to go with Father. Because Mother's actions have thwarted the Court's attempt to put into place a means to ensure C.G. would go with Father during his custodial time, a Contempt remedy needs to be fashioned to ensure Mother with comply with the terms of the Custody Order. Therefore, the Court enters the following Order as the remedy for Mother's Contempt of the Custody Order. If the below remedy proves to be insufficient to ensure compliance with the Custody Order, the Court may need to reconsider the physical custody of the children.

Order

The Court hereby Orders that Mother shall:

1. Pay a fine in the amount of \$500 to Father within 30 days of this Order.;
2. Pay a fine of \$200 to Father for each failure of C.G. to go with Father during Father's designated custodial time that occurs after the date of this Order.; and
3. Transport C.G. to Father's residence to initiate the exchange. The parties shall meet at the exchange location (Sheetz in Duncannon) for the return of C.G. to Mother.

³ Mother also raised that C.G. refuses to go with Father because of incident in which Father physically took C.G.'s phone from him. C.G. confirmed that the incident did occur and elaborated that what led to Father taking the phone was C.G.'s refusal to go to church with Father and then C.G.'s refusal to give Father his phone when directed to do so. While Father's decision to physically take the phone from C.G. likely further damaged his relationship with C.G., C.G. was not harmed during the incident and confirmed that his phone was returned to him shortly after it had been taken. This incident reflects that Father and C.G. have work to do to repair their relationship. It also reflects that C.G. feels empowered to not listen to his Father.

By the Court

Hon. Judge Ryan M. Tira

CC: Christina Dinges, Esq.

Malvin Gross

Gary Weber, Esq, LLA