

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

TIFFANY STEWART : NO: FC-2025-20355
vs. :
:
:
JENNIFER ROGERS : Opinion pursuant to
Defendant. : Pa. R.A.P. 1925(b)

**OPINION PURSUANT TO RULE 1925 OF THE
PENNSYLVANIA RULES OF APPELLATE PROCEDURE**

The Court presided over a final hearing on a petition filed by Tiffany Stewart (hereinafter “Plaintiff”) pursuant to the Protection from Abuse Act, 23 Pa.C.S.A. Section 6101 *et seq.* (hereinafter the “Act”) against Jennifer Rogers (hereinafter “Defendant”) to the docket number set forth above, on both February 4 and 19, 2026. The Court found that Plaintiff was entitled to a Final Order. The Defendant filed a direct appeal. On March 9, 2026, Defendant filed a Statement of Matters Complained of On Appeal. That Statement raises two issues: (1) Defendant contends that the Court erred by finding that Plaintiff had standing to file the petition, and (2) Defendant contends that the evidence was insufficient to support the entry of a Final Order.

The Purpose of the Protection from Abuse Act

Our Superior Court has described the purpose of the Act as follows:

The purpose of the Protection from Abuse Act (“the Act”), 23 Pa.C.S.A. § 6101 *et seq.*, is to protect the victims of domestic violence from the perpetrators of such abuse. *See Snyder v. Snyder*, 427 Pa.Super. 494, 629 A.2d 977, 981 (1993) (the primary goal of the Act is not retrospective punishment but “advance prevention of physical and sexual abuse”). Abuse as defined by the Act includes: (1) intentionally, knowingly, or recklessly causing bodily injury; (2) placing another in reasonable fear of imminent serious bodily injury; (3) the infliction of false imprisonment; (4) physically or sexually abusing minor children; and (5) knowingly engaging in a course of conduct or repeatedly committing acts toward another person including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. 23 Pa.C.S.A. § 6102(a)(1)–(5).

Fonner v. Fonner, 1999 Pa.Super. 122, 731 A.2d 160, 161 (Pa.Super. 1999).

Testimony in Support of the Petition

Plaintiff testified both at a hearing on February 4, 2026 and a continued hearing on February 19, 2026. Plaintiff testified that she resides at 210 Merion Street in Jersey Shore, Lycoming County, Pennsylvania. (N.T. February 4, page 3) Plaintiff and Defendant are both related by family, and are next door neighbors. (N.T. February 4, page 4) Their relationship is “not good.” (N.T. February 4, page 4) Defendant posted a Facebook message regarding the Plaintiff, stating that her “neighbor, Tiffany Stewart, is giving free blowjobs at 210 Marion.” (N.T. February 4, page 6) Plaintiff testified that there are comments on Facebook in response from persons not known to Plaintiff, such as a comment from a Joel Long and another from a Richard Hamm asking “can get an appointment for 9:30 and how much.” (N.T. February 4, 2026) Plaintiff testified that the discussion made her “extremely upset, disgusted, not good. (N.T. February 4, page 7) Plaintiff testified that Defendant established a wi-fi network from her adjoining home, with the name “210Marioneatdick.” (N.T. February 4, page 9) Plaintiff testified that she has established security cameras around her home. (N.T. February 4, page 13) Those security cameras reveal the Defendant making sexual gestures to her. (N.T. February 4, page 13-15) The Court took judicial notice of the fact that Defendant’s conduct toward the Plaintiff resulted in a conviction of the Defendant for the offense of summary criminal harassment. (Plaintiff’s Exhibit 6)(N.T. February 4, page 17-18)

Defendant testified at the February 19, 2026 hearing. The Defendant conceded to her conduct on Plaintiff’s security camera. (N.T. February 19, page 14-17)

The Court found the Plaintiff credible. The Court concluded beyond a reasonable doubt that Defendant intentionally and repeatedly placed messages on social media concerned the Plaintiff, and that those messages expressly identified the Plaintiff and her home address and suggested that she was available to perform sexual favors. The Court concluded, beyond a reasonable doubt that doing so constituted a course of conduct by repeatedly committing acts toward the Plaintiff without proper authority, under circumstances which placed the Plaintiff in reasonable fear of bodily injury.

Standing under the Act

An order protecting the petitioner from abuse under the Act may be entered if the petition and the defendant are “family or household members,” which is defined at 23 Pa.C.S.A. Section 6102 as:

spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

The Act is silent on the precise meaning of the phrase “other persons related by consanguinity.” Owing to that lack of definition, the trial court denied the petition of the plaintiff in the matter of *H.M.H. on Behalf of L.M.H. v. D.J.G.*, 2019 Pa.Super. 156, 210 A.3d 1045 (Pa.Super. 2019), where plaintiff and defendant were first cousins. Our Superior Court reversed the trial court, observing that:

Here, the trial court acknowledged that it was narrowly interpreting the PFA Act by imposing a limit on the degree of consanguinity required to meet the definition of “family” because it was “unable to find any other Pennsylvania statute that is so broad and encompassing.” Trial Court Opinion, 10/11/18, at 13. The trial court reasoned that, because the PFA Act fails to specify the degree of consanguinity that would limit a relative from being a party to a PFA action, “a relative could be any living blood relative or a relative related through marriage.... Such an interpretation is unreasonable.” *Id.* Comparing the PFA statute to the more narrow language regarding “incest” in the Crimes Code, 18 Pa.C.S. § 4302, and “perpetrator” in the Child Protective Services Act, 23 Pa.C.S. § 6303, the trial court concluded that first cousins “would not qualify as ‘relatives’ or ‘family members.’ ” *Id.* at 14. Upon review, we conclude that the trial court erred.

Pursuant to the PFA Act, family includes “other persons related by consanguinity.” 23 Pa.C.S. § 6102(a).³ This statutory definition of family is broad, but unambiguous. Thus, no further analysis is warranted. *See* 1 Pa.C.S. § 1921(b) (“When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.”); § 1921(c) (factors such as the statute's purpose may only be considered “[w]hen the words of the statute are not explicit”).

The trial court acknowledged that L.M.H. and D.J.G. “are related by consanguinity, sharing the same grandparent, and they are first cousins—four degrees of consanguinity.” Trial Court Opinion, 10/11/18, at 12. Given the plain language

of Section 6102, L.M.H. had standing to pursue a PFA order against her first cousin. Furthermore, we disagree with the trial court's opinion that such a broad interpretation of Section 6102 is "unreasonable." *Id.* at 13. Contrary to the trial court's reasoning, the use of limiting language regarding relationships in the Pennsylvania Crimes Code and the Child Protective Services Act reasonably suggests that the General Assembly intended the definition of "family" in the PFA Act to cover a broad scope of relationships. The General Assembly could have included limiting language in the PFA Act as it did in the other statutes, but it did not. Thus, because the definition of "family" includes first cousins under the PFA, the trial court erred in ruling that L.M.H. and D.J.G. were not family.

H.M.H. on Behalf of L.M.H. v. D.J.G., 2019 Pa.Super. 156, 210 A.3d 1045, 1049-1050 (Pa.Super. 2019).

Here, the Plaintiff testified that "my grandfather is her dad's brother" and further, when asked by the Court "do you believe that you and Ms. Rogers have common great grandparents," Plaintiff responded "Yes.." (N.T. February 19, 2026, page 12) She further testified "We're related by blood. We share a lot of the same family members in the Stewart family." (N.T. February 19, 2026, page 12)

The Court concludes that the relationship between the Plaintiff and the Defendant is first cousins, once removed, which the Court regards as a ***fourth-degree of consanguinity***. The Court regards that blood relationship as sufficient to establish consanguinity, under the authority of *H.M.H. on Behalf of L.M.H. v. D.J.G.*, 2019 Pa.Super. 156, 210 A.3d 1045 (Pa.Super. 2019).

By the Court,

William P. Carlucci, Judge

Office of the Court Administrator
Matthew Diemer, Esquire
Public Defender (GD).