

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37

S.K.M.

Appellee

v.

B.R.M.

Appellant

IN THE SUPERIOR COURT OF
PENNSYLVANIA

No. 57 MDA 2016

Appeal from the Order Entered December 9, 2015
in the Court of Common Pleas of Centre County
Civil Division at No.: 2014-4145

BEFORE: BOWES, J., OTT, J., and PLATT, J.*

CONCURRING AND DISSENTING STATEMENT BY PLATT, J.: **FILED AUGUST 25, 2016**

I respectfully concur in part and dissent in part.

I concur in the learned Majority's decision to vacate the trial court's custody order and remand this matter to the trial court. I also concur in the Majority's direction to the trial court to reinstate the February 25, 2015 temporary custody order pending the court's final disposition.

However, I respectfully dissent from that portion of the Memorandum wherein the Majority appears to micromanage the trial court's discretion with regard to visitation, counseling, and other details of implementation. The trial court is in the best position to evaluate alternate procedures. **See *Johnson v. Lewis*, 870 A.2d 368, 371-72 (Pa. Super. 2005)** ([T]he

* Retired Senior Judge assigned to the Superior Court.

discretion that a trial court employs in custody matters should be accorded the utmost respect Indeed, the knowledge gained by a trial court in observing witnesses in a custody proceeding cannot adequately be imparted to an appellate court by a printed record.”).

Accordingly, I respectfully concur in part and dissent in part.