

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

K.L. : IN THE SUPERIOR COURT OF  
 : PENNSYLVANIA  
 v. :  
 :  
 K.K. AND K.W. :  
 :  
 APPEAL OF: K.W. : No. 2037 MDA 2013

Appeal from the Order October 21, 2013  
In the Court of Common Pleas of Lebanon County  
Civil Division at No. 2007-20497

BEFORE: BENDER, P.J.E., DONOHUE, J. AND STRASSBURGER, J.\*

DISSENTING STATEMENT BY STRASSBURGER, J. **FILED APRIL 14, 2014**

Because I conclude that the trial court abused its discretion by granting primary physical custody of N.K. to Father, I respectfully dissent.

Here, N.K. has resided with Grandmother for most of his life. Grandmother has raised and cared for N.K. as though he were her own child, and has involved N.K. in numerous beneficial activities. The trial court acknowledges that “[b]y all accounts, N.K. is a generally kind, focused and intelligent young man who values achievement,” and that these positive qualities “must be attributed to the work and love displayed by Grandmother.” Trial Court Opinion, 10/21/2013, at 23 (capitalization omitted).

Nonetheless, the trial court concludes that it is in N.K.’s best interest to be taken far away from his friends and Grandmother, and to be placed with Father, who expresses little interest in continuing N.K.’s involvement in

\*Retired Senior Judge assigned to the Superior Court.

extracurricular activities, and whose ability to parent N.K. is largely unproven. In reaching this decision, the trial court has taken a tremendous gamble with N.K.'s life.

I concur with the guardian *ad litem* in this case that the trial court should not "change something that is not broken[,] especially during a critical juncture in someone's young life." Guardian *ad litem*'s brief at 29. Thus, I would reverse the order of the trial court and allow Grandmother to maintain primary physical custody of N.K.