

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

S.C.	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
E.R.	:	No. 267 MDA 2026

Appeal from the Order Entered January 16, 2026
In the Court of Common Pleas of York County
Civil Division at No: 2018-FC-001176-03

BEFORE: LAZARUS, P.J., STABILE, J., and BENDER, P.J.E.

MEMORANDUM BY BENDER, P.J.E.: **FILED SEPTEMBER 22, 2026**

S.C. (Father) appeals *pro se* from the order granting E.R. (Mother) sole legal and primary physical custody of the parties' twin daughters, A.C. and E.C. (Children), subject to Father's supervised partial physical custody of Children on alternating weekends. We affirm.

Case History

Children were born in July 2017 and the parties separated less than a year later. Father filed a complaint for partial custody on June 12, 2018. On January 16, 2019, the parties stipulated to an order which provided for their shared legal custody of Children, with Mother having primary physical custody "subject to Father's periods of partial custody ... on the 1st, 3rd and 4th full weekend of each month." Order, 1/16/19, at 2.

On February 26, 2025, Father filed a petition to modify custody in which he sought shared physical custody of Children. A trial was held on January

12, 2026. The parties were the only witnesses, although the trial court interviewed Children separately *in camera*.

Father is a disabled military veteran. N.T., 1/12/26, at 5. He testified that he has had a service dog since 2013. ***Id.*** at 7-8. Father denied Mother's claim that the dog bit Children. ***Id.*** at 12, 24. Father also testified to owning firearms which he sometimes keeps under his couch. ***Id.*** at 17. He testified that Children have seen the guns, but stated, "as soon as I am with my kids they go into the safe immediately." ***Id.***

Father claimed that Mother is attempting to alienate the Children from him. ***Id.*** at 21-22. Nonetheless, he described participating in "fun" activities with Children such as playing board games and going to "different places" such as the aquarium and zoo. ***Id.*** at 36.

Father introduced a dashcam video recording from a custody exchange on December 6, 2024. ***Id.*** at 43-44. Father described himself in the video as "trying to get close to the kids to try to have them come to the truck, but they wouldn't." ***Id.*** at 49. According to Father, Mother "was stressing me out and I am in my truck doing the best I can to exercise my custody." ***Id.*** at 51.

Father introduced a second video from a custody exchange on February 28, 2025. ***Id.*** at 54. Father stated that he introduced the video "to show me just trying to see my kids and [M]other interrogating the police to come and check on the booster seats in my truck and continuously trying to get that accomplished." ***Id.*** at 55.

Father stated that custodial exchanges are always delayed by Mother's "extended goodbyes" with Children. **Id.** at 56-57. He testified that he loves Children and has no reason to believe that they are scared of him or do not want to spend time with him. **Id.** at 58-59.

Mother testified that until 2024 or 2025, Father exercised partial physical custody of Children one weekend a month, but had more recently began exercising custody on the additional weekends set forth in the January 16, 2019 order. **Id.** at 67. Mother requested that Father's custody "go back to one weekend a month." **Id.** at 70, 98. She stated that Children "have refused to go or just say they don't want to go." **Id.** at 71.

Mother further testified about her concerns with Father's dog, his failure to use Children's car seats, and his ownership of firearms. Mother introduced a text message she sent to Father on October 21, 2024, which included a picture of A.C. "with her skin pierced with dog tooth." **Id.** at 73. Mother said she texted "Father to let him know that, that happened, and I wanted to know what is his solution to keep the girls safe." **Id.** Mother stated that Father "reacted poorly." **Id.** She added:

He said I am a psycho. And after that I also had a doctor's visit with the girls where the doctor wanted to know if the dog was up on the shots. [Father] refused to answer that. I also wanted to get [A.C.] who was bitten a tetanus shot for safety reasons and the doctor recommended it. He said no.

Id. Because of the parties' shared legal custody, Mother was unable to get tetanus shots for the Children. **Id.** at 79.

Mother introduced a second picture taken of A.C. during Father's "last custody time" from December 31, 2025 through January 2, 2026. ***Id.*** at 74. She described the photo as showing A.C.'s "leg above the knee" with "bite marks and bruises ... and ... her stomach that was also pierced by dog teeth."

Id.

With regard to car seats, Mother explained:

I have asked Father repeatedly to put the correct seats in. He took them out when the girls were eight years old. But they have not reached the height and weight limits and they are very small. They can't be riding in adult seat belts because if something would happen that would cause serious injuries. And I have asked him. He said no, so finally what I did was I provided the seats for him and brought them over during our custody exchange. He did put them in his truck, but took them out the same night and put them in his basement. And he is still driving the girls without [the seats].

Id. at 75.

As to Father's firearms, Mother stated:

The guns shouldn't be lying around in the house while the girls are there. And they have several times told me they have seen the guns lying around under the couch or in the bedrooms once. Or they said they have also seen them in the basement in a cupboard, but it is unlocked.

Id. at 76. Mother also expressed concern with Father's mental health based on his "very aggressive reactions to things." ***Id.*** at 83.

On cross-examination, Mother testified that she believes it is important for Father to be in Children's lives, but also believes that she is "a better parent." ***Id.*** at 105.

After hearing the evidence, the trial court analyzed the statutory custody factors and announced its decision to grant Mother sole legal and primary physical custody of Children, with Father having supervised partial physical custody of Children on alternating weekends. The court entered a corresponding written order on January 16, 2026.

Father filed a timely notice of appeal and concise statement pursuant to Pa.R.A.P. 1925.¹ Father presents the following questions for review:

1. Whether the trial court abused its discretion, committed an error of law, or both in its application and weighing of the 23 Pa.C.S. § 5328(a) custody factors and in failing to state adequate reasons under 23 Pa.C.S. § 5323(d), including by giving undue weight to Mother's cooperation and minimizing contrary record evidence.
2. Whether the trial court abused its discretion, committed an error of law, or both by imposing indefinite blanket supervised custody and related restrictions on a present-risk-of-harm rationale without competent evidence, adequate reasons under 23 Pa.C.S. § 5323(e), enforceable detail under 23 Pa.C.S. § 5323(f), workable logistics, feasibility or cost findings, objective review or step-down criteria, or a reasoned explanation why less restrictive conditions were inadequate.
3. Whether the trial court abused its discretion, committed an error of law, or both by awarding Mother sole legal custody and materially reducing Father's physical custody schedule, including weekends, summer, and holidays, without adequate findings or explanation why shared legal custody, narrower issue-specific decision-making, or less restrictive scheduling would not serve

¹ Father's concise statement is not concise, as it contains 14 lengthy, single-spaced issues which span six pages. **See** Pa.R.C.P. 1925(b)(4)(iv) (directing that a concise statement "not be redundant or provide lengthy explanations as to any error"); **Satiro v. Maninno**, 237 A.3d 1145, 1150 (Pa. Super. 2020) (observing that an appellant "deliberately circumvented the meaning and purpose of Rule 1925(b)" by filing a "voluminous" concise statement raising an "outrageous" number of issues).

Children's best interests, and without fair notice that sole legal custody would be imposed.

4. Whether the trial court abused its discretion, committed an error of law, or both by materially relying on Children's *in camera* interview and stated preferences in a manner inconsistent with the full record and the court's own findings.

5. Whether the trial court abused its discretion, committed an error of law, or both in its cooperation/conflict and interference analysis by minimizing Mother's custodial interference, contempt, gatekeeping, conduct undermining Children's relationship with Father and their emotional well-being, and delays or refusals to implement and consistently use the court-ordered communication platform.

6. Whether the trial court impermissibly delegated judicial authority to a supervisor by authorizing termination or curtailment of Father's custodial periods upon an undefined "risk of harm" standard, without objective standards, notice, or prompt judicial review.

7. Whether the final custody order is ambiguous, internally inconsistent, and insufficiently definite for enforcement and appellate review, including as to [Our Family Wizard]/communication-platform requirements, phone/video contact, holidays, passports and travel, exchange mechanics, and the incorporation of prior provisions.

Father's Brief at 7-9.

Discussion

This Court reviews the trial court's custody order for an abuse of discretion. The law is well-settled:

We must accept findings of the trial court that are supported by competent evidence of record, as our role does not include making independent factual determinations. In addition, with regard to issues of credibility and weight of the evidence, we must defer to the presiding trial judge who viewed and assessed the witnesses first-hand. However, we are not bound by the trial court's deductions or inferences from its factual findings. Ultimately, the test is whether the trial court's conclusions are unreasonable as shown by the evidence of record. We may reject the conclusions

of the trial court only if they involve an error of law, or are unreasonable in light of the sustainable findings of the trial court.

Wilson v. Smyers, 284 A.3d 509, 515 (Pa. Super. 2022) (citation omitted).

In custody matters, the “paramount concern is the best interests of the children involved.” ***A.L.B. v. M.D.L.***, 239 A.3d 142, 148 (Pa. Super. 2020) (citation omitted). When ordering any form of custody, a trial court must determine the best interests of the children by considering relevant statutory factors, and giving substantial weighted consideration to specific factors that affect the safety of the children. ***See*** 23 Pa.C.S. § 5328(a). “This Court defers to the credibility determinations of the trial court with regard to the witnesses who appeared before it, as that court has had the opportunity to observe their demeanor.” ***Harcar v. Harcar***, 982 A.2d 1230, 1236 (Pa. Super. 2009) (citations omitted). Pertinently,

the discretion a trial court employs in custody matters should be accorded the utmost respect, given the special nature of the proceeding and the lasting impact the result will have on the lives of the parties concerned. 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.

Ketterer v. Seifert, 902 A.2d 533, 540 (Pa. Super. 2006) (citation omitted).

We initially observe that Father’s argument is excessively long and inarticulate. ***See*** Father’s Brief at 20-82.² For example, Father states:

This appeal presents a notice-and-findings problem: the trial court first announced sole legal custody only when delivering its ruling, yet the final order imposed that form of custody without fair notice that exclusive decision-making authority would be litigated,

² Mother has not filed an appellate brief.

without a record developed around that remedy, and without a legally adequate, record-supported § 5328(a) analysis explaining why shared legal custody or narrower issue-specific allocation was insufficient. The same order also imposed fully supervised partial physical custody and other extraordinary restrictions without a tailored explanation tied to present child safety.

Id. at 20.³

Throughout his argument, Father assails the trial court's discretion. As the trial court states, "Father's numerous assertions ... express his disagreement with the court's credibility determinations, the weight and sufficiency of the evidence, and his belief that various provisions [of the custody order] are unclear, without adequate findings, unenforceable, ambiguous, and not definite or specific enough." Trial Court Opinion, 3/16/26, at 2. The trial court "denies all assertions of error," noting that it "applied the custody factors in 23 Pa.C.S. § 5328(a) and analyzed them on the record." ***Id.*** (citing N.T., 1/12/26, at 117-24). The trial court adds that the "custody provisions are clear, and the parties were advised that they may bring a petition for special relief in motions court if they need assistance." ***Id.*** at 3. Our review reveals no error.

The trial court stated the reasons for its decision on the record as provided in 23 Pa.C.S. § 5323(d), and discussed the statutory custody factors

³ We recognize Father is *pro se*. While we are "willing to construe liberally materials filed by a *pro se* litigant, *pro se* status generally confers no special benefit." ***Commonwealth v. Lyons***, 833 A.2d 245, 251-52 (Pa. Super. 2003). A person who represents himself in legal proceedings "must, to a reasonable extent, assume that his lack of expertise and legal training will be his undoing." ***Milby v. Pote***, 189 A.3d 1065, 1079 (Pa. Super. 2018).

set forth in 23 Pa.C.S. § 5323(a). **See McGee v. McDowell**, 333 A.3d 383, 391 (Pa. Super. 2025) (reiterating that trial courts must consider the statutory factors contemporaneously with the issuance of the custody order).

The trial court found the first factor, “which party is more likely to ensure the safety of the child,” was the “most important factor in this case that has led the court to making Father’s times supervised.” N.T., 1/12/26, at 117-18. The court stated it “does not believe that Father can keep [C]hildren safe. The dog cannot be allowed to continue to bite [C]hildren. That is, candidly, inexcusable. The court is concerned about [C]hildren seeing his guns not secured.” **Id.** at 118.

The trial court continued:

Factor number two, the present and past abuse committed by a party or a member of a party’s household, may include past or present protection from abuse or sexual violence orders. There has not been a successful protection from abuse order[, but t]he fact that Father has allowed this dog to bite [C]hildren over and over again apparently over a period of at least several years is abuse and it is present and it is past, and Father has done nothing to prevent it.

Id. at 119.

In addition to the above findings, the trial court observed that “Father and his attorney have made much of Mother’s supposed alienation,” and determined that Mother’s conduct was “a good faith and reasonable effort to protect the safety of [C]hildren.” **Id.** at 120. The court proceeded to address the remaining statutory factors, but based its decision primarily on the “substantial weighted consideration to the factors specified under paragraphs

(1), (2), (2.1) and (2.2) which affect the safety” of Children. 23 Pa.C.S. § 5323(a). In conclusion, the court addressed the tenth factor, “the mental or physical condition of a party or member of a party’s household.” N.T., 1/12/26, at 123. The trial court explained:

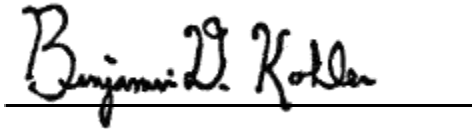
Father has been very upfront in telling the court about his post-traumatic stress disorder, his need for the service dog, and the court recognizes ... that is due to no fault of his own, [as he] was in the service of his country and the court thanks him for that. The court has an incredible amount of empathy for Father, but the bottom line is, Father has allowed this condition to make him, for lack of a better word, mean. The way he talked to Mother on the one video was mean. Several of these Our Family Wizard messages are mean. He calls Mother a psycho. ... The court makes no finding of Father’s mental or physical condition, but this simply is an expansion or explanation of part of the reason why the court found Father to be a threat or harm.

Id. at 123-24.

The record supports all of the trial court’s findings. While Father disputes the findings, a party may not “dictate the amount of weight the trial court places on evidence.” ***A.V. v. S.T.***, 87 A.3d 818, 820 (Pa. Super. 2014) (citation omitted). Accordingly, we affirm the order granting Mother sole legal and primary physical custody of Children subject to Father’s supervised partial physical custody on alternating weekends.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is positioned above a solid horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 09/22/2026