**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37**

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| RAYMOND NADIK | : | IN THE SUPERIOR COURT OF |
| | : | PENNSYLVANIA |
| Appellant | : | |
| | : | |
| | : | |
| v. | : | |
| | : | |
| | : | |
| DANIELLE KIRIK | : | No. 337 WDA 2026 |

Appeal from the Order Entered February 12, 2026
In the Court of Common Pleas of Allegheny County Family Court at
No(s): FD-24-001054-005

BEFORE: BOWES, J., OLSON, J., and MURRAY, J.

MEMORANDUM BY BOWES, J.: **FILED: NOVEMBER 25, 2026**

Raymond Nadik ("Father") appeals from the February 12, 2026 custody order that awarded him and Danielle Kirik ("Mother") shared legal and physical custody of their six-year-old daughter, R.N. We affirm.

The certified record reveals the following factual and procedural history emanating from two related family court dockets ("docket 1054" and "docket 1074"), which the trial court ultimately consolidated under docket 1054 prior to this appeal.[1] Mother and Father have engaged in protracted litigation since

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[1] The trial court docketed each of the two actions at FD-24-001054-005 and FD-24-001074-005, respectively. As noted in the body of this writing, the trial court consolidated the dockets and directed the parties to file all pleadings at docket 1054. Both records were certified and transmitted to this Court. For reasons that are unclear, docket 1074 continued to reflect Father's pleadings and court orders filed in the underlying child custody case. ***See***
*(Footnote Continued Next Page)*

May 30, 2024, when Mother filed a *pro se* protection from abuse ("PFA") petition against Father that also included an unspecified request for custody of R.N. That petition is the origin of docket 1054. Mother indicated that the parties, who cohabited during their relationship but never married, had separated approximately two months earlier, and that they were informally exercising shared physical custody of R.N. on a 3-2-2-3-day basis.[2]

Upon hearing Mother's petition, the trial court issued a temporary PFA order which prohibited Father from, *inter alia*, contacting Mother except with respect to matters related to custody of R.N. The temporary PFA order also formalized the parties' custody arrangements by awarding them shared physical custody of R.N. on a 3-2-2-3 basis, as approved by Mother. Furthermore, the temporary order provided that the parties would conduct custody exchanges at the Robinson Township police department.

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Supplemental Record. Indeed, notwithstanding its directive to file all documents at docket 1054, the trial court entered on docket 1074 the February 12, 2026 custody order that is the subject of this appeal. We directed the trial court to file the at-issue order on docket 1054 and to then transmit the updated docket to this Court, and the trial court complied. However, for the sake of clarity considering the foregoing deviations from the court's consolidation order, we highlight that unless noted otherwise, the custody pleadings and orders that we reference in this appeal are part of the certified record relating to docket 1074.

[2] The parties have lived in close proximity since separation, but in different school districts. Mother resides in the home of her mother, Beverly Peters, in Crafton, in Allegheny County. ***See*** N.T., 1/28/26, at 323-24. Father remained in his residence, where the parties had cohabited with R.N. and Father's older daughters, located in Coraopolis, in Allegheny County. ***See id***. at 14-15.

Approximately one week later, Father filed a *pro se* PFA petition, which is the genesis of docket 1074.[3] However, prior to presenting that petition to the PFA court, Father filed at 1074 the child custody complaint that is the foundation of this appeal.

The custody action proceeded through the conciliation process and resulted in an interim custody order that awarded the parties shared physical custody using the following rotating schedule: Monday at 3:00 p.m. until Wednesday at 3:00 p.m., Wednesday at 3:00 p.m. until Friday at 3:00 p.m., and alternating weekends from Friday at 3:00 p.m. until Monday at 3:00 p.m. In addition, the interim order provided that, *inter alia*, the parent who is transferring custody to the other parent provide transportation "to the receiving party's home" and remain in the vehicle until the child has been met "outside of the car." Interim Order, 6/5/25, at ¶ 4. Almost one month later, the trial court revised that order, in part, by issuing an interim order that provided: (1) the custody exchanges occur at 10:00 a.m.; (2) the parent receiving custody pick the child up from the home of the other parent; and (3) the parties engage in "no conversation during exchanges." Interim Order, 7/3/25, at 2.

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[3] At both PFA dockets, the parties eventually consented to separate three-year PFA orders in favor of Mother. Neither order disturbed the existing physical custody parameters but did address the parties' methods of communication and their expected behavior during custody exchanges.

The custody trial occurred on January 28 and 29, 2026, when R.N. was six years old and in first grade. Father was represented by counsel and testified on his own behalf. He sought primary physical custody during the school year and shared physical custody during the summer. ***See*** N.T., 1/28/26, at 177. Father explained his custody request was for "Monday through Friday, where [R.N.] has a steady home. She goes to school, rides the bus. She gets off the bus. . . . So [R.N.] has one spot instead of [going] back and forth" between the parties' homes. ***Id***. In addition, Father presented the testimony of (1) Kirk C. and Curtis G. Arnold, Father's adult neighbors; (2) R.N.'s two half-sisters, Reanna and Riya Nadik; and (3) Shelby Pletz, Reanna's best friend. Father also introduced into evidence photographs of R.N. and text messages between the parties, which the court admitted.

Mother was self-represented during the hearing. She requested sole legal custody, but sought to continue the same 3-2-2-3 shared physical custody schedule during both the school year and summer recess. ***See*** N.T., 1/29/26, at 52-53, 56. Mother presented the testimony of Beverly Peters, R.N.'s maternal grandmother, and introduced into evidence additional text messages between the parties, which the court admitted.

Throughout Mother's testimony, the trial court attempted to guide her toward presenting evidence relevant to the custody factors outlined in § 5328(a). At times, the court engaged Mother in what was effectively direct examination. While Father's counsel raised several evidentiary objections and

challenged one of the court's inquiries as leading, at no time during Mother's direct examination did counsel assert that the degree of the trial court's engagement violates his right to due process. ***Id***. at 5-77.

At what the parties believed to be the outset of cross-examination, a dispute arose concerning, *inter alia*, Mother's failure to corroborate her testimony with documentary evidence, at which point counsel raised an objection to the court's examination for the first time. Counsel stated, "You've been asking her questions. You've been directing her. You've been leading her. If you're the attorney for mother, sure, I guess. I just for the record, I'll just object[.]" ***Id***. at 77. At that point, Mother presented additional evidence in support of her testimony and rested. Prior to cross-examination, Father's counsel leveled a comprehensive objection to **all** of Mother's prior testimony, which prompted the following exchange:

> COUNSEL: I would object to the entirety of [Mother's] direct, as well as rebuttal for improper presentation, as well as improper facilitation of her case by Your Honor. The direct examination was leading. You acted as counsel and I would, for purposes of preserving the record for appeal, ask for a ruling on whether there was improper facilitation of [Mother's] presentation of her case in chief[.]
>
> THE COURT: Improper facilitation? You mean that I asked her questions so that I could get information with regard to the best interest of the child?
>
> COUNSEL: Yes, Your Honor. Your duty is to allow for some flexibility to a *pro se* litigant . . . for the purposes of judicial efficiency. However, the line of questioning from the outset of her direct examination was

> question and answer. You afforded her the opportunity to present a narrative statement of her case, as is normal procedure for a *pro se* litigant. She was unable to at that time and that is when you began to directly examine her.

***Id***. at 102-103. The trial court denied the objection, and although the subsequent interactions with the trial court remained contentious, counsel never requested that the trial judge recuse.

By order dated February 12, 2026, and entered on March 3, 2026, the trial court awarded the parties shared legal and physical custody of R.N. as follows, in pertinent part:

> 3. PHYSICAL CUSTODY. The parents shall have shared physical custody of the child on a repeating, two-week schedule as follows.
>
> a. During week one:
>
> i. Mother shall have custody from Monday at 12:00 p.m. to Wednesday at 12:00 p.m.; and
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> ii. Father shall have custody from Wednesday at 12:00 p.m. to Friday at 12:00 p.m.
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> iii. Mother shall have custody from Friday at 12:00 p.m. until Monday at 12:00 p.m.
>
> b. During week two:
>
> i. Mother shall have custody from Monday at 12:00 p.m. to Wednesday at 12:00 p.m.; and
>
> ii. Father shall have custody from Wednesday at 12:00 p.m. to Friday at 12:00 p.m.
>
> iii. Father shall have custody from Friday at 12:00 p.m. until Monday at 12:00 p.m.

Order, 2/12/26, at ¶ 3. The trial court accompanied the order with an opinion setting forth its factual findings and conclusions of law. ***See*** Trial Court Opinion, 2/12/26, at 1-6.

On March 6, 2026, Father timely filed a notice of appeal on docket 1054 along with a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b). The trial court issued its Rule 1925(a) opinion on April 20, 2026.

Father raises the following issues on appeal, which we have reordered for ease of disposition:

> I. Did the trial court err as a matter of law and abuse its discretion by failing to properly apply the statutory custody factors under 23 Pa.C.S. § 5328(a), specifically by finding factors 2, 2.1, 2.2, and 2.3 "not applicable" despite video and photographic evidence and testimony demonstrating Mother's violent and assaultive conduct toward Father and the minor child?
>
> II. Did the trial court err as a matter of law by failing to give substantial weighted consideration to the factors affecting Child safety, as required by 23 Pa.C.S. § 5328(a), resulting in a custody order contrary to the child's best interests?
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> III. Did the trial court abuse its discretion by deeming factor 7 (proximity of residences) "not applicable" while simultaneously relying on the minor child's school district in the parties' housing situations in its analysis of factor 4 (stability and continuity)?
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> IV. Did the trial court violate Father's due process rights and create an appearance of judicial bias by leading the *pro se* Mother through direct examination, raising objections on the *pro se* Mother's behalf, conducting cross-examination on the *pro se* Mother's behalf, and overriding stipulations on the *pro se* Mother's behalf despite Mother's willingness to stipulate?

Father's brief at 2.

> Our standard and scope of review are as follows:
>
> We review custody orders for an abuse of discretion. We will not find such an abuse merely because we would have reached a different conclusion. Rather, an abuse of discretion occurs only if the trial court overrode or misapplied the law in reaching its conclusion, or the record shows the trial court's judgment was manifestly unreasonable or the product of partiality, prejudice, bias, or ill will.
>
> Moreover, our scope of review is broad. Because this Court does not make independent factual determinations, however, we must accept findings of the trial court that are supported by competent evidence of record. Importantly, we defer to the trial court on matters of credibility and weight of the evidence, as the trial court viewed and assessed witnesses firsthand. We are not, however, bound by the trial court's deductions or inferences. 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. As this Court has held, it is not this Court's function to determine whether the trial court reached the right decision; rather, we must consider whether, based on the evidence presented, given due deference to the trial court's weight and credibility determinations, the trial court erred or abused its discretion.
>
> When a trial court orders a form of custody, the best interest of the child is paramount. The best-interests standard, decided on a case-by-case basis, considers all factors which legitimately have an effect upon the child's physical, intellectual, moral and spiritual well-being. To that end, the Child Custody Act sets forth [several] factors that a court must consider before making any custody determination. It is within the trial court's purview as the finder of fact to determine which factors are most salient and critical in each particular case.

***Taylor v. Smith***, 302 A.3d 203, 206-07 (Pa.Super. 2023) (cleaned up).

> Specifically, § 5328(a) of the Child Custody Act provides as follows:

**(a) Factors.--**In ordering any form of custody, the court shall determine the best interest of the child by considering all relevant factors, giving substantial weighted consideration to the factors specified under paragraphs (1), (2), (2.1) and (2.2) which affect the safety of the child, including the following:

(1) Which party is more likely to ensure the safety of the child.

(2) The present and past abuse committed by a party or member of the party's household, which may include past or current protection from abuse or sexual violence protection orders where there has been a finding of abuse.

(2.1) The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services).

(2.2) Violent or assaultive behavior committed by a party.

(2.3) The level of cooperation and conflict between the parties, including:

(i) which party is more likely to encourage and permit frequent and continuing contact between the child and the other party or parties if contact is consistent with the safety needs of the child; and

(ii) the attempts by a party to turn the child against the other party, except in cases of abuse where reasonable safety measures are necessary to protect the safety of the child. A party's good faith and reasonable effort to protect the safety of a child or self shall not be considered evidence of unwillingness or inability to cooperate with the other party. A party's reasonable concerns for the safety of the child and the party's reasonable efforts to protect the child shall not be considered attempts to turn the child against the other party. A child's deficient or negative relationship with a party shall not be presumed to be caused by the other party.

(3) A willingness and ability of a party to prioritize the needs of the child by providing appropriate care, stability and continuity for the child, considering the parental duties

> performed by the party on behalf of the child in the past and whether the party is willing and able to perform the duties in the future, and attend to the daily physical, emotional, developmental, educational and special needs of the child.
>
> (4) The need for stability and continuity in the child's education, family life and community life, except if changes are necessary to protect the safety of the child or a party.
>
> (6) The child's sibling and other familial relationships.
>
> (7) The well-reasoned preference of the child, based on the child's developmental stage, maturity and judgment.
>
> (11) The proximity of the residences of the parties.
>
> (12) Each party's employment schedule and availability to care for the child or ability to make appropriate child-care arrangements.
>
> (14) The history of drug or alcohol abuse of a party or member of a party's household.
>
> (15) The mental and physical condition of a party or member of a party's household.
>
> (16) Any other relevant factor.

23 Pa.C.S. § 5328(a). As we recently observed in ***Curtis v. Curtis***, ___ A.3d ___, ___, 2026 PA Super 142 at 11 (filed July 7, 2026), "§ 5328(d) mandates that all parties receive notice of these factors upon commencement of custody proceedings."

Furthermore, a trial court must "delineate the reasons for its decision when making an award of custody either on the record or in a written opinion." ***S.W.D. v. S.A.R.***, 96 A.3d 396, 401 (Pa.Super. 2014); ***see also*** 23 Pa.C.S. § 5323(a) and (d). However, "there is no required amount of detail for the

trial court's explanation; all that is required is that the enumerated factors are considered and that the custody decision is based on those considerations." ***M.J.M. v. M.L.G.***, 63 A.3d 331, 336 (Pa.Super. 2013).

Instantly, the trial court assessed all the statutory best-interest considerations, weighing factor three as the only feature that favored one party entirely.[4] The court reasoned as follows:

> **3. A willingness and ability of a party to prioritize the needs of the child by providing appropriate care, stability and continuity for the child, considering the parental duties performed by the party on behalf of the child in the past and whether the party is willing and able to perform the duties in the future, and attend to the daily physical, emotional, developmental, educational and special needs of the child.**
>
> Both parties have demonstrated great affection for their child. The parties agreed to place her in therapy to assist her in processing the separation.
>
> Father's trial presentation focused primarily on Mother's shortcomings and did not provide much evidence of his abilities to attend to or enrich [R.N.]. He did provide photographs of the child enjoying his swimming pool with her half-siblings. Conversely, no evidence was presented that he could not attend to [R.N.]'s needs.

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[4] With respect to the custody factors, for all but factors one through four, the trial court used different paragraph numbers than that set forth in the applicable version of the statute. ***See*** Trial Court Opinion, 2/12/26, at 2-5; ***see also*** 23 Pa.C.S. § 5328(a). Our General Assembly amended the Child Custody Act after Father filed his custody complaint. The amended version became effective on August 29, 2025, prior to the custody trial in this case. Therefore, the amended version applied. ***See C.R.F. v. S.E.F.***, 45 A.3d 441, 445-46 (Pa.Super. 2012). Here, the trial court assessed the custody factors set forth in the applicable version of the statute but referred to most of them with different paragraph numbers. In this disposition, we refer to the factors as they are numbered in the applicable statute.

> Mother testified about searching out enriching activities for [R.N.], ensuring continued contact with her school friends, establishing routines at home, setting chore expectations and providing the opportunity [for R.N.] to earn an allowance. Mother testified that she was a stay-at-home mother for the first four years, tending to all of [R.N.]'s needs.
>
> This factor favors Mother.

Trial Court Opinion, 2/12/26, at 3 (cleaned up) (emphasis in original). In addition, the court determined that factor four concerning the need for stability and continuity in R.N.'s education, family, and community life slightly favored Mother, while factor six pertaining to R.N.'s sibling relationships slightly favored Father. ***See id***. at 4. The trial court found the remaining factors neutral or inapplicable.

As Father's first two issues are interrelated, we review them collectively. Father contends that the trial court abused its discretion by finding inapplicable the four custody factors that examine the child's safety, *i.e.*, (a)(1), (2), (2.1), and (2.2).[5] ***See*** Father's brief at 18-20. He argues that the court abused its discretion by failing to give substantial weight to those same custody factors based on evidence allegedly demonstrating Mother's "violent and assaultive conduct toward" him and R.N. ***See id***. at 16-18.

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[5] In his brief, Father references the statutory factors affecting the child's safety as (a)(2), (2.1), (2.2), and (2.3). However, the factors relevant to the child's safety are (a)(1), (2), (2.1), and (2.2). ***See*** 23 Pa.C.S. § 5328(a). We deem Father's statutory references in this regard a typographical error and review his first and second issues under the proper factors.

As noted *supra*, the trial court weighed neutrally factor one, concerning which party is more likely to ensure the safety of the child, given that no significant evidence was presented by the parties and the court's finding that "both parents are committed to [R.N.]'s safety." Trial Court Opinion, 4/20/26, at 7. With respect to factor two, including present and past abuse committed by a party or member of the party's household, including past or present protective orders where there has been a finding of abuse, the trial court found this consideration was inapplicable since the parties' respective PFA petitions were resolved "without testimony or admission . . . of any type of abuse by either party". ***Id***. at 7. For similar reasons, the court also found factors (a)(2.1), concerning child abuse and the involvement of protective services, and (2.2), relating to violent or assaultive behavior, inapplicable in this case. ***See*** Trial Court Opinion, 2/12/26, at 2; ***see also*** Trial Court Opinion, 4/20/26, at 7.

In claiming that the trial court abused its discretion with respect to these factors, Father argues that the trial court's findings ignored testimony regarding an allegedly contentious custody exchange at the Robinson Township police department on June 14, 2024, soon after the parties' PFA litigation commenced. ***See*** N.T., 1/28/26, at 162. Father testified that, on that date, he was transferring custody of R.N. to Mother, but R.N. was uncooperative and started "screaming, hollering [and] punching [Mother], trying to get away" from Mother when she attempted to put R.N. in her car.

***Id***. Father also introduced photographs allegedly demonstrating that R.N. sustained "marks on her left arm," a "little mark under her eye," and redness on the top of her right arm as a result of this alleged altercation with Mother. ***See id***. at 162-69; ***see also*** Exhibit U. Specifically, with respect to the redness on R.N.'s arm, Father testified that it was caused by Mother "grabbing her and putting her into the car, trying to hold her in, force her in her car seat." ***Id***. at 169.

In addition, Father refers us to the testimony of Shelby Pletz, who is the lifelong best friend of his adult daughter, Reanna. Ms. Pletz testified that, on May 31, 2024, she offered to transport R.N. to the custody exchange at the police station. ***Id***. at 256-57. Ms. Pletz testified that, upon arriving, R.N. "got out of her car seat" but remained in the car to presumably put on her shoes. ***Id***. at 259. Ms. Pletz remained in the car as Mother approached the vehicle. Ms. Pletz testified that Mother

> became very aggressive towards me[,] and she began screaming through the crack of the window behind me. . . . 'You're his f------ puppet,' and she kept threatening that she was going to call the police on me and have me arrested, that I was kidnapping her daughter. [Contending that] I am withholding her child. She just became increasingly enraged.

***Id***. at 259-60. Ms. Pletz filed a harassment complaint against Mother as a result of this incident, which Father introduced into evidence. ***See*** Exhibit G. The certified record does not reveal if Mother was convicted of the criminal charge.

For the following reasons, we discern no abuse of discretion by the trial court in declining to weigh the foregoing testimony against Mother in assessing the safety-related custody factors. The custody exchanges highlighted by Father occurred when the first interim PFA order was in effect, when tensions were high and custody exchanges difficult. The parties do not dispute that the custody exchanges have recently been without incident. In fact, the parties agree that the custody exchanges improved upon new parameters set in the July 3, 2025 interim order, namely, that the receiving parent picks the child up at the other parent's home and prohibiting the parties from engaging in conversation. ***See*** N.T., 1/28/26, at 164. Thus, we discern no abuse of discretion by the trial court in weighing factor one neutrally between the parties and finding factors two, (a)(2.1), and (2.2) inapplicable in determining the best interests of R.N. Father's first and second issues merit no relief.

In his third issue, Father argues that the trial court abused its discretion in finding that factor eleven, concerning the proximity of the parties' residences, inapplicable while concomitantly finding that factor four, regarding the need for stability and continuity in the child's education, family and community life, slightly favors Mother.[6] ***See*** Father's brief at 20-22. Specifically, Father contends that the trial court "cannot treat proximity as

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[6] In presenting this claim, Father adopted the trial court's inaccurate numbering of the custody factors. We identify the custody factors as they are set forth in the applicable statute.

irrelevant while relying on school district and housing circumstances to decide stability and continuity." ***Id***. at 21. Father argues that the court's analysis was "internally inconsistent" in this regard and demands that we reverse the custody order. ***Id***. We conclude this issue is without merit.

With respect to factor four, the trial court found:

> Both parents have the present ability to provide for stability and continuity and do so. [R.N.] attends school in Father's school district. Neither party has any difficulty in getting the child to school. Both parents are involved in making educational and medical decisions.
>
> Mother participates in the PTA. Mother has involved [R.N.] in musical theater, Girl Scouts, an after-school activity, and has engaged a tutor for her to assist with difficulties with mathematics.
>
> Father owns a home where the parties formally resided and has another child living in the home. Mother is currently residing in her mother's home and has done so since the parties separated.
>
> This factor favors Mother slightly.

Trial Court Opinion, 2/12/26, at 4 (cleaned up).

We observe no inconsistency in the trial court's findings pursuant to factors four and eleven. Contrary to Father's assertion, the trial court did not reveal that its findings were based upon "school district and housing circumstances." Father's brief at 21. With respect to factor eleven, the court merely determined that "[t]he parties lived close enough to one another to make this factor not applicable." ***Id***.

Our review of the record supports the court's findings insofar as the proximity of the residences was not raised as an issue by either party.

Furthermore, there was no testimonial or documentary evidence demonstrating that Mother has difficulty transporting R.N. to and from school in Father's school district, or that R.N. suffers in any way with respect to transportation to school or otherwise when in Mother's custody. Moreover, throughout the history of this case, the parties agreed to equally shared physical custody on a 3-2-2-3-day basis, as set forth above, and Father's July 8, 2024 custody complaint requested the same. During the subject proceedings, Father changed his request to primary physical custody for the school year based upon his allegations that Mother has shortcomings, which our review reveals largely reflect isolated past incidents and hostility between the parties rather than Mother's ability to meet R.N.'s present best interests as set forth in § 5328(a) of the Child Custody Act.

For example, Father testified that, prior to the parties cohabiting, Mother entered inpatient drug and alcohol rehabilitation. ***See*** N.T., 1/28/26, at 15-16. He stated that Mother was also drinking alcohol when the parties separated, and this caused the end of their romantic relationship. ***Id***. at 91. Father highlighted in Mother's cross-examination that she currently works as a waitress at a restaurant which also has a bar, but our review of the record reveals no evidence demonstrating that Mother currently suffers from an alcohol addiction. ***See id***. at 176-178.

Mother explained that she went to inpatient rehabilitation for alcohol in 2016, when she was twenty-two years old. ***See*** N.T., 1/29/26, at 16. She

testified, "I am glad that I went. It kind of got me out of my little 22-year-old party funk." ***Id***. Mother testified that her waitressing job does not trigger her use of alcohol, and that she has had approximately "three drinks in the last nine months. [Alcohol] is not a problem for me." ***Id***. at 178. Furthermore, Ms. Peters, R.N.'s maternal grandmother, testified that alcohol is not kept in her house, and that she did think Mother's waitressing job would cause Mother to relapse. ***See*** N.T., 1/28/26, at 312. Ms. Peters explained, "That was in 2016 when she was in treatment. She was much younger. She didn't have a child. She is in a different place in her life." ***Id***. at 312-13. Based upon the foregoing, we disagree with Father that the trial court's findings with respect to factors four and eleven are internally inconsistent. Father's third issue fails.

Finally, Father argues that the trial court violated his due process rights by creating "an appearance of judicial bias" during direct examination by raising objections and conducting cross-examination on her behalf, and "overriding stipulations on Mother's behalf." Father's brief at 9. Father further argues that the court abused its discretion by providing "procedural rescues by actively sorting Mother's proposed material into admissible rebuttal, inadmissible hearsay, and reserved argument — while coaching her on how to

continue."[7] Father's brief at 13 (citing N.T., 1/29/26, at 76-79, 99-101). We disagree.

The guarantee of due process under the Fourteenth Amendment to the United States Constitution requires "nothing more than adequate notice, an opportunity to be heard, and the chance to defend oneself in an impartial tribunal having jurisdiction over the matter." ***In re J.N.F.***, 887 A.2d 775, 781 (Pa.Super. 2005).

With respect to Father's particular contentions, this Court has explained:

> [a] trial judge has the right if not the duty to interrogate witnesses in order to clarify a disputed issue or vague evidence. Unless the complaining party can establish the judge's questioning constituted an abuse of discretion, resulting in discernible prejudice, capricious disbelief, or prejudgment, a new trial will not be granted. ***Mansour v. Linganna***, 787 A.2d 443, 446 (Pa.Super. 2001)[.]
>
> In exercising its prerogative in this regard, the trial court cannot unduly protract testimony or show bias. ***Carney v. Otis Elevator Co.***, 536 A.2d 804, 807 (Pa.Super. 1988).

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[7] With respect to his argument that the trial court conducted "procedural rescues" of Mother's case, Father did not raise it in his concise statement and it is not fairly discernable from the issues raised. As a result, the trial court did not address this argument in its Rule 1925(a) opinion. Thus, Father has waived this argument. ***See*** Pa.R.A.P. 1925(b)(4)(vii) (providing that issues not included in a Rule 1925 concise statement are waived); ***see also Dietrich v. Dietrich***, 923 A.2d 461, 463 (Pa.Super. 2007). Even if not waived, we would conclude pursuant to our thorough review of the transcript in this case, the trial court did not abuse its discretion in this regard.

***Jordan v. Jackson***, 876 A.2d 443, 453-454 (Pa.Super. 2005) (cleaned up); ***see also*** Pa.R.E. 614(b) ("Where the interest of justice so requires, the court may examine a witness regardless of who calls the witness.").

Instantly, Father argues that the court appeared biased towards Mother by guiding her direct examination and instructing her to testify to each of the custody factors and inquiring about the factors during her testimony. ***See*** Father's brief at 11 (citing N.T., 1/29/26, at 5-23). Preliminarily, we observe that Father waived his challenge relating to the court's level of engagement in Mother's direct examination because, as previously noted, he failed to raise any contemporaneous objections on that basis. ***See*** N.T., 1/29/26, at 5-77; ***see also*** Pa.R.A.P. 302(a) ("Issues not raised in the lower court are waived and cannot be raised for the first time on appeal.").

However, mindful both that Father's current contention encompasses more than Mother's direct examination and that he eventually contested the extent to which the trial court steered Mother's case, we address the merits of Father's argument and for the reasons that follow, find it unpersuasive.

In its Rule 1925(a) opinion, the trial court explained that it

> directed [Mother] to address each factor in the custody statute and asked clarifying questions where appropriate, a strategy that this court, quite frankly, wishes that counsel for Father had employed. . . . In a child custody proceeding, this court is interested in hearing competent evidence relevant to the question of what serves the best interest of the child.
>
> This court's rationale then was as it is now — in order to adequately consider the applicable custody factors, this court asked Mother to address the eleven custody factors.

Trial Court Opinion, 4/20/26, at 4-5 (cleaned up). Upon review of the transcripts and considering the court's obligation to advise the parties of custody factors pursuant to § 5328(d), we discern no error by the court in directing Mother's testimony toward the relevant custody factors. ***See e.g., Curtis***, 2026 PA Super 142 at 12 (stressing importance of § 5328(d) mandate to provide parties notice of custody factors in order to prepare for litigation).

With respect to Father's additional assertions, the trial court aptly responded as follows:

> Throughout the trial, this court did not allow Mother to testify or present hearsay or other irrelevant or improper evidence. ***See e.g.*** N.T., 1/29/26, at 84 (refusing to admit education records that constituted hearsay); ***see also id***. at 96 (refusing to admit exhibits that were not presented in Mother's pretrial statement); ***id***. at 99 (refusing admission of photographs that did not properly serve as rebuttal evidence). Neither did the court allow Father to do so.
>
> During proceedings, counsel for Father raised issue with this court's refusal to allow the presentation of rank hearsay. ***See*** N.T., 1/29/26, at 122. Requiring that the evidence presented in court comports with the rules of evidence does not constitute a violation of due process for the party offering the inadmissible evidence.
>
> Next, as to this court "conducting" cross examinations on Mother's behalf, this court's review of the record reveals nothing more than this court asking clarifying questions of witnesses.
>
> Finally, review of the record reveals that not a single stipulation was proposed during proceedings on January 28 or January 29. The words stipulate or stipulation do not appear anywhere in the record of proceedings, much less this court intervening to prevent Mother from entering into stipulations that she was "otherwise" willing to.

Trial Court Opinion, 4/20/26, at 4-6 (cleaned up).

In this case, Father has failed to prove that the trial court's conduct constituted "an abuse of discretion, resulting in discernible prejudice, capricious disbelief, or prejudgment." ***Jordan***, 876 A.2d at 454 (citation omitted). Our review of the instant case reveals that the parties remained in high conflict and Mother proceeded *pro se*, which presented a challenge to the trial court to extract and clarify evidence relevant to the custody factors in determining R.N.'s best interests. We observe no bias by the court in doing so. Thus, Father's final issue fails.

Based on the evidence presented, and with due deference to the trial court's weight and credibility determinations, the trial court did not err or abuse its discretion in awarding the parties shared physical custody on a repeating, two-week schedule. Accordingly, we affirm the order.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/25/2026