NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

J.T. MARCUS F/K/A JUSTIN WAYNE TURNBAUGH	:	IN THE SUPERIOR COURT OF PENNSYLVANIA
Appellant	:	
v.	:	
SHERRIE ELIZABETH HASSAN	:	No. 583 WDA 2026

Appeal from the Order Entered March 27, 2026
In the Court of Common Pleas of Mercer County Civil Division
at No(s): 2020-01539

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

MEMORANDUM BY BOWES, J.: **FILED: November 16, 2026**

J.T. Marcus f/k/a Justin Wayne Turnbaugh ("Father"), appeals *pro se* from the March 27, 2026 order that denied his petition to modify the existing custody order with respect to his twelve-year-old son, S.T. We affirm.

The certified record reveals an underlying protracted custody matter initiated by Father in 2020 in the Mercer County Court of Common Pleas with respect to S.T., then age six, and his older daughter, S.N.H., both of whom he shares with Sherrie Elizabeth Hassan ("Mother").[1] Throughout the history of this case, Mother has been awarded primary physical custody of S.T. and Father exercised periods of partial physical custody.

[1] This appeal does not involve S.N.H. because she is no longer a minor.

In 2023, Father filed a notice of proposed relocation to Haslet, Texas, to reside with his paramour, Adina Enlow, in the home of her father, Paul Enlow. As of the date of the proposed relocation, Father exercised custody of S.T. on alternating weekends and every Wednesday after school until 8:00 p.m.; however, Father further sought to modify his periods of partial physical custody to include, *inter alia*, one weekend per month in Pennsylvania, and thirty consecutive days every summer in Texas. Following an evidentiary hearing, the trial court granted Father partial relief. Specifically, it granted Father leave to relocate but awarded him only one weekend of physical custody per month in Mercer County and seven consecutive days in Texas during the summer.

Approximately two years later, on March 24, 2025, Father filed *pro se* the at-issue petition for modification as well as a separate petition for emergency relief seeking primary physical custody of S.T. in Texas. Father alleged that Mother had engaged in parental alienation, psychological and physical abuse of S.T., and medical neglect and malnutrition as demonstrated by S.T.'s elevated body mass index. Petition for Emergency Relief, 3/24/25, at 2. After interviewing S.T. in chambers and "receiv[ing] testimony from [his] counselor of approximately [one] year," the trial court granted, in part, the emergency petition by increasing Father's custody award to thirty consecutive days in Texas during the summer, but maintained all other provisions of the existing court order. ***See*** Order, 3/24/25 at 1.

On April 21, 2025, Father filed *pro se* an amended custody modification petition, this time alleging that S.T. (1) "has expressed desire to live with" him; (2) fears Mother; and (3) has suffered "extreme emotional distress" in Mother's care. Amended Petition, 4/21/25, at ¶ 4. Once more, Father alleged that Mother engaged in parental alienation and child neglect, including "malnutrition, physical and psychological abuse and an unsafe environment." ***Id***.

During the ensuing evidentiary hearings, the court conducted a second *in camera* interview with S.T. Father appeared *pro se* and testified on his own behalf. In addition, he presented the testimony of S.T.'s middle school principal, Jonathan Fry, and school guidance counselor, Frank Galati. Father also called witnesses from Texas, including his paramour, Ms. Enlow, her father, Mr. Enlow, and her two daughters, Breylynn Chambers, a young adult who lived at college, and Silver Pryor, age fifteen. Finally, Father presented the testimony of S.T.'s paternal grandmother, Darlene Turnbaugh. Represented by counsel, Mother testified on her own behalf and called S.N.H. and the maternal grandmother, Christie Hassan, as witnesses.

On March 27, 2026, the trial court denied Father's request for primary physical custody but further increased his partial physical custody award to cover the majority of S.T.'s summer break from school. In sum the court concluded,

> Considering all factors in total, there is not sufficient evidence to completely remove [S.T.] from his entire family, other

> than Father, his school, supports, hobbies, and church, and move him to Texas. [S.T.]'s entire exposure to Texas is essentially the nature of a vacation, two weeks at one time, and thirty days in the summer. [S.T.] clearly deeply loves both parents, and they love him. It is clear both grandmothers and his sister have deep love and a bond with [S.T.], and that feeling is mutual. The court was very impressed with the testimony of the entire Enlow family and their clear strong bond and love for [S.T.], but this relationship does not support a change in custody.

Trial Court Opinion, 4/2/26, at 69 (cleaned up).

Specifically, the order provided that Father's custody in Texas "shall commence 15 days following the last day of the school year. The child shall be returned to Mother's custody 10 days prior to the start of the next school year." Order, 3/27/26 (cleaned up). The trial court accompanied the order with a comprehensive opinion that included findings of fact, analysis, and conclusions of law. ***See*** Trial Court Opinion, 4/2/26, at 1-70.

This timely *pro se* appeal followed, along with Father's concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b), wherein he raised forty-two separate claims of alleged error. Thereafter, the trial court filed a thorough seventy-five-page Rule 1925(a) opinion addressing each of Father's claims.

In this Court, Father presents the following issues for our review, which we have re-ordered for ease of disposition:

> 1. Whether the trial court committed an error of law or abused its discretion by failing to properly apply 23 Pa.C.S. § 5328(a)'s safety-weighting requirements, including § 5328(a)(2.2), where the record contained safety-relevant evidence concerning Mother's admitted physical conduct, the water-bottled incident, the January 2026 slapping/reckless-driving incident, and the

> court's finding that it was unable to determine whether a key safety incident occurred.
>
> 2. Whether the trial court abused its discretion by making internally inconsistent and selectively applied findings, including finding that the assaultive-behavior factor strongly favored Mother while also finding that both parties could provide adequate safeguards and supervision, and by minimizing Mother-related safety evidence while applying Father-related history more strictly.
>
> 3. Whether the trial court abused its discretion in its custody and relocation analysis by characterizing the child's Texas exposure as essentially vacation-like and by discounting evidence concerning Father's Texas household, Silver Lining Sanctuary, the child's sibling-like bonds with the Enlow children, the availability of extended family support, and Father's proposed custody structure preserving Mother's relationship with the child.
>
> 4. Whether the trial court by discounting the twelve-year-old child's stated preference to live with Father, where the child testified that his reasons were his own, identified peace and freedom in Texas, rejected the suggestion that the farm alone controlled his preference, and stated that the primary reason was, "I just want to be with him."

Father's brief at 1-3 (pagination supplied).[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

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[2] For the purpose of this memorandum, we count the statement of questions involved as the first page of Father's brief.

> 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).

Collectively, Father's arguments assail the trial court's consideration of the best interest factors that are enumerated in the Child Custody Act :

> **(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).

Furthermore, to the extent that Father's proposed exercise of primary custody in Texas implicates relocation, the Child Custody Act directs a trial court to consider the following considerations:

> **(h) Relocation factors.--**In determining whether to grant a proposed relocation, the court shall consider the following factors, giving weighted consideration to those factors which affect the safety of the child:
>
> (1) The nature, quality, extent of involvement and duration of the child's relationship with the party proposing to relocate and with the nonrelocating party, siblings and other significant persons in the child's life.
>
> (2) The age, developmental stage, needs of the child and the likely impact the relocation will have on the child's physical, educational and emotional development, taking into consideration any special needs of the child.
>
> (3) The feasibility of preserving the relationship between the nonrelocating party and the child through suitable custody arrangements, considering the logistics and financial circumstances of the parties.
>
> (4) The child's preference, taking into consideration the age and maturity of the child.

> 5) Whether there is an established pattern of conduct of either party to promote or thwart the relationship of the child and the other party.
>
> (6) Whether the relocation will enhance the general quality of life for the party seeking the relocation, including, but not limited to, financial or emotional benefit or educational opportunity.
>
> (7) Whether the relocation will enhance the general quality of life for the child, including, but not limited to, financial or emotional benefit or educational opportunity.
>
> (8) The reasons and motivation of each party for seeking or opposing the relocation.
>
> (9) The present and past abuse committed by a party or member of the party's household and whether there is a continued risk of harm to the child or an abused party.
>
> (10) Any other factor affecting the best interest of the child.

23 Pa.C.S. § 5337(h)

As we previously explained, even where, as here, a custody determination "does not *per se* trigger [§] 5337 of the Child Custody Act,"

> trial courts should still consider the relevant factors of [§] 5337(h) in their [§] 5328(a) best interests analysis. Several of the factors of [§] 5337(h) are encompassed, either directly or implicitly, by the custody factors of [§] 5328(a). Trial courts should also consider those relevant factors of [§] 5337(h) that are not otherwise encompassed directly or implicitly by the [§] 5328(a) factors pursuant to the catchall provision of [§] 5328(a)(16).

D.K. v. S.P.K., 102 A.3d 467, 476–77 (Pa.Super. 2014).

Instantly, the trial court assessed all the statutory best interest factors pursuant to both § 5328 and § 5377 in its opinion that accompanied the

relevant custody order. ***See*** Trial Court Opinion, 4/2/26, at 56-67.[3] The court found that § 5328(a)(2), (2.1), (2.2), (3), (4), and (16) strongly favored Mother, and that (a)(6) and (14) weighed in her favor to some extent. With respect to Father, the court determined that § 5328(a)(7) favored him slightly. It deemed the remaining best interest factors neutral or inapplicable.

As it relates to the relevant relocation factors, the trial court weighed the first three considerations in Mother's favor. For the remaining considerations relating to S.T.'s preference to live with Father in Texas and the risk of child abuse, respectively, the court incorporated its findings from its assessment of the corresponding best interest factors outlined in § 5328(a)(2), (2.1), (2.2) and (a)(7).

Father's first three issues challenge the weight that the trial court applied to certain factors. In this vein, he first assails the trial court's determination that the safety-related factors highlighted in § 5328(a)(2), (2.1) and (2.2) weighed in Mother's favor. He asserts that the trial court minimized the evidence regarding Mother's prior conduct that allegedly posed a safety risk to S.T. ***See*** Father's brief at 13-14, 17-22. In addition, he argues that the trial court's findings as to these factors were "internally inconsistent"

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[3] The trial court addressed each of the mandatory best interest factors in its April 2, 2026 opinion, *albeit* in different order and, at times, with different paragraph numbers than that set forth in the statute. In this disposition, we reference the best interest factors as set forth in § 5328(a) of the Child Custody Act.

with the neutral weight it assigned to (a)(1), concerning which party is likely to ensure the child's safety. Finally, he contends that the trial court abused its discretion "by minimizing objective evidence of the Texas household" and characterizing S.T.'s experience in Texas as "vacation-like." Father's brief at 26-35.

We start by outlining the court's rationale as to the factors implicated by Father's argument, beginning with the following safety-related considerations:

> **1. <u>Which party is more likely to ensure the safety of the child.</u>**
>
> This factor is neutral. Although there is no credible evidence either parent intentionally injured [S.T.], there is the incident, although several years ago, in which Mother carelessly in anger threw a plastic bottle causing an injury to [S.T.]. However, Father, within the last five years, assaulted [S.N.H.] resulting in a [Protection from Abuse "(PFA") order], has a conviction for simple assault, disorderly conduct/fighting, and three [convictions of charges of driving under the influence].
>
> **<u>[2.1] Consideration of child abuse and involvement of protective services pursuant to 23 Pa.C.S. § 5329.1(a).</u>**
>
> This factor strongly favors Mother. As set forth above, Father is the defendant in a three-year PFA [order] in which the plaintiff is his now-adult daughter. The adult daughter credibly testified Father used some form of cord to strike her in the leg and back causing . . . pain and bruising which lasted several days.
>
> **<u>[2.2] Assaultive behavior committed by a party.</u>**
>
> This factor strongly favors Mother. In addition to the above, Mother testified Father assaulted her by placing his hands on her throat and impeded her breathing. . . . Father did not deny, rebut, or challenge this testimony.

. . . .

[2] The past or present abuse committed by a party or member of the party's household. . . .

This factor favors Mother. The court incorporates the discussions above regarding child abuse of [S.N.H.], now an adult child, as well as assaultive behavior of Mother. The court also notes Father's simple assault and disorderly conduct/fighting convictions. However, the court does believe each party can adequately provide safeguards and supervision. There was no evidence of [S.T.] being the subject of abuse or neglect.

Trial Court Opinion, 4/2/26, at 56-58 (emphasis in original) (cleaned up).

Likewise, the trial court weighed the evidence concerning the Texas household thusly,

> Father's entire case is based primarily on the premise [that S.T.] wishes to move to Texas with Father and that is the end of the matter. . . . Beyond the child's preference, Father's entire case was focused on the environment in Texas, the access to animals, and the amount of love and affection Father and the Enlow family have for [S.T.].
>
> These factors do not overcome [S.T.]'s lifelong residence in Sharpsville, Pennsylvania, lifelong attendance at Sharpsville School District, in which he appears to be doing well, and [S.T.]'s entire extended family, on both parents' sides, being present in Mercer County other than Father.
>
> . . . .
>
> Father's living circumstances and stability are wholly dependent on [his] relationship with [Ms. Enlow, his paramour]. [Ms. Enlow] had only lived in Texas, in this instance, for just short of four years, [Ms. Enlow]'s mother lives in Mercer County, Pennsylvania, and the evidence is clear [Ms. Enlow] has moved back and forth between Texas and Mercer County on at least two occasions.

Trial Court Opinion, 4/2/26, at 67-69 (cleaned up).

Father's contentions that the trial court "undervalued" certain evidence and failed to "meaningfully weigh" other facts simply requests that we reconsider the evidence adduced during the hearings to reach a more favorable conclusion, which we will not do. ***See*** Father's brief at 17, 29, 32, 34, 39. As we explained in ***M.J.M. v. M.L.G***., 63 A.3d 331, 339 (Pa.Super. 2013), "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." This Court will not revisit the trial court's determinations that are based on the certified record. ***J.R.M. v J.E.A.***, 33 A.3d 647, 650 (Pa.Super. 2011) ("[W]ith 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[.]").

Instantly, the certified record supports each of the challenged trial court findings. As it relates to Father being subject to a PFA order, S.N.H. testified that, in November of 2021, the trial court issued a PFA order on her behalf against Father for a three-year term, when she was approximately fifteen years old, because Father repeatedly struck her with a cord while she was in his custody, which caused pain and bruising. N.T., 3/12/26, at 82-89. The record also reveals that, on June 8, 2022, Father pled guilty to two criminal counts of "recklessly endangering another person" that arose from the same incident. Petition for Civil Contempt, 8/31/22, at Exhibit C. Father was sentenced to two years of probation. ***See id***.

Similarly, Mother testified that Father physically assaulted her during their relationship, including in approximately 2019, when he "put his hands around my throat and choked me." N.T., 3/12/26, at 179. In addition, Mother described a different incident where Father "thought I shut the door on him, [h]e punched me in the stomach where I lost my breath. . . ." ***Id***. at 180.

With respect to Father's allegations that Mother was the perpetrator of abuse against S.T., Mother testified regarding a "water bottle" incident that occurred when S.T. was between three to five years old and seated in a car seat in the back of her car. ***Id***. at 170. She explained that, while driving her car and arguing over the cellular phone with Father, "I remember grabbing the [water] bottle and throwing it down into the back seat, and it must have ricocheted, and [S.T.] had something in his hand" which hit him. ***Id***. Mother emphasized that the water bottle did not hit S.T., but its recoil caused "the thing he had in his hand" to hit him in the face and cause "a small cut" which did not require medical attention. ***Id***. at 172. The trial court characterized this incident as "a careless act" by Mother that occurred "eight to nine years ago." Rule 1925(a) Opinion, 5/20/26, at 20 (unpaginated). Notwithstanding Father's protestations to the contrary, the foregoing evidence supports the trial court's finding that the water bottle incident was "insufficient to establish a continuing safety risk" to S.T. ***Id***. at 19.

The record similarly sustains the trial court's appraisal of Father's assertion that Mother placed S.T. at risk by striking him in the face with an

open hand while driving a car at a high rate of speed. After interviewing S.T. about the allegations and questioning Mother about the alleged episode, which she described as a playful interaction that went awry, the trial court stated that it was "unclear . . . whether the incident in fact occurred." Trial Court Opinion, 4/2/26, at 7. Even if it did occur, the trial court made credibility findings in favor of Mother and once again determined that the incident was "insufficient to establish a continuing safety risk" to S.T. Rule 1925(a) Opinion, 5/20/26, at 19.

Finally, the record supports the court's determination regarding the child's proposed move to Texas considering the stability that S.T. enjoys in Mercer County. The court considered Paul Enlow's description of the Texas residence, adjoining property, and his animals, including "three horses; one Texas Longhorn miniature; a dozen goats; approximately ten chickens and ten dogs." N.T., 3/11/26, at 152. It also noted the love and affection that Ms. Enlow and her daughters have for S.T. ***See Id***. at 178-248. However, the court necessarily viewed this favorable testimony through the reality that Ms. Enlow's Texas roots are relatively shallow considering her testimony noting the various times that she has moved between Texas and Mercer County, and the fact that Father lacks ties to Texas beyond his relationship with Ms. Enlow. ***See id***. at 222-24.

In contrast Mother presented evidence concerning her residence, which she purchased when S.T. was an infant, and S.T.'s academic achievements in

the Sharpsville School District, including progress reports that indicate he maintains an "A" average. ***See*** N.T., 3/12/26, at 147, 155-56, 190. Mother also highlighted S.T.'s engagement in community programs, hobbies, and extracurricular activities in Mercer County. S.T. is active in his local church, where he takes piano lessons. ***Id***. at 162-63. The church also provides S.T. both a physical workspace and a computer to operate his online business selling handmade crafts. ***Id***. at 163, 166.

Father's evidence further supported the court's finding that S.T. was thriving in his current school. ***See e.g.***, N.T., 3/11/26, at 103-04 (Principal Fry testifying about S.T.'s grades, social interactions, and involvement in school activities such as yearbook club). Likewise, contrary to Father's allegations that S.T. suffered extreme emotional distress under Mother's care, the child's middle school guidance counselor, Mr. Galati, testified, "I don't believe that there is a major concern for [S.T.] emotionally[.]" ***Id***. at 113. He further noted that he does not have any concerns about S.T.'s stability in Mother's care. ***Id***. at 129.

Based upon our review of the totality of the record evidence, we discern no abuse of discretion by the court with respect to the weight it accorded to the relevant factors. It is beyond cavil that a party cannot dictate the weight that the trial court attributed to the evidence. ***See Taylor***, 302 A.3d at 207 (reiterating that this court defers to the trial court on matters of credibility and weight of the evidence). Further, we reject Father's assertion that the

trial court's findings are "internally inconsistent" insofar as the court determined, despite Father's criminal history and evidence of present and past abuse, he was no less likely than Mother to ensure S.T.'s safety. Thus, Father's first three contentions fail.

In his final issue, Father argues that the trial court abused its discretion "by discounting" then-twelve-year-old S.T.'s preference to live with him and not placing determinative weight upon § 5328(a)(7) and § 5337(h)(4), both of which relating to the child's well-reasoned preferences. Father's brief at 22-25. This issue concerns the fact that, in indicating the primary reason for his preference to reside with Father, S.T. simply stated, "I just want to be with him." ***Id***. at 75-76. Father suggests that the trial court should have accepted S.T.'s statement at face value. ***See*** Father's brief at 25. Again, we discern no abuse of discretion by the trial court insofar as it weighed the totality of S.T.'s testimony and considered it in light of the other statutory factors in determining his best interests.

In concluding that S.T.'s stated preference to live with Father favored Father marginally, the trial court reasoned as follows:

> This factor is neutral or slightly favors Father. [S.T.] is an intelligent, well-spoken twelve-year-old boy. The child has expressed his desire to live in Texas with Father. However, when the court inquired how much time [S.T.] would wish to spend with Mother, he indicated three weeks every other month. This is impossible and impractical. It is one week short of a fifty-fifty (50/50) custody arrangement.
>
> Further, [S.T.'s] stated basis is he wishes to undertake online schooling and wishes more freedom. When the court inquired to

> [S.T.] regarding online schooling at Mother's residence, he stated he believed Mother would want him to take what classes she wanted where Father would only make him take the classes the child wished to take. [S.T.] also indicated his life would be better in Texas. The court also has concerns regarding the extent Father has attempted to sway [S.T.]'s opinion given the above as well as . . . Father's repeated attempts to call [S.T.] the night before his testimony. The court notes the majority of the child's reasoning, in addition to above, was things such as animals, the farm, and the like. [S.T.]'s only direct comment regarding Father himself was "a son needs his father," [which] again . . . suggests coaching from Father.

Trial Court Opinion, 4/2/26, at 60-61 (cleaned up).

Once more, the record supports the court's rationale. With respect to the possibility that Father influenced his son's preference, we reference S.T.'s testimony on this issue:

> Q. Does your dad talk to you about . . . things will be better in Texas or you'll be safer [t]here?
>
> A. Sometimes.
>
> Q. Tell me the kind of stuff he says.
>
> A. . . . [S]ometimes he says when I'm [in Texas], I'd be able to be home schooled and have my own freedom and stuff.

N.T., 3/11/26, at 56.

Moreover, S.T. indicated that he likes spending time with both Mother and Father and that he has "fun" with both of them. ***Id***. at 58. In fact, he stated that, if he resided primarily in Texas, he would want to see Mother for three weeks every other month and one full month every summer. ***See id***. at 60-61. In addition, S.T. testified that, if he relocated to Texas, he would

miss his older sister and both of his grandmothers who live in close proximity to Mother's home in Mercer County. ***See id***. at 61.

Father argues that the trial court abused its discretion by minimizing S.T.'s preference. However, upon review of the trial court's rationale, which the record amply supports, we discern no abuse of discretion. It is well ensconced in our jurisprudence that "the weight to be accorded a child's preference varies with the age, maturity and intelligence of that child, together with the reasons given for the preference." ***See E.B. v. D.B.***, 209 A.3d 451, 468 (Pa.Super. 2019) (citation omitted).

Here, the trial court weighed the child's preference with the totality of S.T.'s testimony and considered it in light of the other statutory factors in determining his best interests. Notwithstanding any possible coaching on Father's part, S.T.'s preference may not have been entirely well reasoned. As the court established in highlighting the unworkable custody arrangement that S.T. envisioned as part of his move to Texas, it is obvious from the record that S.T. did not fully appreciate the gravity of his decision. Hence, the trial court assessed the child's preference appropriately in light of the facts presented.

Accordingly, after thoroughly reviewing the certified record and concluding that it supports the trial court's custody determination, we affirm.[4]

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[4] Father's brief includes a final issue asserting that the cumulative effect of the trial court's alleged errors warrants vacating the custody order and remanding for further proceedings. Appellant's brief at 37. However, to the
(Footnote Continued Next Page)

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/16/2026

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extent that this contention necessarily presupposes that he established at least one claim of trial court error, it must fail considering our conclusion to the contrary.