NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

JOHN M. SURMA	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
JULIE S. SURMA	:	No. 339 WDA 2026

Appeal from the Order Entered March 5, 2026
In the Court of Common Pleas of Allegheny County Family Court at
No(s): FD19-009106-005

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

MEMORANDUM BY OLSON, J.: **FILED: November 12, 2026**

Appellant, John M. Surma, ("Father") appeals from the March 5, 2026 amended final custody order entered in the Court of Common Pleas of Allegheny County that granted Father and Julie S. Surma ("Mother") shared physical custody and shared legal custody, but with Mother having sole legal custody regarding extracurricular activities, of the parties' biological children C.S, a female child born January 2017, and R.S., a female child born June 2019 (collectively, "the Children").[1] After careful review, we affirm.

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[1] The amended final custody order was dated February 17, 2026, but notice of the entry of the order was not provided to the parties until March 5, 2026. As such, for purpose of appeal, the amended final custody order was entered on March 5, 2026. ***See*** Pa.R.Civ.P. 236; ***see also Carr v. Michuck***, 234 A.3d 797, 805 (Pa. Super. 2020) (explaining that, an order is not entered on the docket until a it is noted on the docket that appropriate notice has been given pursuant to Rule 236). We have amended the caption accordingly.

The trial court summarized the procedural history as follows:

This case originated on October 29, 2019, with Father's filing of a complaint in divorce and a custody complaint. On November 15, 2019, Father filed a *praecipe* to withdraw/discontinue the divorce action. On April 29, 2020, Father filed a new custody complaint. On May 1, 2020, [the trial court] denied Father's emergency petition for interim custody relief. Thereafter, on May 11, 2020, [the trial court] entered an interim order setting a shared custody schedule. Contemporaneously, the parties were ordered to enroll [in] and use the Our Family Wizard application for their non-emergency communications. On May 28, [2020,] Father filed a new complaint in divorce.

On December 22, 2020, a divorce decree was granted. On July 6, 2021, the parties were ordered to enroll C.S. in therapy[] and to participate as recommended by the [therapist]. On August 11, 2021, Mother filed a counterclaim for custody. On April 14, 2022, [the trial court] entered extensive findings and a final custody order imposing shared legal and physical custody.

On December 8, 2022, Father filed a petition for modification of custody. Mother filed a counterclaim and response. On August 23, 2023, [the trial court] issued an interim custody order, keeping the prior final order in full force and effect absent a few minor changes [set forth] in that interim order. These changes were principally that the parties were to reengage their efforts with Dr. [Deborah] Gilman [("Dr. Gilman")] in coparent counseling and [] submit to full [psychological] evaluations. On April 4, 2024, after the parents completed their psychological evaluations on February 29, 2024, and failed to file a *praecipe* for a judicial conciliation, the custody complaints were dismissed.

On May 30, 2024, Father filed a petition for modification of custody. [Some time prior to November 14, 2024, Father filed a petition that requested Mother undergo a mental health examination pursuant to Pennsylvania Rule of Civil Procedure 1915.8 and sought interim custody relief. At that same time, Father also filed a petition seeking special relief regarding

> therapy.[2] On November 14, 2024, Mother filed a response to Father's petition for a mental health examination [] and [] interim custody relief[. That same day, Mother] also filed a [response to Father's] petition for special relief regarding therapy. On November 19, 2024, [the trial court] ordered [Father's] petitions be deferred until the upcoming judicial conciliation. A judicial conciliation was scheduled for January 21, 2025.[3] On May 22, 2025, [the trial court] set the case for a two-day custody trial on September 18, 2025, and September 19, 2025. Pretrial statements were filed by the parties. After testimony [was taken] on September 18 [and] 19, [2025,] and a brief proceeding [was held] on October [9, 2025,[4]] the parties submitted written closing statements/arguments.

Trial Court Opinion, 5/12/26, at 2-4 (record citations and extraneous capitalization omitted).[5]

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[2] Father's petitions for a mental health evaluation and special relief regarding therapy were not docketed with the trial court and, therefore, are not part of the certified record presently before us. As such, the exact filing dates of these petitions are unknown. Father withdrew his petition for a mental health evaluation at the start of the custody hearing on September 18, 2025. N.T., 9/18/25, at 6.

[3] A review of the trial court docket does not indicate that the trial court disposed of Father's petitions for a mental health evaluation or special relief regarding therapy at the January 2025 judicial conciliation.

[4] The October 9, 2025 proceeding was held for the purpose of taking the testimony of Officer Devon Siegfried ("Officer Siegfried") of the Northern Regional Police Department, who failed to appear at the September 2025 custody hearing after being subpoenaed to appear. N.T., 10/9/25, at 2. Officer Siegfried failed to appear for a second time on October 9, 2025. ***Id.*** As a result, the parties stipulated to, and the trial court accepted, the admission of Exhibit 15, which was comprised of the Northern Regional Police Department records from 2019, to 2024, involving the parties. ***Id.*** at 3.

[5] On page 1 of the trial court's Rule 1925(a) opinion appears the date "April 6, 2025." This appears to be a typographical error. The trial court's Rule 1925(a) opinion was filed on May 12, 2026.

After the conclusion of the custody hearing, the trial court made the following findings of fact:

> **1. Which party is more likely to ensure the safety of the child**
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> One of the [Children] suffered an eye injury, and on another occasion, a broken arm while in [Father's] care. Father did not seek [] medical care for the eye injury. No other significant evidence was presented regarding the physical safety of the [Children]. This factor skews only very slightly [in favor of] Mother.
>
> **2. The present and past abuse committed by a party or member of the party's household, which may include past or present protection from abuse or sexual violence protection orders where there has been a finding of abuse**
>
> This factor is not applicable.
>
> **2.1 The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services).**
>
> This factor is not applicable.
>
> **2.2 Violent or assaultive behavior committed by a party[.]**
>
> This factor is not applicable.
>
> **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 a 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.**

This factor is the most salient in this inquiry. (The discussion here is also relevant to factor 3.)[] The parties both admitted that they are unable to co-parent effectively. [The trial court] agrees.

Father insists that the reason for their inability to get along lies with Mother. [The trial court] disagrees. Father produced no significant evidence that Mother interferes with his custodial time or is consistently unreasonable.

Father produced a video [recording] which was intended to demonstrate Mother[] being unreasonable and irrational. Instead, the [video] footage from the surveillance camera outside of his home[] demonstrated Father's failure to communicate and his dysregulated behavior.

Other evidence of Father's unreasonable behavior came through police reports from [the] Northern Regional Police Department. Father spent from May to September [] 2024[,] interacting numerous times with the police in an effort to have Mother arrested for allegedly coming into his home around the time of a custody exchange to retrieve an item that one of the [Children] wanted to take with her. (Also of note in those reports was Father's assertion that his "security" cameras are only set to record between 8:10[a.m.] and 8:25[a.m.] to capture video of the custody exchanges).

The police reports document that Father wanted Mother to be prosecuted for harassment, as well[as] for calling at the appointed time for video calls. When the police declined to pursue the charges, [Father] requested that the incident be documented "in case he needs it in the future." And herein lies the crux of the problem – Father's focus [is] on custody litigation rather than the well-being of [the Children].

His exhibits and narrative expose a desire to "win at custody" rather than to parent healthy, happy, well-adjusted [Children.] He has been so pre-occupied with what is "his time" that he deprived [R.S.] of the comfort of her mother after the child had broken her arm, gone to two hospitals, and had her arm put in a cast. Instead, he took the child to his house and left her with a nanny while he went back to work - to deprive Mother of custodial time. During that series of hospital visits, Father alerted the security at the hospital to their custody dispute because Mother was getting too close to the child.

Father has threatened to pull the Children from events if Mother will be present, even going so far as to say that he would not take the [Children] to their first day of school if Mother [was] present[] to take a photo[graph]. Mother is not permitted to watch [the Children's] tennis matches that occur at Father's country club.

Mother testified that she provides the [Children] with various options for extracurricular activities[,] and they check off the ones in which they would like to participate. Mother also described activities that the [Children] tried and did not want to pursue.

Father employs software to document and analyze the length of the [tele]phone calls between the [Children] and [Mother,] and the [Children] and himself. He asks to eliminate these [tele]phone calls because the [Children] spend more time talking to [Mother], and that is somehow not fair to him.

Father's blanket statements that Mother is an incredible challenge were unsubstantiated by any actual evidence. Father does not appear to be willing to encourage and permit frequent continuing contact with Mother. He appears bent on depriving Mother of [as much] time [with the Children] that he possibly can.

Mother presented as a calm and rational person who is tired of all [] the litigation. Mother had a good memory of events and was able to convey facts in a clear, coherent narrative. She appeared to be focused on finding activities and opportunities for [the Children] that were fun[,] enriching[,] and provid[ed] them with a sense of community. Unfortunately, Father does not take them to the arranged activities when it is "his day[."]

Mother is not without fault in allowing the [Children] to witness their parents' dysfunction. Both parents have made negative comments about the other in front of the [Children].

This factor weighs heavily in favor of Mother.

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.

The [Children] are highly intelligent and well-adjusted. They do well in school and have many friends. They do not currently suffer any mental health diagnoses or have any special needs.

The [Children] are not in need of any therapy or treatment[. H]owever, if the parties do not cease anxiety inducing behavior, that may not be the case for long.

[The trial court] is not at all convinced that Father is able to put the needs of the [Children] above his compulsion to maintain a contentious and hostile relationship with [Mother].

The parties are both able to attend to the [Children's] educational and physical needs. This factor favors Mother slightly, as the [trial court] finds that a great deal of the dysfunction that may ultimately affect the [Children's] emotional well-being arises from Father's behavior.

4. The need for stability and continuity in the child's education, family life[,] and community life.

Both parents appear to recognize the importance of stability and continuity in [the Children's] lives. They live in the same school district and within close proximity to the other.

This factor is neutral.

5. The child's sibling and other familial relationships.

The [Children] are close in age and should be together during their custodial time periods.

6. The well-reasoned preference of the child, based on the child's maturity and judgment.

The [Children] are too young to have a well-reasoned preference.

7. The proximity of the residences of the parties.

The distance between the parties is not substantial and does not impact the custody decision.

8. Each party's employment schedule and availability to care for the child or ability to make appropriate childcare arrangements.

Mother works from home and seems to have a more flexible schedule and is able to prioritize time with the [Children]. Both parents are able to make child-care arrangements.

This factor is neutral.

9. The history of drug or alcohol abuse of a party or member of a party's household.

No significant evidence was presented regarding this factor.

10. The mental and physical condition of a party or member of a party's household.

No significant evidence was presented regarding this factor.

11. Any other relevant factor.

The parties have the means to purchase their own sets of equipment or uniforms for [the Children's] various activities so that there is a set at each household.

Trial Court Findings, Conclusions, and Order, 1/28/26, at 2-6 (extraneous capitalization omitted).[6]

In its January 28, 2026 final custody order, the trial court awarded Mother and Father shared physical custody and shared legal custody except that Mother was awarded sole legal custody regarding the Children's extracurricular activities. Father filed a motion for reconsideration of the final custody order on February 11, 2026. On February 17, 2026, the trial court expressly granted, in part, and denied, in part, Father's motion for reconsideration.[7] On March 5, 2026, the trial court entered an amended final

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[6] The trial court's findings, conclusions, and final custody order was dated January 19, 2026, but the trial court docket indicates that notice of the entry of the filing was not provided to the parties pursuant to Pennsylvania Rule of Civil Procedure 236 until January 28, 2026. Pa.R.Civ.P. 236(b) (stating, "[t]he prothonotary shall note in the docket the giving of the notice" of entry of the order) As such, the trial court's findings, conclusions, and final custody order are deemed entered on the trial court docket on January 28, 2026. ***Carr***, 234 A.3d at 805.

[7] The order expressly granting, in part, and denying, in part, Father's motion for reconsideration was dated February 17, 2026, but was not entered on the trial court docket until March 5, 2026, the date notice of the entry of the order was provided to the parties. ***See*** Pa.R.Civ.P. 236; ***see also Carr***, 234 A.3d at 805. While the order was not entered until March 5, 2026, February 17, 2026 is the date on which the trial court expressly granted, in part, the motion for reconsideration of the January 28, 2026 final custody order. ***See PNC Bank, N.A. v. Unknown Heirs***, 929 A.2d 219, 227 (Pa. Super. 2007) (recognizing that, the trial court expressly granted the motion for reconsideration on the date appearing on the order, not as of the date the order was docketed by the prothonotary). As such, the trial court retained its power, pursuant to 42 Pa.C.S.A. § 5505, to act upon Father's motion for reconsideration because it did so within the 30-day period following the January 28, 2026 final custody order. ***See id.*** at 226-227; ***see also*** 42

custody order that awarded Mother and Father shared physical custody and shared legal custody of the Children except that Mother was awarded sole legal custody regarding the Children's extracurricular activities. This appeal followed.[8]

Father raises the following issues for our review:

1. Whether the trial court abused its discretion and erred as a matter of law in failing to narrowly tailor the scope of the custody trial to the specific requests sought in Father's underlying petition for modification of custody, and where Mother did not file a crossclaim for custody[?]

2. Whether the trial court abused its discretion and erred as a matter of law in issuing a custody determination that relied upon pleadings which were not part of the trial court record and were specifically withdrawn at the custody trial[?]

3. Whether the trial court abused its discretion and committed errors of law in its application of the custody factors at 23 Pa.C.S.A. § 5328[?]

    a. Whether the trial court misapplied facts and failed to consider credible testimony and evidence in its discussion and findings under custody factor[s 1, 2.3, and 3?]

Pa.C.S.A. § 5505 (stating, "a court upon notice to the parties may modify or rescind any order within 30 days after its entry, notwithstanding the prior termination of any term of court, if no appeal from such order has been taken or allowed").

The trial court granted Father's request to modify the provision regarding vacation time and denied all other requested relief.

[8] Both Father and the trial court complied with Pennsylvania Rule of Appellate Procedure 1925.

b. Whether the trial court abused its discretion and committed errors of law in finding that custody factor[s 1, 2.3, and 3] weigh in favor of Mother[?]

c. Whether the trial court abused its discretion and committed errors of law in failing to acknowledge that Father also works from home, has a flexible schedule[,] and prioritizes time with the [Children,] under custody factor 8[?]

4. Whether the trial court abused its discretion and erred as a matter of law in awarding Mother [sole] legal custody regarding extracurricular activities[?]

5. Whether the trial court abused its discretion and erred as a matter of law in reducing Father's overnights with the [Children] and effectively awarding Mother primary physical custody, despite directing the parties to share physical custody, and without any evidence or testimony to support such a reduction in Father's time[?]

6. Whether the trial court abused its discretion and erred as a matter of law in failing to appoint a parenting coordinator[?]

7. Whether the trial court abused its discretion and erred as a matter of law in failing to consider and rely upon credible facts, testimony[,] and recommendations offered by the parties' coparent counselor, Dr. [] Gilman[?]

8. Whether the trial court abused its discretion and erred as a matter of law in ordering daily [tele]phone/video calls with the [Children?]

Father's Brief at 3-5 (extraneous capitalization omitted).

Father's issues collectively challenge the March 5, 2026 amended final custody order for which our standard and scope of review are well-settled.

> The appellate court's scope of review in custody cases is of the broadest type. This broad power is limited to the extent that an appellate court may not nullify the fact[-]finding function of the [trial court]. We are empowered to form our own independent deductions and inferences from the facts found by the [trial court], but may only interfere with the decisions of the [trial] court where there has been a gross abuse of discretion. We must determine

> whether the trial court's factual findings support the trial court's factual conclusions, but we may not disturb these conclusions unless they are unreasonable in light of the [trial] court's factual findings.
>
> Our appellate function is to make an independent judgment, based on the testimony and evidence before us, that is in the best interest of the child. We must make an independent examination of the record and make an order on the merits of the case which is right, just[,] and will serve the best interest of the child. After we take full account of the [trial court's] reasoning, still, we must be easy in our own conscience that the [trial court's] award will serve the best interest of the child, or children, in question.
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> Although we are given a broad power of review, we are constrained by an abuse of discretion standard when evaluating the [trial] court's order. An abuse of discretion is not merely an error of judgment, but if the [trial] court's judgment is manifestly unreasonable as shown by the evidence of record, discretion is abused. An abuse of discretion is also made out where it appears from a review of the record that there is no evidence to support the [trial] court's findings or that there is a capricious disbelief of evidence.

M.A.T. v. G.S.T., 989 A.2d 11, 18-19 (Pa. Super. 2010) (*en banc*) (citation omitted).

In his first issue, Father asserts that the trial court erred in modifying certain parameters of the custody order beyond the scope of specific requests contained in his petition for modification. Father's Brief at 22. Father contends that Mother did not file a counterclaim requesting a modification of custody but the trial court, nonetheless, modified certain aspects of custody, namely expanding the Children's custodial time with Mother and granting Mother sole legal custody of the Children regarding extracurricular activities. ***Id.*** Father maintains that, because Mother did not file a counterclaim requesting that these aspects of custody be modified, he was not provided the

necessary notice as required for due process. ***Id.*** As a result, Father was unable to present "substantial evidence and testimony [] that would have rendered many of Mother's claims as patently false." ***Id.*** at 24.

Section 5425 of the Child Custody Act states that,

> Before a child custody determination is made under this chapter, notice and an opportunity to be heard in accordance with the standards of [S]ection 5408 (relating to notice to persons outside [the] Commonwealth) must be given to all persons entitled to notice under the laws of this Commonwealth as in child custody proceedings between residents of this Commonwealth, any parent whose parental rights have not been previously terminated[,] and any person having physical custody of the child.

23 Pa.C.S.A. § 5425(a).

> Formal notice and an opportunity to be heard are fundamental components of due process when a person may be deprived in a legal proceeding of a liberty interest, such as physical freedom, or a parent's custody of her [or his] child. Both notice and an opportunity to be heard must be afforded at a meaningful time in a meaningful manner. As previous panels of this Court have explained: Notice, in our adversarial process, ensures that each party is provided adequate opportunity to prepare and thereafter properly advocate its position, ultimately exposing all relevant factors from which the finder of fact may make an informed judgment.

Everett v. Parker, 889 A.2d 578, 580 (Pa. Super. 2005) (citations and quotation marks omitted); ***see also C.A.J. v. D.S.M.***, 136 A.3d 504, 508 (Pa. Super. 2016) (stating, "[w]ithout notice to the parties that custody was at issue, the trial court could not assume that the parties had either sufficiently exposed the relevant facts or properly argued their significance" (citation and emphasis omitted)). If the parties have notice that custody will be at issue in

the hearing, the trial court is permitted to modify custody without a pending petition for modification. ***C.A.J.***, 136 A.3d at 509. As this Court recently held, "after a party files a petition requesting modifications to custody, proper notice of the matter was provided, and the trial court considered the statutory custody factors, it is well[-]settled that the trial court may then modify custody to effectuate the child's best interests." ***Brown***, 363 A.3d 849, 856 n.8 (Pa. Super. 2026); ***see also*** 23 Pa.C.S.A. § 5338 (stating that, "[u]pon petition, a [trial] court may modify a custody order to serve the best interest of the child"). "[O]nce a trial court is tasked with examining whether modifications to a custody order are necessary to serve the best interests of a child, that court is not constrained to consider only the modifications sought by the petitioning party." ***Brown***, 363 A.3d at 856 n.8 (citation omitted).

In the case *sub judice*, Father filed a petition for modification of the custody provisions "regarding telephone/video calls, the custody schedule (*i.e.*, the format of the shared 50/50 [physical] custody schedule), extracurricular activities[,] and similar[.]" Father's Petition for Modification of an Existing Custody Order, 5/30/24, at ¶ 5. Father specifically indicated that he was "**not** seeking a change as to shared legal custody or shared physical custody (*i.e.*, he is not seeking primary physical or sole legal custody)." ***Id.***

(emphasis in original). At the start of the custody hearing, the following discussion occurred:[9]

> [Trial Court:] Attorney] Begg, this is [Father's] petition.
>
> You may call your first witness.
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> [Attorney Begg:] Thank you, Your Honor. Prior to doing so, we did have an off-the-record discussion about the petition that was filed for today.
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> I understand you made a ruling, but I do want to put on the record that we believe that the petition that was filed in this case to initiate the action on May 30[,] 2024[,] was a specific pleading. [T]he issues today should be limited to what is outlined within that petition, and [] the hearing should be focused on those issues, Your Honor.
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> I understand, for the record, there was no response filed. No counter petition seeking primary custody or legal custody.
>
> And, Your Honor, I understand you made your ruling, but I just wanted to put that on the record.
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> [Trial Court:] Oh, absolutely. And you have cited a case.
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> Did you want to put that on the record as well?

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[9] At the custody hearing, Father was represented by Todd Begg, Esquire ("Attorney Begg"). Mother was represented by Jay Blechman, Esquire ("Attorney Blechman").

[Attorney Begg:]	We did.
[Trial Court:]	I believe it was [***C.J.A.***, ***supra***.]
[Attorney Begg:]	That's correct, Your Honor.
[Attorney Blechman:]	If I may, Your Honor, I have a response.
[Trial Court:]	Yes, sir.
[Attorney Blechman:]	That is that statutorily, no response was required to the petition that was filed. The petition that was filed was for a petition for modification of an existing custody order. That being the case, both statutorily and under the rules, we are permitted to proceed forward with modification as to all issues relative to that order. It is not limited [by] the limited prayer of their petition. The modification is available as to all issues relative to that [c]ourt [o]rder. And the citation that was made by opposing [c]ounsel in support of that particular position that they forwarded, actually supports our position, which is, that there was sufficient notice and understanding that the modification meant that the entire order is at issue and that [the trial court] has the statutory authority to issue an order in the best interest of the [Children] pursuant to the factors set forth in this statute.
[Trial Court:]	All right. I agree with your position.

N.T., 9/18/25, at 3-5.[10]

As indicated by the discussion *supra*, Father was aware prior to the start of the custody hearing that the purpose of the custody hearing was to discuss not only the modifications raised in his petition but also modification of the custody parameters in the best interest of the Children. As such, Father had proper notice of the scope of the custody hearing and was able to bring forth facts and present argument in support of his position and in opposition to any testimony and evidence offered by Mother regarding potential modifications in the over-all custody arrangements as they related to the best interest of the Children. Therefore, we discern no error of law or abuse of discretion in the trial court's scope of custody modifications addressed in the March 5, 2026 amended final custody order.

In his second issue, Father asserts that the trial court erred when it considered his petition requesting that Mother submit to a mental health evaluation and have supervised visitation since that petition was withdrawn at the start of the custody trial. Father's Brief at 24-26; ***see also*** N.T., 9/18/25, at 5-6. We find Father's claim is belied by the record and a mischaracterization of the trial court's reference to the petition. In support of his claim, Father directs this Court to the trial court's statement in its Rule

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[10] We note that the first day of the custody hearing was misidentified as occurring on September 19, 2025. We reference the first day of the custody hearing by its correct date, September 18, 2025.

1925(a) opinion wherein, the trial court, in response to Father's claim that it failed to appoint a parenting coordinator, stated

> [Mother and Father] also attempted coparent counseling for three years. It was ultimately unsuccessful, as [the trial court] gleaned from Dr. Gilman's testimony and Mother's testimony that Mother was quite reasonably unwilling to participate after Father filed a petition for Mother to have a mental health evaluation and supervised visitation.

Trial Court Opinion, 5/12/26, at 38. As the trial court's statement demonstrates, it relied on the testimony of Dr. Gilman and Mother wherein they explained the reasons coparenting counseling was not successful. The trial court did not, as Father contends, consider the contents of his withdrawn petition but, rather, Mother's explanation of why she felt coparenting was nonproductive.[11] ***See id.*** at 27 (stating that, the trial court "did not consider the content of [Father's withdrawn] pleadings in reaching its decision").

In his third issue, Father contends that the trial court erred in its assessment of custody factors 1, 2.3, 3, and 8 because it failed to consider the credible testimony offered by Father in reaching its determinations. Father's Brief at 27-41. Regarding custody factor 1 – which party is more likely to ensure the safety of the child – Father claims that the trial court's

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[11] We note that, on cross-examination, Father's counsel asked a question of Mother that required her to reference Father's petition seeking to have her mental health evaluated. N.T., 9/19/25, at 385. As such, Father, despite withdrawing the petition at the start of the custody trial, inserted the petition into the custody trial. We further note that when the petition was first mentioned by Mother in her direct examination (***see id.*** at 304-305), Father did not lodge an objection. ***Id.***

statement that the broken arm injury, which occurred while R.S. was in Father's care, was never explained as to cause of manner "completely disregards the credible testimony offered by Father specifically discussing the injuries, their cause, and manner for handling them[.]" ***Id.*** at 28. Father directs this Court's attention to his testimony in which Father explained the cause of the broken arm as "[R.S.] was running around at home and fell and had what's called a greenstick fracture, a relatively minor fracture." N.T., 9/19/25, at 174. The trial court found that the broken arm injury "has never been the subject of any explanation as to its cause or manner." Trial Court Opinion, 5/12/26, at 28. Mother testified that R.S. was in the care of Father's nanny at the time of the fall and that Mother was never provided the nanny's name or contact information by Father and was instructed that she was not permitted to contact the nanny. ***Id.*** at 412. Mother indicated that she was never able to learn the cause of the injury. ***Id.*** Although Father offered the explanation that R.S. was running and fell, Father did not provide any particular detail about what caused the child to fall, what her arm struck that caused it to break, why she was running, or if she was being supervised by an adult when the accident occurred. Therefore, we discern no abuse of discretion or error of law in the trial court's assessment that custody factor 1 "only very slightly [favored] Mother."

Concerning custody factor 2.3 – the level of cooperation and conflict between the parties – Father asserts that the trial court erred in finding that the video evidence Father introduced at trial "demonstrated Father's failure to

communicate and his dysregulated behavior." Father's Brief at 32. Father contends that the video footage shows Mother walking into his garage and when he tells Mother to leave the garage "Mother scoffed, and with [C.S.] in her presence, walked away from the residence claiming loudly that she was calling the police." ***Id.*** at 33 (citation omitted). Father argues that the trial court's characterization of his behavior as "dysregulated" is unsupported by the record. ***Id.*** While acknowledging that "neither party is immune from the claim of involving the police," Father submits that "the assertion that [he] is the sole party to engage the police is unsupported by the record [and that] Mother [has called] the police for minor issues, directly involve[ed] the [Children] in the decision to contact the police, and enter[ed his] home without permission[.]" ***Id.*** Father maintains that "Mother provided no specific evidence to demonstrate that Father prevents or interferes with the [Children] having continuing contact with Mother." ***Id.*** at 34. Father claims that his "testimony supports a finding that he actively facilitates the [Children's] relationship with Mother[.]" ***Id.***

Father described the incident that was captured on video surveillance as follows:

> [R.S.] puked right on the floor as we were getting ready to walk out for a transition [(referring to a custody exchange with Mother at Father's house)]. I said: [C.S.] We will be right [] out. And tried to say I was going to take [R.S.] to the doctor. [C.S.] could go to school with [Mother]. And then you kind of see what happens where it wasn't what [Mother] was expecting, and she called the police in front of [C.S.]

N.T., 9/18/25, at 31. The subsequent exchange occurred based upon Father's questioning by the trial court:

> [Trial Court:] I am confused by what – you describe in words [about] the video.
>
> Because I see you come into the garage door. We [then see C.S.] come out and I see [Mother] in the driveway.
>
> I see you come to the door. I see you go back in. It's hard to hear what people are saying.
>
> And then I see [C.S.] walk to the car – that was the younger or older child?
>
> [Father:] Older.
>
> [Trial Court:] Older child. I see her standing in the driveway. I do hear [Mother] call the police. I don't see you[, w]here [R.S.] is and what you're doing.
>
> And then I see the police come, and I guess [Mother] goes to the back of the car and tells them that it is done.
>
> But I am confused what was going on because I can't hear anything really.
>
> What were the words exchanged by the two of you when [C.S.] came out and [R.S.] didn't[?]
>
> [Father:] When [Mother] entered my garage, which by the way, has been established for both of us that that's off limits and we [] don't want that to happen.
>
> This was almost a year to the day after when [Mother] trespassed in my home, even worse than that.
>
> My mudroom door was [ajar], I guess, and [Mother] could see me, which is when I said: Like I would like to take [R.S.] to the doctor. And she told me to shut up. I think you can

pretty clearly hear that while she is holding [C.S.'s] hand.

And you can hear her call the police and they left. I would have liked to have taken [R.S.] to the doctor, and her to take [C.S.] to school, which in [a] healthy co-parenting relationship, which I would love to be able to be [a part] of[,] is hopefully what people can make an agreement to do.

[Trial Court:] What if she said no and it's her day[?]

So what was the problem then? What happened after that?

[Father: R.S.] was covered in vomit inside [my] house.

[Trial Court:] Okay.

Like you say something to her about that? Or how would she know that?

I see what is going on outside the house. I don't know what is going on inside the house.

[Father:] As I sent [C.S.] out, I asked her to tell [Mother] that [R.S.] would be right out.

[Trial Court:] Okay. That's all you said? Tell [Mother R.S.] would will be right out? And then you went into the house?

[Father:] I was just standing in the mudroom there, which is when she walked up to my garage, yeah.

[Trial Court:] And said what?

[Father:] Her? I can't remember. I think she said - we just watched it. But I believe she says: Are you going to bring her out or something like that.

[Trial Court:] And what did you say?

[Father:] I think I asked her to get out of my house.

[Trial Court:] And then what did she say?

[Father:] Shut up.

[Trial Court:] Then what did you say?

[Father:] I think then I sent an [Our Family Wizard] message to [Mother] asking her to leave and that I would take [R.S.] to the doctor. Take [R.S.] to the doctor.

[Trial Court:] Okay.

N.T., 9/18/25, at 34-37.

Mother described the incident in Father's garage as follows:

> So I was there for the custody exchange. I didn't know what was going on. You can see from the moments, the length of time that we waited that I was waiting patiently in my car for several minutes for the [Children] to be brought out, even though it was past the exchange time.
>
> I was just waiting there, and then [C.S.] came out. You can see [Father] is, like, screaming through the garage. I'm not trespassing on his property. I may have touched the threshold of the garage, but obviously I think a reasonable person would understand that's not trespassing. He didn't communicate anything to me except to leave his property and get out.
>
> And so I was, like, well, you have to give [R.S.] to me. It's my time. He wouldn't. And so I really didn't know - I don't really have any other alternative. I've been accused so many times of trespassing on his property, of driving over his lawn, of harassing him, of doing all these things that, like, the expectation was either that I leave there, and it was a school day[,] and not know what's going on with [R.S] and leave her in [Father's] custody, or I call the police and I have no involvement and have their involvement to try to figure out what was happening.

N.T., 9/19/25, at 337-338.

Father indicated that the reason R.S. was not exiting his house for the custody exchange was that she had become sick to the extent that Father sought to take her to the doctor. Father then accused Mother of "trespassing" into his garage, indicating that it was a well-understood rule that Mother was

not to enter his house. Under the circumstances, we cannot disagree with, and the record supports, the trial court's characterization of Father's response to Mother seeking to see what was wrong with R.S. and Father subsequently accusing Mother of trespass and requiring her to leave the premise as "dysregulated."

To the extent that Father invites this Court to reassess the credibility of the witnesses and reweigh the evidence as it pertains to custody factor 2 in order to reach a result different than the one reached by the trial court, we decline Father's invitation. As we indicated *supra*, we may not nullify the fact-finding function of the trial court who heard from and observed the witnesses, and we may only interfere with the decisions of the trial court where there has been a gross abuse of discretion. In reviewing the record, we find support for the trial court's findings of fact and conclusions with regard to custody factor 2. For example, we find that the trial court's conclusion that "Father does not appear to be willing to encourage and permit frequent continuing contact with Mother" to be supported by the record. The trial court found credible Mother's testimony that she places all of the Children's activities that she arranges on the shared calendar and "welcomes" Father to attend the events. N.T., 9/19/25, at 308. Mother indicated that Father declines to attend the activities she has invited him to participate in with the Children. ***Id.*** at 308-309. When asked if Father extends an invitation to Mother to attend the events that Father arranges, Mother stated that it was "quite the opposite." ***Id.*** at 309. According to Mother, Father has banned her from

attending the events if they occur during Father's custody time, including such events as the first day of school, where Father indicated that if Mother planned to appear at the school, we would refuse to take the Children to school. ***Id.*** at 309-310. As such, we discern no gross abuse of discretion in the trial court's conclusion that custody factor 2.3 favors Mother.

Regarding custody factor 3 – willingness and ability of party to prioritize the needs of the child – Father contends that the trial court erred when it failed to "evaluate [the] parental duties performed by each party" and instead "relied on disputes about hygiene, organization, activities, clothing, medical issues, household routines, and communications." Father's Brief at 36. Because the trial court did not find that "Father failed to feed, clothe, educate, supervise, transport, comfort, or care for the [Children,]" the trial court, according to Father, erred when it found that "Father's performance of parental duties was somehow materially deficient." ***Id.*** at 37. Father insists that "[i]t is clear in reviewing both parties' testimony that the [Children] were thriving under a long-standing shared custody arrangement, in which Father performed substantial parenting duties." ***Id.*** at 38.

We concur with, and the record supports, the trial court's conclusion that both parents are able to perform their parental duties by attending to the Children's educational and physical needs. Although Father testified that he never interferes with Mother's custody time and is not concerned if Mother attends the Children's events during his custody time, Father's statements are belied by the record. N.T., 9/18/25, at 72. Mother testified that on "multiple

occasions," Father has yelled at, swore at, or called Mother names in front of the Children. N.T., 9/19/25, at 294. Mother also stated that Father does not allow her to attend sporting events and other activities with the Children when they occur during Father's custody time but, when the events and activities occur during her custody time, Father "shows up" without incident ***Id.*** at 294, 309. Mother further detailed instances where Father has forbidden Mother from attending events, such as school events, award ceremonies, piano recitals, and birthday parties, with the Children, indicating that he would not allow the Children to attend the event if Mother was also present, or that he would withhold Mother's court-ordered video communication time with the Children if Mother attended an event that occurred during Father's custody time. ***Id.*** at 294-298, 310-313, 366. Father, on the other hand, monitors the length of time the Children spend talking with each parent during the video calls, noting that he has experienced 153 calls that were, according to Father, under one minute in length while Mother has experienced 106 calls that each lasted, according to Father, between ten and 15 minutes. N.T., 9/18/25, at 179. Father also indicated that he agreed to be "flexible" and modified the custody schedule to accommodate Mother, and he is "still waiting for three hours of makeup time that [he knows he is] never going to see." ***Id.*** at 162. Mother testified that when R.S. fractured her arm while in the care of Father's nanny and Father took R.S. to the emergency room, Father would not allow R.S. to return with Mother to her residence for care because it was Father's custody time and instead returned R.S. to the nanny's care and went back to

work. N.T., 9/19/25, at 258-261. As such, we find that the record supports the trial court's determination that "a great deal of the dysfunction that may ultimately affect the [Children's] emotional well-being arises from Father's behavior." Therefore, we discern no abuse of discretion or error of law in the trial court finding that custody factor 3 slightly favored Mother.

Father also contends the trial court erred in finding that custody factor 8 – each parent's employment schedule and availability to care for the child – was neutral as to both parties. Father's Brief at 39-41. In particular, Father contends that the trial court's statement in its Rule 1925(a) opinion that Mother's schedule was "more flexible" is unsupported by the record. In modifying the custody arrangements with a focus on the best interest of the Children, the trial court found that custody factor 8 was neutral, meaning that it did not influence the trial court's decision. Mother testified that she was employed as an executive territory manager for a medical device company and that she had a "really flexible schedule" that required her to work "about 15 hours per week." N.T., 9/19/25, at 247-248. Father testified that he was self-employed and had a "reasonable amount of flexibility" in his work schedule. N.T, 9/18/25, at 7. Father stated that he tried "to keep pretty strict [work] hours from 8:30[a.m.] to 5:30[p.m.], generally speaking, except when [he had] the kids." ***Id.*** at 7. As such, we discern no abuse of discretion or error of law in the trial court's conclusion that custody factor 8 was neutral to the parties.

In his fourth issue, Father contends that the trial court erred in awarding Mother sole legal custody regarding the Children's extracurricular activities. Father's Brief at 41-44. Father contends that the trial court did not fully consider the best interests of the Children in awarding Mother sole legal custody regarding the extracurricular activities and that by doing so, the trial court "has only emboldened Mother to exclude Father from an important aspect of [the Children's] lives and to micromanage his parenting time." ***Id.*** at 42-43. Describing he and Mother as "high-conflict parents," Father asserts that even "high-conflict parents may still share legal custody." ***Id.*** at 44.

In the amended final custody order, the trial court stated that "Mother shall have legal custody regarding extracurricular activities" "[d]ue to the parties' inability to coparent in this area." Amended Final Custody Order, 3/5/26, at ¶ (2)(a). This award was reached based on the trial court's consideration of the Section 5328(a) factors, and in particular custody factor 2.3, as set forth in its findings of fact.[12] As the trial court noted, and the record supports,

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[12] The trial court's citation in its Rule 1925(a) opinion to the four-factor test attributed to ***Wiseman v. Wall***, 718 A.2d 844 (Pa. Super. 1998) for determining "whether an award of shared legal custody can be made" is misplaced. Trial Court Opinion, 5/12/26, at 33. As this Court in ***Carrero v. Lopez***, 300 A.3d 494 (Pa. Super. 2023) explained, the ***Wiseman*** factors have been subsumed by the Section 5328(a) analysis. ***Carrero***, 300 A.3d at 499, *relying on* ***P.J.P. v. M.M.***, 185 A.3d 413 (Pa. Super. 2018).

> Father has threatened to pull the Children from events if Mother will be present, even going so far as to say that he would not take the [Children] to their first day of school if Mother were there to take a photo[graph]. Mother is not permitted to watch [the Children's] tennis matches that occur at Father's country club.
>
> Mother testified that she provides the [Children] with various options for extracurricular activities and they check off the ones in which they would like to participate. Mother also described activities that the [Children] had tried and did not want to pursue.

Trial Court Findings, Conclusions, and Order, 1/28/26, at 4. As such, the trial court considered the Section 5328(a) factors in awarding custody and delineated the reasons for its decision in its written order. ***See C.M. v. M.M.***, 215 A.3d 588, 593 (Pa. Super. 2019) (stating, "[T]here is no required amount of detail for the trial court's explanation[. A]ll that is required is that the enumerated factors are considered and that the custody decision is based on those considerations." (*citing* ***M.J.M. v. M.L.G.***, 63 A.3d 331 (Pa. Super. 2013)); ***see also*** 23 Pa.C.S.A. § 5323(d) (stating that the trial court "shall delineate the reasons for its decision on the record in open court or in a written opinion or order").

Next Father claims that the trial court erred in "effectively awarding Mother primary custody" by requiring that the custody exchanges occur at the Children's school instead of the custodial parent's residence. Father's Brief at

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Although the trial court cited to the ***Wiseman*** factors in its Rule 1925(a) opinion, as discussed *supra*, the trial court considered the Section 5328(a) factors in reaching its decision to award Mother sole legal custody regarding extracurricular activities and delineated its reasons in its amended final custody order.

44-50. Father argues that the reduction of his custody time "by approximately [24] Sunday overnights per year" was not justified by the trial court's explanation of logistical convenience. ***Id.*** at 49-50.

The amended final custody order reduced Father's total number of custody hours in a two week period by one hour and 30 minutes and reduced his overnight custody periods by one overnight in a two week period. ***Compare*** Amended Final Custody Order, 3/5/26 ***with*** Final Custody Order, 4/15/22. As the trial court explained, "Father's time was reduced as a matter of practicability to ensure that the Children's needs are properly met, and to effectuate the change [in] the [location for the] custody exchanges." Trial Court Opinion, 5/12/26, at 36.

In awarding physical custody of a child, a trial court, after considering all relevant factors enumerated in Section 5328(a) of the Child Custody Act, may award the following types of physical custody to an individual or individuals, if such custody arrangement is in the best interest of the child: shared physical custody; primary physical custody; partial physical custody; sole physical custody; and supervised physical custody. 23 Pa.C.S.A. § 5323(a)(1-5). "Shared physical custody" is defined as "[t]he right of more than one individual to assume physical custody of the child, each having **significant** periods of physical custodial time with the child." 23 Pa.C.S.A. § 5322 (emphasis added). Conspicuously absent from the definition of "shared physical custody" is the requirement that the division of shared physical custodial time with the child be equal. ***V.B. v. M.L.T.B.***, 467 A.2d

880, 882 (Pa. Super. 1983) (stating, "shared [physical] custody does not necessarily mean equal time"); ***see also T.C.T. v. J.E.T.***, 2020 WL 865375, at *7 (Pa. Super. filed Feb. 21, 2020) (unpublished memorandum); ***Garnand v. Garnand***, 2026 WL 2186269, at 9 (Pa. Super. filed Jul. 29, 2026) (unpublished memorandum). Rather, parents who share physical custody of a child are each to have significant periods of time with the child.

As with all decisions in custody matters, the paramount concern remains the best interest of the child. 23 Pa.C.S.A. § 5328(a); ***see also*** 23 Pa.C.S.A. § 5338(a). In fashioning a physical custody arrangement, the trial court must "delineate the reasons for its decision on the record in open court or in a written opinion or order." 23 Pa.C.S.A. § 5323(d).

At the custody hearing, Father stated that the custody exchange "should happen at school." N.T., 9/18/25, at 17. He believed it would be in the Children's best interest "without any of a shadow of a doubt" to have the custody exchanges occur at school. ***Id.*** at 19. Father reasoned that the current custody exchange arrangement which occurs at the custodial parent's residence, even on its best day "is still a bad exchange for the kids." ***Id.*** Mother, on the other hand, requested that the custody exchanges occur in the evening because Father has "expressed that he doesn't like the morning exchanges" and she would be able to get the Children ready for bed and make sure their homework was finished. N.T., 9/19/25, at 343.

In ordering that the custody exchanges occur at school, the trial court explained that it

> agreed with Father's reasoning that perhaps moving most of the [custody] exchanges to school, where the parties would not have to interact[,] would eliminate some of the friction between the parties. Additionally, the Children participating in stressful exchanges immediately before the start of the school day is not conducive to a fruitful learning experience.

Trial Court Opinion, 5/12/26, at 36.

We concur with, and the record supports, the trial court's decision to require the custody exchanges to take place at school. The custody exchanges that occurred at the residences prior to the start of school involved a great deal of friction between the parties and, as discussed *supra*, have, on occasion, resulted in police involvement. No child should be faced with this level of turmoil and police interaction before beginning their educational endeavors for the day. Schooling presents enough challenges for children, and the trial court's decision in the case *sub judice* to require the custody exchanges to occur at school was focused on the best interest of the Children. As such, we discern no error of law or abuse of discretion in the trial court's decision.

In his sixth issue, Father claims that the trial court erred by failing to appoint a parenting coordinator. Father's Brief at 5, 50-52. Father contends that the trial court declined the "conflict-management mechanism" of a parenting coordinator "while continuing to treat the existence of conflict [between the parties] as central to its custody analysis." ***Id.*** at 51. The trial court, according to Father, "dismissed his reasonable request to implement a means to resolve conflict without involving the [Children]." ***Id.*** at 51-52.

Relatedly, Father, in his seventh issue, claims that the trial court, in declining to appoint a parenting coordinator "failed to consider the details of Dr. Gilman's testimony which supported Father's position that litigation stress had broken down the parties' ability to have productive sessions, problem solve, and to make decisions together." ***Id.*** at 53. Father contends that Dr. Gilman's testimony supported the appointment of a parenting coordinator.

"After a final custody order has been entered, [the trial court] may appoint a parenting coordinator to resolve parenting issues in cases involving repeated or intractable conflict between the parties that affects the implementation of the final custody order." Pa.R.Civ.P. 1915.11-1(b)(1). "A parenting coordinator should not be appointed in every case." Pa.R.Civ.P. 1915.11-1(b)(1)(i). The role of a parenting coordinator is to "attempt to resolve issues arising out of the custody order by facilitating an agreement between the parties[and,] if unable to reach an agreement, recommend a resolution to the [trial] court." Pa.R.Civ.P. 1915.11-1(a)(2)(i) and (ii) (formatting modified).

The trial court found that "[a]parenting coordinator would not assist these parties in reducing conflict[. Rather,] such an appointment would lead to further litigation." Trial Court Opinion, 5/12/26, at 38. The trial court reasoned that the parties have "attempted coparent counseling for three years. It was ultimately unsuccessful[.]" ***Id.*** at 37. "The parties' inability to reach any consensus or build skills to coparent after three years of coparent counseling with two separate providers renders it dubious at best that they

would be able to constructively engage with a []parenting coordinator." ***Id.*** at 38.

Dr. Gilman testified that she served as the parties' parenting coordinator from October 2021, to December 2024. N.T., 9/19/25, at 436-437. The counseling sessions, according to Dr. Gilman, ended in December 2024, because they were no longer "productive sessions" due to the stress of the ongoing litigation. ***Id.*** at 437. Dr. Gilman stated that, in her opinion, Father was "willing to work on co-parenting" but Mother "had a harder time wanting to participate in sessions or make agreements and wanted to go through the legal channels rather than co-parenting." ***Id.*** at 438-439. Dr. Gilman stated that the coparenting counseling stopped in December 2024, because "the sessions had really gotten to a place where there was no willingness to make agreements or to talk about how to come to agreements within the sessions, so then there was really no point in all of us sitting there and talking." ***Id.*** at 439. Dr. Gilman hoped that the parties would engage in "communication that's healthy so that they can make good decisions for [the Children]." ***Id.*** She explained, however, that before the parties returned to the coparenting counseling, they needed "to work on things separate." ***Id.***

It is within the trial court's discretion to appoint a parenting coordinator. The trial court articulated that after three years of failing to achieve successful outcomes, *i.e.*, avoid litigation and conflict, through coparenting counseling, it was unlikely that ordering the parties to reengage in coparenting counseling would be beneficial. We agree. The trial court, who viewed and assessed the

witnesses first-hand is free to believe all, some, or none of the evidence and this Court will defer to issues of credibility and weight of the evidence provided that the trial court's decision is supported by competent evidence. ***See C.R.F. v. S.E.F.***, 45 A.3d 441, 443 (Pa. Super. 2012) (stating, "with regard to issues of credibility and weight of the evidence, we must defer to the [trial court] who viewed and assessed the witnesses first-hand"). Dr. Gilman testified that the coparenting counseling ended after three years because it was no longer achieving successful results and that before the parties reengaged in the coparenting counseling they needed to reflect on, and address, individual issues that may contribute to the continuing conflict. Therefore, we discern no abuse of discretion in the trial court's decision to forgo the appointment of a parenting coordinator at this point in the custody matter. Moreover, Dr. Gilman's testimony supports the trial court's decision that the appointment of a parenting coordinator would not be productive at this stage.

In his final issue, Father contends that the trial court abused its discretion by ordering the continuation of daily video calls between the Children and the non-custodial parent. Father's Brief at 54-56. Father maintains that the video calls are "a recurring source of conflict" between the parties. ***Id.*** at 54. Father argues that he "credibly testified that the [Children] appeared stressed by [the video calls], that it had become a flashpoint, and that it was something the [Children] were forced to 'navigate' to appease the parties[.]" ***Id.*** at 55. Father submits that by his requesting the video calls be eliminated, he "reasonably sought to remove the 'daily' requirement and limit

interference in the custodial parent's custody time thereby reducing further needless conflict." ***Id.*** at 55-56.

In continuing the daily video calls between the Children and the non-custodial parent, the trial court explained,

> In the testimony of Father, [the trial court] learned that the Children, much more frequently, have longer [video] calls with Mother, and very frequently[,] have very short calls with Father. No evidence was presented that any nefarious action by Mother caused these discrepancies. To the contrary, credible testimony and admissions by Father established that Father often ends calls early or withholds calls with Mother. []Father summariz[ed the video] calls from [January 1, 2024, to August 21, 2025, as Father] having 153 [video] calls that were under one minute and Mother having 106 calls that were from 10 to 15 minutes in length[.]Father admit[ed] to ending the Children's [video] calls with Mother when he felt that they had gone on too long[.]Mother describe[ed] repeated incidents of Father or his girlfriend interrupting [video] calls, and Father[] withholding [video] calls[.]
>
> The Children, for whatever reason, enjoy having [video] calls with Mother more than they do with Father. The Children enjoying daily [video calls] with one parent more than the other [parent] is not a valid reason to drastically reduce the frequency of those [video] calls.

Trial Court Opinion, 5/12/26, at 40.

"Parenting" is not a competition between the involved parties to see which party can garner more attention from, or more time with, the child. Rather, parenting is taking actions, regardless of personal sacrifice or appreciation received, that are in the best interest of the child. Father testified that he employed software to monitor the length of the video calls between the Children and the non-custodial parent in an effort to show that he is "giving the [Children] the ability to have a meaningful connection with [Mother] on a

regular basis" but that he is "not being afforded that same opportunity" in return. N.T., 9/19/25, at 179. Father states that he does not believe Mother encourages the Children to participate in the video calls and that his calls with the Children often are not taking place "somewhere that is ether private or quiet or intended to facilitate a call with [him]." N.T., 9/18/25, at 45. Father described his calls with the Children as "I get may be 10 seconds, if I am lucky. I get, ['Hi,' 'Bye,'] and they [end the video call] and that is it." ***Id.*** at 542.

Mother testified that video calls with the Children are often interrupted by either Father or his paramour, that Father or his paramour are often visible in the screen area with the Children during the video call, and that Father or his paramour are disconnecting the video calls before they conclude. N.T., 9/19/25, at 298. Mother believes that "if the [Children] want to talk to one [of the parents] they should be able to [talk] to one of us." ***Id.*** at 299. Mother feels that Father's request to eliminate the video calls as part of the custody arrangement is an attempt "to eliminate [the Children's] contact with [her]." ***Id.***

Neither party demonstrated that the video calls were anything other than something done with the best interest of the Children in mind. The video calls serve as an opportunity for the Children to interact with the non-custodial parent each day and the calls can serve as a window into the Children's lives for the non-custodial parent. We concur with, and the record supports, the trial court's decision to continue the video calls as part of the custody

arrangements. As the trial court noted, the fact that each parent has different experiences during these calls, does not justify eliminating the video calls.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

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Prothonotary

11/12/2026