NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

CARMINE BLOISE JR.	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
	:	
v.	:	
	:	
	:	
HANNAH BASSLER	:	No. 813 WDA 2026

Appeal from the Order Entered April 1, 2026
In the Court of Common Pleas of Washington County Civil Division at No(s): AA-2026-00560

BEFORE: DUBOW, J., KUNSELMAN, J., and BECK, J.

MEMORANDUM BY DUBOW, J.: **FILED: NOVEMBER 16, 2026**

Appellant, Carmine Bloise, Jr., appeals from the April 1, 2026 order of the Washington County Court of Common Pleas in which the trial court *sua sponte* modified its prior order, which had granted Appellant's petition filed pursuant to the Protection From Abuse ("PFA") Act, 23 Pa.C.S. §§ 6101-6122. After review, we conclude that the April 1, 2026 order is a legal nullity because the trial court lacked jurisdiction to modify its prior order. Accordingly, we vacate the April 1, 2026 order.

The following is a brief factual and procedural history, as the underlying facts are not relevant to our disposition. Appellant ("Father") and Appellee Hannah Bassler ("Mother") are the parents of a ten-year-old child, J.B. ("Child"). Mother and Father had been engaged in custody litigation in Allegheny County.

On January 27, 2026, Father obtained a temporary PFA order on behalf of Child in Washington County, alleging that Mother had abused Child.

On February 4, 2026, following a hearing at which Child testified, the Washington County trial court ("PFA court") issued a final PFA order against Mother, limiting Mother's custody to supervised visitation. It further provided that the "future custody/visitation provision of this order shall be superseded by any order entered in the custody litigation between the parties." Order, 2/4/26, at ¶ 5.

On March 26, 2026, Allegheny County Judge Cathleen Bubash granted Mother sole physical and legal custody at Docket Number FD-17-003032-008. Judge Bubash ordered law enforcement to assist in returning Child to Mother and issued an arrest warrant for Father.

On April 1, 2026, more than thirty days after entry of the February 4th final PFA order and in the absence of any petition for modification from the parties, the PFA court *sua sponte* issued an "amended final PFA order." The order substantially reproduced the February 4th final PFA order but also provided as follows:

> No hearing was held in this matter, as the prior Order dated February 4, 2026, permitted the custody order to supersede this Order. Upon consideration of the filed custody Order at docket FD-17-003032-008 in Allegheny County, this Order shall be amended as follows: Without regard as to how the order was entered, this is a final order of court subject to full enforcement pursuant to the Protection From Abuse Act.

Order, 4/1/26, at 2 (unpaginated). The court then granted primary physical custody to Mother and inserted the operative language of the Allegheny

County custody order. The order indicates that the amended PFA order was "entered to prevent any confusion to law enforcement." ***Id.*** at ¶ 2. The court clarified that "any future custody order granted by Judge Bubash shall supersede this court's order." ***Id.*** (some capitalization omitted).

On June 12, 2026, Appellant filed *pro se* a notice of appeal. On June 30, 2026, the court filed an order recommending that we quash the appeal based upon Appellant's facially untimely notice of appeal.[1]

Without addressing the timeliness of Appellant's notice of appeal or the merits of his issues, we are constrained to vacate the April 1, 2026 order as we conclude that the PFA court did not have jurisdiction to modify the February 4th final PFA order.[2] Rather, in the absence of a motion for reconsideration, a

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[1] Appellant argues that the notice of appeal was timely because he did not receive proper notice of the April 1, 2026 order. We need not address these factual issues as we conclude that the April 1, 2026 order is void, as set forth *infra.* ***See Stanton v. Lackawanna Energy, Ltd.***, 915 A.2d 668, 673 (Pa. Super. 2007) (holding that a party aggrieved by a void order has "no obligation to file a notice of appeal from [that] order").

[2] Appellant raised the following issues:

> (Q1) Did the trial court err as a matter of law by modifying a final Protection From Abuse order *sua sponte*, without a petition, service, notice, or hearing, contrary to 23 Pa.C.S. §§ 6108(d), 6117(a), and Pa.R.Civ.P. 1901.8?
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> (Q2) Did the trial court violate Father and J.B.'s procedural due-process rights by entering adverse factual findings, custody directives, and law-enforcement retrieval provisions against Father and J.B. without notice or an opportunity to be heard?

(Footnote Continued Next Page)

petition for modification, or a patent error, the PFA court lost jurisdiction on March 6, 2026, thirty days after entering the February 4th final PFA order.[3] ***See*** 42 Pa.C.S. § 5505; ***Commonwealth v. Holmes***, 933 A.2d 57, 65 (Pa. 2007); ***see also Commonwealth v. Charnik***, 921 A.2d 1214, 1218 n.3 (Pa. Super. 2007) (concluding that trial court lacked jurisdiction to set aside PFA order more than 30 days after entry of the order); Pa.R.Civ.P. No. 1901.8(c) cmt ("After a final protection order is entered, and no motion to reconsider or appeal is filed, the court no longer retains jurisdiction to vacate that order."). Accordingly, as the PFA court lacked jurisdiction, we vacate the April 1, 2026

> Q3) Did the trial court exceed the permissible scope of relief under the Protection From Abuse Act by using Father and J.B.'s PFA action to impose sanctions, filing restrictions, adverse custody findings, and law-enforcement directives against Father and J.B. rather than relief directed toward cessation of abuse by Biological Mother?
>
> (Q4) Did the trial court err by *sua sponte* amending a final PFA order to award sole legal and physical custody of a protected child to the adjudicated abuser, Biological Mother, where the PFA Act authorizes temporary custody relief only within the statutory framework for protection from abuse and upon the required procedure?
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> (Q5) Did the trial court err or abuse its discretion by imposing a prospective filing restriction requiring future PFA, emergency PFA, TPFA, or ICC requests in any jurisdiction to be presented to a specific judge in another county, where no petition, notice, hearing, bad-faith finding, or statutory authority supported such relief?

Appellant's Br. at 16-18.

[3] The PFA Act allows parties to seek modification "at any time during the pendency of an order" and permits a court to grant modification "after the filing of a petition for modification, service of the petition and a hearing on the petition." 23 Pa.C.S. § 6117(a). In the instant case, the court modified the final PFA order without any of the prerequisites described in Section 6117(a).

order. ***See Gardner v. Consol. Rail Corp.***, 100 A.3d 280, 283 (Pa. Super. 2014) (vacating order "entered after the trial court was divested of jurisdiction to act").

In vacating the April 1, 2026 order, we clarify that our decision has no effect on the March 26, 2026 Allegheny County custody order, which the PFA court incorporated into the April 1, 2026 order. Moreover, we emphasize that there was no need for the PFA court to incorporate the new custody order into the PFA order, given that the Rules of Civil Procedure mandate that any new custody order supersedes a PFA order's temporary custody provision. ***See*** Pa.R.Civ.P. 1901.7(d) ("Any valid custody order entered after the final [PFA] order supersedes the custody provisions in paragraph 5 of the [PFA] order."). Thus, regardless of the void April 1, 2026 order, the March 26, 2026 custody order entered in Allegheny County, and any subsequent custody order, superseded the temporary custody provisions included in the February 4th final PFA order.

As stated, we vacate the PFA court's April 1, 2026 order because the trial court lacked jurisdiction to enter it.

Order vacated. Jurisdiction relinquished.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

DATE: 11/16/2026