

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

CAROLINE J. WHALEN	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
	:	
SCOT M. BRUCE	:	
	:	
Appellant	:	No. 2990 EDA 2025

Appeal from the Order Entered November 10, 2025
In the Court of Common Pleas of Philadelphia County Domestic Relations
at No(s): 2509V7221

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

MEMORANDUM BY OLSON, J.:

FILED SEPTEMBER 22, 2026

Appellant, Scot M. Bruce, appeals from the November 10, 2025 order entered in the Court of Common Pleas of Philadelphia County that granted a petition filed by Appellee Caroline J. Whalen ("Whalen")¹ seeking a final order under the Protection From Abuse ("PFA") Act, 23 Pa.C.S.A. §§ 6101-6122. We affirm.

The record reveals that Appellant and Whalen previously dated and had a child born in 2019. The parties do not live together and have a custody order that was entered in June 2021. On September 15, 2025, Whalen filed a petition seeking a PFA order against Appellant based on allegations that

¹ Appellee's name is spelled differently throughout the record. Appellant's brief spells her last name as "Whelan." However, the final order on appeal, the hearing transcript, and the trial court's 1925(a) opinion identify her as "Whalen." For consistency purposes, we spell Appellee's name in accordance with the trial court record.

Appellant was mentally and verbally harassing her by calling and sending text messages every day, as well as coming to her place of employment and cursing at her from his vehicle. Petition for PFA, 9/15/25, at ¶ 11. The trial court granted a temporary PFA order against Appellant that same day, September 15, 2025. Upon proper notice to Appellant, the trial court conducted a hearing on the matter on November 10, 2025.² At the conclusion of the PFA hearing, the trial court granted Whalen's request for a final PFA order. This appeal followed.³

Appellant raises the following issues for our review:

1. Whether the trial court erred or abused its discretion by granting the [PFA] Order[?]
2. Whether the trial court erred or abused its discretion by finding abuse occurred under the [PFA] Act[?]
3. Whether the trial court improperly weighed party testimony when granting the [PFA] Order[?]

Appellant's Brief at 2-3.⁴

Appellant's first and second claims implicate the sufficiency of the evidence to support the final PFA order. In particular, Appellant challenges

² The PFA hearing was initially scheduled for September 25, 2025, but was subsequently continued to November 10, 2025, at the request of the parties.

Appellant, as well as Whalen, were represented by counsel at the PFA hearing.

³ Appellant and the trial court complied with Pennsylvania Rule of Appellate Procedure 1925.

⁴ Whalen did not file a response brief.

the trial court's finding that there was sufficient evidence to prove "abuse" under the PFA Act. **Id.** at 4-18.

"Our standard of review for PFA orders is well[-]settled. In the context of a PFA order, we review the trial court's legal conclusions for an error of law or abuse of discretion." **E.K. v. J.R.A.**, 237 A.3d 509, 519 (Pa. Super. 2020) (citations and original quotation marks omitted). "Discretion must be exercised on the foundation of reason, as opposed to prejudice, personal motivations, caprice[,], or arbitrary actions." **Ortega v. Henriquez**, 331 A.3d 12, 15 (Pa. Super. 2025) (citation omitted). "Discretion is abused when the course pursued represents not merely an error of judgment, but where the judgment is manifestly unreasonable or where the law is not applied or where the record shows that the action is a result of partiality, prejudice, bias[,], or ill[-]will." **Id.** (citation omitted).

When a claim is presented on appeal that the evidence was not sufficient to support an order of protection from abuse, we review the evidence in the light most favorable to the petitioner and[,], granting her [or him] the benefit of all reasonable inferences, determine whether the evidence was sufficient to sustain the trial court's conclusion by a preponderance of the evidence. This Court defers to the credibility determinations of the trial court as to witnesses who appeared before it.

E.K., 237 A.3d at 519 (citation omitted).

"The purpose of the PFA Act is to protect victims of domestic violence from those who perpetrate such abuse, with the primary goal of advance prevention of physical and sexual abuse." **Id.** (citation omitted). As such, a

petitioner does not have to wait for abuse to occur before seeking protection under the PFA Act.

The PFA Act defines “abuse” as

The occurrence of one or more of the following acts between family or household members, sexual or intimate partners[,], or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault[,], or incest with or without a deadly weapon.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S.[A.] § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

23 Pa.C.S.A. § 6102(a). The PFA Act does not define the term “bodily injury” but, instead, relies on the term as it is defined in the Crimes Code. The Crimes Code defines “bodily injury” as “impairment of physical condition or substantial pain.” 18 Pa.C.S.A. § 2301.

Thus, based upon the term “abuse” as defined by the PFA Act, a trial court may grant protection in the form of a temporary or final PFA order if the

trial court determines that, *inter alia*, the petitioner was placed in reasonable fear of bodily injury. ***K.B. v. Tinsley***, 208 A.3d 123, 128 (Pa. Super. 2019) (relying on Section 6102(a), subsection (5) of the PFA Act to define “abuse”); ***see also S.W. v. S.F.***, 196 A.3d 224, 231 (Pa. Super. 2018) (stating, “[t]he PFA Act does not require actual physical harm be related for a PFA order to issue, ‘reasonable fear’ is sufficient”). “The intent of the alleged abuser is of no moment. Moreover, [] past acts are significant in determining the reasonableness of a PFA petitioner’s fear.” ***K.B.***, 208 A.3d at 128 (citations and original quotation marks omitted).

Appellant asserts that his “communications to and interactions with [Whalen, as established, according to Appellant,] in the record are insufficient to support a finding by a preponderance of the evidence that Appellant’s conduct placed [Whalen] in reasonable fear of bodily injury[.]” Appellant’s Brief at 12. Appellant maintains that the “only ‘threatening’ communications alleged by [Whalen] were communications from third parties, not from Appellant.” ***Id.*** at 13. According to Appellant, “[t]he fact that Appellant engaged in text messag[ing] and in-person communications that were unwelcome[d by Whalen] does not support a finding that Appellant placed [Whalen] in reasonable fear of bodily [injury] where none of Appellant’s communications were threatening or otherwise threatened physical harm.” ***Id.*** at 14. Appellant argues that “[w]hile [Whalen’s PFA] petition alleges verbal harassment and unwanted [telephone] calls and text messages[,], such

conduct does not constitute abuse[.]” ***Id.*** at 11, *relying on D.H. v. B.O.*, 734 A.2d 409, 411-412 (Pa. Super. 1999).

In determining that Whalen’s allegations of abuse were sufficient to support the issuance of a final PFA order, the trial court found that

[Whalen] testified credibly about her safety concerns stemming from Appellant's behavior over several years. [Whalen] described alarming incidents where Appellant initiated three-way [telephone] calls with him and one of his ex-girlfriends. During these [telephone] calls, Appellant’s ex-girlfriend threatened to beat up [Whalen]. These [telephone] calls made [Whalen] so fearful for herself and the safety of her child that she [filed] multiple police reports and asked a family member to stay with her. Over the past six years, Appellant has come to [Whalen’s] house uninvited and threatened her in her home. Appellant has also threatened [Whalen] while she was working as a crossing guard. Appellant's threatening behavior at [Whalen’s] place of employment caused her to feel “nervous, scared. I couldn’t work. I wanted to walk off the job. I felt sick.” Appellant has also repeatedly sent [Whalen] unwanted and threatening [text] messages, including, “I wish death on you,” and “If I dropped my daughter off and saw that you got hit by a vehicle, I wouldn’t say nothing to you.”

The totality of Appellant’s actions - entering her home uninvited, threatening her through third parties, threatening her at work, and repeatedly sending her threatening [text] messages - caused [Whalen] to have such safety concerns that she sought a PFA order. The [trial] court found [Whalen’s] testimony “credible, and her concerns to be reasonable,” and granted a final PFA order to prevent future abuse.

Trial Court Opinion, 1/12/26, at 8-9 (record citations and original brackets omitted).

At the PFA hearing, Whalen testified that Appellant’s actions against her, which she described as mental and verbal abuse, had “been an ongoing thing,

off and on for the last six years.” N.T., 11/10/25, at 7. By way of example, Whalen explained that, “in the last couple of years,” Appellant would arrange three-way telephone conversations between himself, Whalen, and Appellant’s ex-girlfriend, in which the ex-girlfriend threatened to harm Whalen. **Id.** at 8-9. As a result of these telephone conversations, Whalen filed police reports and asked a family member to stay with her because she felt “scared” that “they [would] jump out and try to do something to [her]” as she was walking down the street. **Id.** at 9. Whalen also explained that, when Appellant would come to her house as part of the custody exchange concerning their daughter, he would “walk in [her] house” and would be “[d]isrespecting me, cursing me out, calling me names in front of my children.”⁵ **Id.** at 9-10. Recently, Appellant came to Whalen’s place of employment and “start[ed] saying stuff to [her] in front of people, parents, students, cursing [her] out, [and] calling [her] names.” **Id.** at 10. This confrontation made Whalen feel scared and sick, and she stated she could not work and just wanted to “walk off” the job. **Id.** at 11. Whalen stated that Appellant would call her or send her threatening text messages “[e]very day, nonstop, all different hours of the day and night.” **Id.** at 11-12. Whalen described Appellant’s messaging as wishing her death,

⁵ Pursuant to a custody order, dated June 10, 2021, Whalen and Appellant shared legal custody of their child with Whalen having primary physical custody of the child. Appellant had partial physical custody of the child on the first, third, and fourth weekends of every month from 9:00 a.m. Saturday until 9:00 p.m. Sunday. The custody order was silent as to the method, and location, of the custody exchange.

stating that he despised her, and stating that he would take no action if he witnessed a vehicle hitting her. ***Id.*** at 12.

Appellant told Whalen that if she used his daughter “as a pawn, there’d be consequences for her to pay[.]” ***Id.*** at 18. He further acknowledged that he told Whalen he wished her death, that he despised her, and that “[i]t’s getting to the point where if dropping my daughter off [at school]. If something was to happen to [Whalen], I would just look the other way.” ***Id.*** at 22.

In viewing the evidence in the light most favorable to Whalen, as the PFA petitioner, sufficient evidence was presented to prove by a preponderance of the evidence that Appellant abused Whalen, as defined by the PFA Act. As discussed *supra*, for the last couple of years, Appellant engaged in a course of conduct in which he arranged and participated in three-way telephone calls with Appellant that involved his ex-girlfriend threatening Whalen with harm.⁶ This conduct by Appellant caused Whalen to file police reports and involve a family member because she was afraid she would be attacked by Appellant and his ex-girlfriend. Appellant entered Whalen’s house under the guise of a custody exchange and then engaged in disrespectful behavior towards Whalen that included cursing at her and calling her names. This behavior escalated to Appellant appearing at Whalen’s place of employment, namely a public

⁶ Appellant concedes that the statements his ex-girlfriend made towards Whalen during the three-way telephone calls constituted “threatening communications.” Appellant’s Brief at 13.

street where she served as a school crossing-guard, with Appellant continuing his disrespectful acts of cursing at Appellant and calling her names. Whalen also received “nonstop” text messages from Appellant that included, *inter alia*, his wishing her dead, telling her he despised her, and stating that he would feel no remorse or take action if he witnessed Whalen being struck by a vehicle.

To the extent that Appellant relies on this Court’s decision in ***D.H.***, ***supra***, to support the proposition that his conversations with, and text messages sent to, Whalen amounted to “mere unwanted communications” and, therefore, could not give rise to a reasonable fear of bodily injury, we find Appellant’s reliance on ***D.H.*** to be misplaced. In ***D.H.***, this Court reversed the grant of a PFA order on the ground there was insufficient evidence that B.O. “engaged in a repeated course of conduct which would place [D.H.] in reasonable fear of bodily injury.” ***D.H.***, 734 A.2d at 412 (emphasis omitted). The ***D.H.*** Court reasoned that the communications sent by B.O. to D.H. threatened harm to D.H.’s co-worker and to his employer, by exposing potentially damaging financial information but did not include threats made towards D.H. ***Id.*** at 410-412. The other messages B.O. conveyed to D.H. amounted to no more than B.O.’s “chagrin over unrequited love” and his attempt to try and repair the relationship. ***Id.*** In the case *sub judice*, Appellant’s text messages, which included wishing Whalen’s death, stating that he despised her, and that he would show no remorse or take action if he

witnessed her being struck by a vehicle, surpassed statements expressing “chagrin over unrequited love” and an attempt to repair the relationship.

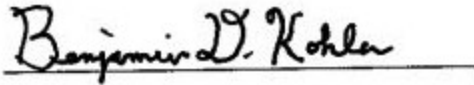
As such, based upon the evidence, when viewed in the light most favorable to Whalen, we concur with the trial court, and the record supports, that Appellant’s course of conduct towards Whalen placed Whalen in reasonable fear of bodily injury and rose to the level of abuse for purpose of the PFA Act.

Appellant’s third claim challenges the weight of the evidence presented at the PFA hearing on the ground “the trial court improperly weighed party testimony[.]” Appellant’s Brief at 3. In his appellate brief, Appellant argues that the evidence was insufficient to support a finding of “abuse” and addresses the trial court’s suggestion that he waived his first issue, as set forth *supra*. ***Id.*** at 4-23; ***see also*** Trial Court Opinion, 1/12/26, at 7 (stating, Appellant’s first issue should be waived because he “failed to provide any discussion of this issue, cite to relevant authority, or develop the issue in a meaningful manner”). Appellant, however, failed to develop his third claim challenging the weight of the evidence with citation to relevant authority or citation to the record. As such, Appellant waived this issue. ***See C.H.L. v. W.D.L.***, 214 A.3d 1272, 1276 (Pa. Super. 2019) (stating, “the failure to develop an argument with citation to, and analysis of, pertinent authority results in waiver of that issue on appeal”). Moreover, as stated *supra*, this Court defers to the credibility determinations of the trial court regarding witnesses that appeared at the PFA hearing. ***E.K.***, 237 A.3d at 519.

Therefore, even if Appellant had preserved the issue, we would still find this claim to be without merit.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/22/2026