

: No. 1455 EDA 2026

The relevant facts and procedural history of this appeal are as follows. Child was born in 2015. The parties separated in 2017, and Mother and Child relocated from Virginia to Pennsylvania. (**See** N.T. Custody Hearing, 3/12/26, at 5, 7). Father consented to the relocation, and he followed Mother and Child to Pennsylvania to remain in Child's life. Mother currently lives in Ardmore, and Father lives approximately three miles away in Wynnewood. Upon relocating to Pennsylvania, the parties developed an agreed-upon schedule for shared physical custody.

On April 29, 2025, Mother filed a custody complaint seeking primary physical and joint legal custody of Child. On April 30, 2025, Mother filed notice of her intent to relocate with Child to Greenwich, Connecticut. Mother provided the following reasons in support of the proposed relocation:

Mother's desire to move is based on a work promotion she has been offered where she will be earning a higher wage; where she will be able to not only support the minor child but will have additional disposable income to cover the child's personal expenses and for the child's extracurricular activities. Mother's new job will allow her to spend more quality time with the Child as she will be working fewer and more consistent hours. She will have more free time to attend the child's school activities and sporting events. Mother believes the child will also receive a better education based on this move.

(Notice of Relocation, filed 4/30/25, at ¶ 5).¹ Father responded by filing a counter-affidavit objecting to the relocation proposal.

The court conducted a full evidentiary hearing on March 12, 2026. At that time, the court received testimony from Mother and Father. On March 16, 2026, the court conducted an *in camera* interview with Child. On April 20, 2026, the court entered its findings of fact, conclusions of law, and an order denying Mother's relocation request. The court also awarded primary physical custody of Child to Mother. Father received partial physical custody of Child every other weekend, as well as overnight on Wednesdays and Thursdays.

¹ Mother originally filed her custody complaint and notice of relocation in the Montgomery County Court of Common Pleas. In June 2025, the case was transferred to Delaware County.

On May 20, 2026, Mother timely filed a notice of appeal and concise statement of errors complained of on appeal.

Mother now raises five issues for this Court's review:

The trial court erred and/or abused its discretion by interviewing the minor child and drawing inferences from that interview.

The trial court erred in determining the time and distance between Mother's proposed residence and Father's residence.

The trial court erred and/or abused its discretion in determining that Mother's proposed relocation would not result in enhancement to the child's general quality of life.

The trial court erred and/or abused its discretion by not considering the impact of denying the proposed relocation on Mother's employment and quality of life.

The trial court erred and/or abused its discretion in determining that the significant enhancement to Mother's quality of life derived from the relocation did not outweigh the potential detriment of Father's relationship with the child.

(Mother's Brief at 5).

The following principles apply to our review of an order denying a petition to relocate and the related request to modify custody:

In reviewing a custody order, our scope is of the broadest type and our standard is abuse of discretion. We must accept findings of the trial court that are supported by competent evidence of record, as our role does not include making independent factual determinations. In addition, with 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. However, we are not bound by the trial court's deductions or inferences from its factual findings. 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.

E.C.S. v. M.C.S., 256 A.3d 449, 457-58 (Pa.Super. 2021) (quoting **S.T. v. R.W.**, 192 A.3d 1155, 1160 (Pa.Super. 2018)).

[I]t 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 in awarding custody to the prevailing party.

E.B. v. D.B., 209 A.3d 451, 468 (Pa.Super. 2019) (quoting **King v. King**, 889 A.2d 630, 632 (Pa.Super. 2005)).

With any child custody case, the paramount concern is the best interests of the child. This standard requires a case-by-case assessment of all the factors that may legitimately affect the physical, intellectual, moral and spiritual well-being of the child.

M.J.M. v. M.L.G., 63 A.3d 331, 334 (Pa.Super. 2013), *appeal denied*, 620 Pa. 710, 68 A.3d 909 (2013) (quoting **J.R.M. v. J.E.A.**, 33 A.3d 647, 650 (Pa.Super. 2011)).

In her first issue, Mother complains that the court interviewed Child despite the parties' wish to shelter Child from the proceedings concerning relocation. Additionally, Mother argues that the court made improper inferences based upon Child's responses, and the inferences led the court to conclude that Child is content with the existing custody arrangement. Mother emphasizes that "[a] child who does not understand why he is being

interviewed or what the proceeding is about cannot provide a meaningful response.” (Mother’s Brief at 15). Mother adds that Child’s “lack of awareness regarding the circumstances surrounding the interview does not equate to a preference, and it cannot serve as a basis for determining that the current custody arrangement should remain unchanged or the relocation should be denied.” (***Id.*** at 16). Mother concludes that the court abused its discretion by relying on Child’s responses from the interview. We disagree.

Among other things, a trial court will consider “[t]he well-reasoned preference of the child, based on the child’s developmental stage, maturity and judgment” when ordering any form of custody. 23 Pa.C.S.A. § 5328(a)(7).

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. Moreover, as children grow older, more weight must be given to the preference of the child. As this Court has recently reaffirmed, where the households of both parents were equally suitable, a child’s preference to live with one parent could not but tip the evidentiary scale in favor of that parent.

E.B. v. D.B., 209 A.3d 451, 468 (Pa.Super. 2019) (quoting ***B.C.S. v. J.A.S.***, 994 A.2d 600, 604 (Pa.Super. 2010)).

Additionally, our Rules of Civil Procedure govern child interviews as follows:

Rule 1915.11. Appointing Child’s Attorney. Child Interview. Child Attending Proceedings

* * *

(b) Child Interview.

(1) The court may interview a child in open court or in chambers.

(2) If the court interviews the child, the court shall conduct the child's interview on the record.

(3) If permitted by the court, a party's attorney or a party may observe the interview.

(4) As part of the interview process, the court shall permit either:

(i) the parties' attorneys to question the child under the court's supervision, provided that all parties are represented by an attorney or;

(ii) a party's attorney or a self-represented party to submit to the court written questions, which the court may include in its interview.

Pa.R.C.P. 1915.11(b).

Instantly, the trial court decided to conduct an *in camera* interview with Child after receiving testimony from Mother and Father. Although the parties expressed their preference that Child be left out of the proceedings, neither party objected to the court's decision. (**See** N.T. Custody Hearing at 208-15).

Specifically, Mother's counsel stated:

[M]y client's preference is that [Child] be left out of it. I have explained to her that there is, of course, a factor regarding the child's preference and that if Your Honor indicates that you would like to speak with him, then that's what's going to happen. ... And the reason why she doesn't know if he has a preference is because there's been no conversation. So you know, she's of the mind that he can safely be left out of this. But again, we will defer to the [c]ourt.

(**Id.** at 208-09). Later, counsel reiterated “if Your Honor is indicating that you’re inclined to interview the child, that would be fine. We can agree on a date.” (**Id.** at 212).

The following week, the court conducted the *in camera* interview. The court asked Child general questions, such as what his average day looks like with Mother and Father, his favorite subject in school, how easily he makes new friends, and his favorite sports. (**See** N.T. Child Interview, 3/16/26, at 9-24). Child explained that his favorite school subject is art, he likes to play soccer, and he makes friends relatively easily. Child positively recounted the time he spends with extended family members, and he discussed playing with his two-year-old half-brother from Father’s prior relationship. Child also described the amount of time he spends with Mother and Father, to which the court responded, “[I]t sounds like you’re happy spending time with both of them.” (**Id.** at 24). The court refrained from asking any questions that would have alerted Child to the potential relocation, and Child’s responses seemed to confirm that Child did not know about the proposed relocation.

Following the interview,

the court reasonably inferred that [Child] is content with the current custody arrangement based upon the court’s common-sense observations of the child’s responses to questions and the child’s demeanor when describing his daily life with both parents. The court did not infer facts not in evidence. It is well established that factfinders must not suspend their powers of logical reasoning or common sense in the absence of direct evidence.

(Trial Court Opinion, dated 6/17/26, at 4-5). The court gave Child's preference "substantial weight" in its assessment of the relocation petition, but it found that the factor "does not favor either party." (Findings of Fact and Conclusions of Law at 9). Our review of the record supports the court's conclusions.

Although Mother now complains about the *in camera* interview, counsel did not raise any objections to it. Such interview was permissible under our Rules of Civil Procedure. **See** Pa.R.C.P. 1915.11(b). Further, there is no merit to Mother's argument that the court drew unfounded inferences. The court's limited line of inquiry allowed it to determine that Child is "happy with the present custody arrangement." (Findings of Fact and Conclusions of Law at 9). Our review of the record confirmed Child's positive statements about his family, schooling, friends, and activities. On this record, we cannot say that the court erred or drew improper inferences based upon Child's responses. **See E.B., supra.**

In her second issue, Mother asserts that the trial court erred in assessing the distance and travel time between Father's residence in Pennsylvania and Mother's proposed residence in Greenwich, Connecticut. Specifically, Mother argues that the record did not support the court's finding that the round-trip travel time between the residences would be seven hours. Mother complains that the court improperly "relied on the map presented by Father, who has no firsthand knowledge of the route taken by Mother regularly." (Mother's Brief

at 17). Based upon her personal experience, Mother insists that the average trip from Pennsylvania to Connecticut is two hours forty-five minutes. Mother maintains that the court's crediting of Father's "generalized" evidence "explicitly impacted the trial court's analysis under 23 Pa.C.S. § 5337(h), particularly with respect to the feasibility of maintaining the child's relationship with Father." (*Id.* at 17-18). Mother concludes that the court's unsupported determination regarding travel time amounted to an abuse of discretion. We disagree.

The following principles apply to our review of a court's credibility determinations:

On issues of credibility and weight of the evidence, we defer to the findings of the trial judge who has had the opportunity to observe the proceedings and demeanor of the witnesses.

The parties cannot dictate the amount of weight the trial court places on evidence. Rather, the paramount concern of the trial court is the best interest of the child. Appellate interference is unwarranted if the trial court's consideration of the best interest of the child was careful and thorough, and we are unable to find any abuse of discretion.

R.M.G., Jr. v. F.M.G., 986 A.2d 1234, 1237 (Pa.Super. 2009) (internal citations and quotation marks omitted).

Instantly, Mother testified that her commute from Pennsylvania to Greenwich, Connecticut takes "two hours and 40, 45 minutes." (N.T. Custody Hearing at 31). Mother based her testimony on her frequent trips from Pennsylvania to Connecticut for her current job. Father countered that

Mother's estimate was the "[b]est case scenario." (***Id.*** at 160). "Worst case scenario, I'm looking between five and six." (***Id.***) Father indicated that he had assessed the travel time during rush hour on Friday, which corresponded with the custody exchange under the proposed schedule. Father added that he "would be arriving in Greenwich at eight thirty at night" if he "worked a full workday."² (***Id.***)

The court evaluated this evidence when considering the feasibility of Father maintaining his relationship with Child:

Considering the three-to-four-hour one-way drive between Philadelphia, Pennsylvania and Greenwich, Connecticut, Father's custodial time would only be feasible on weekends involving approximately seven (7) hours of travel time for [Child].

In light of these findings, this factor was given substantial weight and favors Father.

(Findings of Fact and Conclusions of Law at 8). Our review of the record supports the court's conclusions.

Here, the court properly relied on the testimony of both parties, estimating a one-way travel time of three to four hours from Pennsylvania to Connecticut. The court's estimate sits between the parties' estimates. We give great deference to a trial court's credibility determinations, and we cannot

² Father based his testimony upon information from Google Maps. (***See*** Trial Court Opinion at 5). Prior to this testimony, Father's counsel offered a copy of the map and travel time calculation into evidence as Exhibit D-5. (***See*** N.T. Custody Hearing at 159). Nevertheless, this exhibit was not included with the certified record on appeal.

say that the court abused its discretion in reaching its conclusion regarding Father's potential travel time. **See R.M.G., supra. See also Orellana v. Chuva**, 353 A.3d 212, 217 (Pa.Super. 2026) (confirming that "while we have a broad scope of review, we cannot nullify the fact-finding function of the judge presiding over the custody hearing or their ability to make credibility determinations").

Mother's final three issues are related, and we address them together. Mother complains that the trial court erred in finding that the proposed relocation would not enhance Child's quality of life. Mother highlights the court's findings that Connecticut school districts can address Child's individualized education program ("IEP") needs, Child makes new friends easily, and Child would benefit from Mother's improved salary. Moreover, Mother posits:

Mother is clearly the parent better suited to meet the child's emotional, educational, and daily needs. The trial court even found that Mother testified credibly that she generally exercises more of the day-to-day parenting duties. As such, any enhancement to Mother's financial stability and employment would directly benefit the child.

(Mother's Brief at 22) (record citation omitted).

Mother also argues the court erred "by failing to meaningfully consider the impact that denying Mother's proposed relocation would have on her employment and overall quality of life." (**Id.** at 23). Mother contends that her desire to relocate is based on a "substantial employment opportunity that would result in an ... increase in salary, along with the potential for additional

bonuses.” (*Id.* at 24). Mother cautions that she cannot maintain her current employment if she is unable to relocate, and “the denial of relocation affirmatively harms Mother by placing her employment at risk and depriving her of substantial financial and professional advancement.” (*Id.* at 24-25).

Finally, Mother asserts that the record “demonstrates that any impact on Father’s relationship with the minor child is limited and does not rise to a level that would outweigh the significant benefits of the proposed relocation.” (*Id.* at 26). Mother argues that relocation would only impact Father’s midweek custodial time. Moreover, Mother complains that Father merely offered “generalized concerns” and “speculative fears” when explaining why relocation would have a negative impact on his relationship with Child. (*Id.* at 29). Mother concludes that the court’s legal conclusions are contrary to its findings of fact, which constitutes an abuse of discretion. We disagree.

The Custody Act defines “relocation” as “[a] change in residence of the child which significantly impairs the ability of a nonrelocating party to exercise custodial rights.” 23 Pa.C.S.A. § 5322(a). Section 5337 governs a court’s consideration of a request for relocation as follows:

§ 5337. Relocation

* * *

(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.A. § 5337(h).

[T]he party proposing relocation ... bears the burden of proving relocation will serve the children's best interests. **See** 23 Pa.C.S.A. § 5337(i). Each party, however, has the burden of establishing "the integrity of that party's motives in either seeking the relocation or seeking to prevent the relocation." 23 Pa.C.S.A. 5337(i)(2).

S.J.S. v. M.J.S., 76 A.3d 541, 551 (Pa.Super. 2013).

Instantly, the court received testimony from Mother regarding the proposed relocation's impact on Child's quality of life. Mother testified that she researched various schools that Child could attend upon relocation. Mother claimed that these schools offer a better education than Child's current school. Mother also testified that her new job entailed a salary increase from \$105,000 to \$150,000, as well as more flexible work hours. (**See** N.T. Custody Hearing at 20, 123-24). Mother emphasized that the more flexible schedule would permit her to better meet Child's needs. If the court denied the relocation petition, however, Mother claimed that she would need to find a new job. (**Id.** at 27).

Father countered by emphasizing that Child likes stability and experienced a "bumpy transition" in the past when changing schools. (**Id.** at 150). Father added that Child "seems most confident and most at ease when he's around ... a community of people who know and love him." (**Id.** at 151). Father also expressed concerns that Child "will be forced to choose between

building a life in ... Greenwich, wherever he ends up going, and having a relationship with his dad.” (***Id.*** at 163-64). Father claimed that he would no longer be able to coach Child’s sports teams or participate meaningfully in Child’s schooling given that weekday custody would become impracticable upon relocation.

Considering this testimony, the court reviewed all relocation and custody factors. The court noted that Child’s current school and the potential Connecticut school districts both “appear capable of addressing the child’s educational and IEP needs.” (Findings of Fact and Conclusions of Law at 8). Although the court recognized that Child “will undoubtedly benefit from Mother’s enhanced financial status,” the record contained “little to no evidence indicating that the specific towns in which Mother would relocate to would significantly improve [Child’s] quality or standard of living.” (***Id.*** at 10). “The parties currently live in safe suburban communities that provide access to nationally recognized school districts.” (***Id.***). The court concluded that there was “no compelling evidence” that the Connecticut school districts “provided significantly better resources than the minor child’s current academic setting.” (***Id.***)

The court also considered the impact of denying the proposed relocation on Mother’s employment and quality of life, pursuant to Section 5337(h)(6). The court provided:

Mother offered compelling and credible testimony regarding the great financial benefit provided by her new employment.

Mother also gave credible testimony regarding limited professional advancement opportunities available within her industry without the ability to relocate. Mother credibly testified that she is fifty years old and how that made the present professional opportunity particularly important in Mother's career and career advancement.

(***Id.*** at 9-10). The court gave this factor "substantial weight," and it found that it "greatly favors Mother." (***Id.*** at 10).

Nevertheless, the court also considered the feasibility of Father preserving his relationship with Child after relocation. The court found that the relocation would have a "profound impact" on their relationship, where Father has co-parented since 2017. (***Id.*** at 8). As discussed earlier, the court observed the considerable drive time between Pennsylvania and Connecticut, which would confine Father and Child's time together to weekends. Thus, the court gave "substantial weight" to this factor, which it found to favor Father.

Upon review, the record supports the court's determination that the proposed relocation would not significantly enhance Child's quality of life. Although Mother emphasized the economic advantages of her new job, she did not substantiate her claims of non-economic enhancements to Child's life flowing from the proposed relocation. Mother offered some testimony about how various school districts near Greenwich, Connecticut have smaller class sizes and can address Child's IEP needs, but we agree that Mother "did not present evidence that the minor child's current school or social community were not meeting the minor child's needs." (Trial Court Opinion at 6). Therefore, the court did not err or abuse its discretion in finding that relocation

would not offer any significant benefit to Child's physical, educational and emotional development. **See** 23 Pa.C.S.A. § 5337(h)(2).

Likewise, the record does not support Mother's contention that the court inadequately considered the impact of denial on Mother's employment and quality of life. Regarding Section 5337(h)(6), the court fully explained how Mother's financial status and career opportunities would be impacted by the denial of relocation, and it gave this factor "substantial weight" in favor of Mother. (Findings of Fact and Conclusions of Law at 8). We cannot say, however, that the court erred by declining Mother's invitation to treat this factor as dispositive. We reiterate that the court needed to keep Child's best interests at the forefront, and we believe that the court properly followed this principle in denying Mother's relocation request. **See S.J.S., supra.**

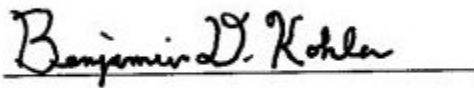
Finally, the court did not err in determining that any enhancement to Mother's quality of life did not outweigh the impact on Father's relationship with Child. The record shows that Father and Child have a strong bond. The proposed relocation would undermine that bond by reducing Father's custodial time and limiting Father's ability to participate in Child's schooling and activities. Again, the trial court was guided by Child's best interests, and we cannot say that the court abused its discretion in the weight given to the detrimental impact of relocation on Father and Child's strong bond. **See R.M.G., Jr., supra.** We will not substitute our judgment for that of the factfinder by reweighing the statutory relocation factors on appeal. **See**

E.C.S., supra; E.B., supra.

Our review of the record leaves us satisfied that the court denied Mother's relocation request only after conducting a careful and thorough examination of Child's best interests. ***See M.J.M., supra.*** Under these circumstances, appellate interference is unwarranted. ***See E.C.S., supra.*** Accordingly, we affirm.

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: 10/27/2026