

2026 PA Super 206

S.G.	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
Appellant	:	
	:	
v.	:	
	:	
A.A.	:	No. 1457 EDA 2026

Appeal from the Order Entered April 21, 2026
In the Court of Common Pleas of Chester County Civil Division at No(s):
2026-02793-CU

BEFORE: LAZARUS, P.J., MURRAY, J., and FORD ELLIOTT, P.J.E.*

OPINION BY FORD ELLIOTT, P.J.E.: **FILED SEPTEMBER 18, 2026**

S.G. (Father) appeals from the order, entered in the Court of Common Pleas of Chester County, granting the petition filed by A.A. (Mother), which requested the transfer of this custody case relating to their child (Child) to the courts of Missouri, pursuant to Section 5427 of the Uniform Child Custody and Jurisdiction Enforcement Act (UCCJEA).¹ Father challenges the court's interpretation and application of the Chester County local rules in granting Mother's transfer request. We reverse and remand for further proceedings.

This custody case began in Montgomery County. Relevantly, in October 2024, the Montgomery County court entered an order permitting Mother to live in Missouri with Child while Father remained in Pennsylvania. Nevertheless, Father continued to exercise his custodial time with Child in

* Retired Senior Judge assigned to the Superior Court.

¹ **See** 23 Pa.C.S. § 5427.

Pennsylvania. The Montgomery County court retained jurisdiction over the case when it granted Mother's request to live in Missouri. Then, on March 26, 2026, the Montgomery County court transferred this case to Chester County, where Father lived. Neither party appealed the decision of the Montgomery County court.

On March 30, 2026, Mother filed the at-issue motion to transfer the case to Missouri in the Chester County court. In that motion, Mother alleged that Father was planning to move to Allegheny County and that, under the circumstances, jurisdiction was more appropriate in Missouri. On April 21, 2026, the court granted Mother's transfer motion as unopposed, as Father did not file any response.² Nevertheless, on April 24, 2026, days after the court granted Mother's request to transfer the case, Father filed his answer in opposition to Mother's filing.

On May 5, 2026, Father filed a motion for reconsideration of the order transferring the case to Missouri. On May 14, 2026, Father filed a timely appeal from the order transferring the case to Missouri.³ The Chester County

² Father's notice of appeal purports to appeal from the court's order entered April 17, 2026, but our review of the record reveals that the order was dated using that date but entered on April 21, 2026. We have corrected the caption accordingly.

³ Father did not file a contemporaneous concise statement with his notice of appeal pursuant to Pennsylvania Rule of Appellate Procedure 1925(a)(2)(i) but nevertheless filed a concise statement on May 18, 2026, prior to any order of court, thereby curing his prior error. ***See In re K.T.E.L.***, 983 A.2d 745, 747 n.1 (Pa. Super. 2009) (finding failure to file Rule 1925 concise statement (*Footnote Continued Next Page*))

court issued an opinion pursuant to Pennsylvania Rule of Appellate Procedure 1925 on June 11, 2026, wherein the court opined that it properly treated Mother's filing as an unopposed motion pursuant to Section 5427. **See** Custody Court Opinion, 6/11/26, at 4-5. Nevertheless, the court stated that it would have held a hearing on Father's request for reconsideration had Father not filed a notice of appeal:

[U]pon receipt of [Father]'s answer to the motion to transfer venue and motion for reconsideration, th[e custody] court did conclude that a hearing was warranted prior to the relinquishment of jurisdiction. Unfortunately, [Father] filed his notice of appeal prematurely and reconsideration was not possible. Th[e custody] court therefore takes no position on the disposition of this appeal.

Id. at 8 (unnecessary capitalization omitted).

Initially, we note that the court incorrectly believed it was divested of jurisdiction and the corresponding power to entertain Father's motion for reconsideration, without exception, upon Father's filing of the instant notice of appeal. We agree that Pennsylvania Rule of Appellate Procedure 1701 prohibits the court from proceeding further in the matter after the appellant files a notice of appeal, but there are exceptions, including when the court enters an order expressly granting reconsideration within thirty days of the entry of the final order that is the subject of the appeal. **See** Pa.R.A.P. 1701(b)(3); **see also Valley Forge Ctr. Assocs. v. Rib-It/K.P., Inc.**, 693

concomitantly with Children's Fast Track appeal is considered defective notice of appeal, but appeal will not be dismissed since failure to file concise statement is violation of procedural rule and not order of court).

A.2d 242, 245 (Pa. Super. 1997) (explaining “Rule 1701, however, allows the trial court to view its order for up to thirty days, even after an appeal has been filed, if a party files a petition for reconsideration within the 30-day appeal period and the trial court files an order “expressly granting” reconsideration within the same period.”); Pa.R.Civ.P. 1930.2(b) (providing for reconsideration in domestic relations cases: “A party aggrieved by the decision of the court may file a motion for reconsideration in accordance with Pa.R.A.P. 1701(b)(3). If the court does not grant the motion for reconsideration within the time permitted, the time for filing a notice of appeal will run as if the motion for reconsideration had never been presented to the court.”).

Here, the court did not expressly grant reconsideration within the prescribed time limits, so Father’s timely notice of appeal remained operative; thus, we may consider the merits of this appeal. **See Valley Forge Ctr. Assocs.**, 693 A.2d at 245 (“[A]s the comment to [Rule] 1701 explains, although a party may petition the court for reconsideration, the simultaneous filing of a notice of appeal is necessary to preserve appellate rights in the event that either the trial court fails to grant the petition expressly within 30 days, or it denies the petition.”); **see also Schoff v. Richter**, 562 A.2d 912, 913 (Pa. Super. 1989) (stating “reconsideration was not granted within the appeal period[,] and the trial court became powerless to act upon the [reconsideration] petition”); Pa.R.Civ.P. 1930.2(b).

On appeal, Father raises the following allegations of error for our review:

1. The [Chester County] court erred in transferring jurisdiction from Pennsylvania to Missouri based on the fact there was no response to the motion when the docket does not reflect [Mother] had provided a time-stamped copy of the motion, there was no notice to plead attached on the motion, and the court did not set forth a rule return date to respond. Furthermore, since it is a domestic matter, the averments set forth in the motion are deemed denied if an answer is not filed.
2. The [Chester County] court erred in transferring the matter from Pennsylvania to Missouri when the Court of Common Pleas of Montgomery County, which entered an order permitting [Mother] to relocate to Missouri, retained jurisdiction and, ultimately, the [Court of Common Pleas of Montgomery County] determined that Pennsylvania should retain jurisdiction, but the more appropriate venue be Chester County where [Father] had resided at the time of the relocation order.
3. The [Chester County] court erred in transferring the matter from Pennsylvania to Missouri by accepting averments made by [Mother], which were inaccurate, including, but not limited to the averment [that Father] was moving to Allegheny County when he had no intention of moving out of Chester County and by not having a trial with respect to the matter was unable to ascertain whether or not the facts set forth in the motion were true and correct.
4. The [Chester County] court erred in transferring the matter from Pennsylvania to Missouri when the legal conclusions set forth in the motion did not apply to the case at hand. The legal citations set forth in the motion related to original pleadings, not modifications. Furthermore, the only matter before the court was a contempt petition filed by [Father]. In other words, the [UCCJEA] does not apply because there was not an original pleading or modification filed by [Mother] at the time [her] motion to transfer was filed. Furthermore, it was within less than six [] months [from when] Montgomery County transferred the matter to Chester County[,], and no facts relating to the parties['] domicile[s] had changed.

Father's Brief at 4-5 (unnecessary capitalization omitted). We need only reach Father's first issue because our resolution of that issue is dispositive to this appeal.

In his first issue, Father asserts that the court prematurely ruled on Mother's transfer motion, in violation of Chester County Rules of Civil Procedure 205.4, 206.2, 206.3, and 206.4. Father, in essence, claims Mother's motion should have been treated as a petition rather than as a motion, with each having distinctly applicable local rules. **See id.** at 10-11. Specifically, in connection with this argument, Father asserts that Mother failed to serve him with a time-stamped copy of her filing requesting transfer to Missouri, in violation of Rules 205.4 and 206.3. **See id.** Further, Father maintains that Mother was required to include a proposed rule to show cause with her filing, and the court was required to, but never entered, a rule to show cause, in violation of Rules 206.2 and 206.3(a)-(b). **See id.** at 11. Father concludes that even if he failed to timely answer Mother's filing, Mother was required to petition for a rule absolute before a final order could enter under Rule 206.4(c)(4). **See id.** at 12. We agree that Father is entitled to relief on the basis that Mother's filing should have been treated as a petition under the Chester County local rules.

Mother, in her appellate brief, concedes that the court erred insofar as it ruled on her transfer request prior to her filing a rule absolute pursuant to Rule 206.4(c)(4). **See** Mother's Brief at 9; **see also** C.C.R.C.P. 206.4(c)(4).

The court opined that it properly treated Mother's filing as an unopposed motion—rather than as a petition—pursuant to the language of Section 5427, and thus, it concluded that the local rules that are applicable to petitions did

not apply in this case. **See** Custody Court Opinion, 6/11/26, at 4-5. We disagree.

We agree with Mother's conclusion under Local Rule 206.4(c)(4) and commend her for her candor to this Court.

A challenge to a court's ruling granting or denying a request to transfer the case under Section 5427 of the UCCJEA is reviewed for an abuse of discretion. **See J.S. v. R.S.S.**, 231 A.3d 942, 951 (Pa. Super. 2020). Similarly, a court's decision to exercise or decline jurisdiction is reviewed for an abuse of discretion. **See T.A.M. v. S.L.M.**, 104 A.3d 30, 32 (Pa. Super. 2014). The court abuses its discretion when it "has overridden or misapplied the law, when its judgment is manifestly unreasonable, or when there is insufficient evidence of record to support the court's findings. An abuse of discretion requires clear and convincing evidence that the trial court misapplied the law or failed to follow proper legal procedures." **Id.** (citations omitted).

Insofar as this case requires us to interpret Section 5427 of the UCCJEA, "[t]he interpretation and application of a statute is a question of law. As with all questions of law, we must employ a *de novo* standard of review and a plenary scope of review to determine whether the court committed an error of law." **In the Int. of C.K.M.**, 279 A.3d 610, 611-12 (Pa. Super. 2022) (citations omitted).

However, "[t]he application, construction[,], and interpretation of a local rule of court are matters primarily to be determined by the court promulgating

the local rule and we will interfere only where the court commits an abuse of discretion.” ***Gutman v. Rissinger***, 482 A.2d 1324, 1327 (Pa. Super. 1984) (citation and quotation marks omitted).

We further consider the following principles when interpreting local rules:

Counties possess authority to make rules for the operation of their own court systems. Local rules, however, must be consistent with[,] and not in conflict with[,] the Pennsylvania Rules of Civil Procedure. A local rule will be held invalid if it abridges, enlarges, or modifies substantive rights of the litigants.

Dillon v. National R. Corp. (AMTRAK), 497 A.2d 1336, 1339 (Pa. Super. 1985) (citations and footnote omitted). Nevertheless, compliance with valid local rules is required:

Rules promulgated by the courts for the conduct of their business are of course intended to be followed and not flaunted or ignored, and in a proper case, when the rights of parties depend upon observance of a rule, we insist upon such observance and will often reverse because a rule has been disregarded.

Crookes v. Crookes, 499 A.2d 626, 630-31 (Pa. Super. 1985) (citations omitted). “[T]hese rules of court, made for the orderly administration of justice[,] should not be lightly ignored.” ***Id.*** at 631 (citations, quotation marks, and brackets omitted).

The rule of liberal construction contained within Pennsylvania Rule of Civil Procedure 126 applies equally to the Pennsylvania Rules of Civil

Procedure as it does to local county rules.⁴ **See *Gutman***, 482 A.2d at 1328 n.3.

Relatedly, in interpreting the statutes of the General Assembly, we are guided by the following principles:

When this Court interprets legislative enactments, we are mindful that the object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. The best indication of legislative intent is the plain language of the statute. When the words of a statute are clear and free from all ambiguity, they are presumed to be the best indication of legislative intent. Words and phrases shall be construed according to rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a peculiar and appropriate meaning or are defined in this part, shall be construed according to such peculiar and appropriate meaning or definition.

Gregg v. Ameriprise Fin., Inc., 245 A.3d 637, 647 (Pa. 2021) (citations, quotation marks, and brackets omitted). Further, as to textual ambiguity:

A statute is ambiguous when there are at least two reasonable interpretations of the text. We read the words of a statute in context, not in isolation, and in a manner that gives meaning to every provision. Adding words or phrases to a statute in a way that changes its scope and operation is prohibited.

Povacz v. State PUC, 280 A.3d 975, 991 (Pa. 2022) (citations omitted).

“The purpose of the UCCJEA is to avoid jurisdictional competition, promote cooperation between courts, deter the abduction of children, avoid

⁴ Rule 126 states that rules of court must be “liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties.” Pa.R.Civ.P. 126.

relitigating custody decisions of other states, and facilitate the enforcement of custody orders of other states.” ***OMalley v. Isquierdo***, 345 A.3d 321, 326 (Pa. Super. 2025) (citation and quotation marks omitted).

The court granted Mother’s petition pursuant to Section 5427 of the UCCJEA, which provides, in relevant part, as follows:

(a) General rule. — A court of this Commonwealth which has jurisdiction under this chapter to make a child custody determination may decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum. The issue of inconvenient forum may be raised upon motion of a party, the court’s own motion or request of another court.

(b) Factors. — Before determining whether it is an inconvenient forum, a court of this Commonwealth shall consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and shall consider all relevant factors, including:

- (1) whether domestic violence has occurred and is likely to continue in the future and which state could best protect the parties and the child;
- (2) the length of time the child has resided outside this Commonwealth;
- (3) the distance between the court in this Commonwealth and the court in the state that would assume jurisdiction;
- (4) the relative financial circumstances of the parties;
- (5) any agreement of the parties as to which state should assume jurisdiction;
- (6) the nature and location of the evidence required to resolve the pending litigation, including testimony of the child;

(7) the ability of the court of each state to decide the issue expeditiously and the procedures necessary to present the evidence; and

(8) the familiarity of the court of each state with the facts and issues in the pending litigation.

[. . .]

23 Pa.C.S. § 5427(a)-(b).

Important to our resolution of this appeal, Chester County has adopted Local Rule 206.1(a), which provides for the procedure for deciding applications filed with the court, and which defines petitions (which require a specialized procedure as compared with the treatment of motions), as follows:

Rule 206.1(a). *Purpose and Designation*

All applications for which the procedure for the relief sought is not otherwise specifically addressed elsewhere in the rules and which require the assertion of facts not of record are hereby designated as petitions. A petition, generally speaking, is a request for relief ancillary to a given cause of action. Each petition shall be accompanied by a verification or affidavit verifying the facts stated in the petition.

C.C.R.C.P. 206.1(a).

Local Rule 206.2 requires that petitions contain a proposed order and rule to show cause, providing, in relevant part, as follows:

Rule 206.2. *Motions, Petitions and Preliminary Objections—General Requirements*

All motions, petitions and preliminary objections shall be in writing and shall be accompanied by a proposed form of order; a petition shall also be accompanied by an order allowing a rule to show cause in form as set forth below, which order is hereinafter sometimes referred to as a “rule” or a “rule to show cause.” [...]

C.C.R.C.P. 206.2.

Local Rule 206.4(c)(4) provides the procedure for when no answer is filed in response to a petition, as follows:

Rule 206.4(c)(4). *When No Answer Is Filed*

If no answer has been timely filed, the petitioning party, not less than five (5) days after the rule return date, may move to have the rule made absolute, granting the prayer of the petition, and the Court may consider such petition as unopposed and grant such motion as of course. The motion shall be accompanied by a proposed order and a certificate of service but no brief shall be required. The provisions of Rule 206.1(c) shall not apply to motions to make a rule absolute filed pursuant to this section.

C.C.R.C.P. 206.4(c)(4).

As it relates to Father's claim that Mother improperly failed to serve him with a time-stamped copy of her filing, he relies on Chester County's Local Rules 205.4 and 206.3 in support of that claim. Local Rule 205.4 provides for electronic filing of documents with the court.⁵ **See** C.C.R.C.P. 205.4. Local

⁵ The text of the rule provides as follows:

(a)(1) The Chester County Court of Common Pleas hereby permits the electronic filing of legal papers and the electronic service of such papers, under the terms described in this Local Rule. The actions and proceedings subject to this rule are all civil matters other than family court matters. All legal papers in all civil matters other than family court matters are subject to this rule. As used in this rule, all words specifically defined in Pa.R.C.P. No. 205.4(a)(2) shall have the same meaning when used in this rule as when used in Pa.R.C.P. No. 205.4.

(b)(1) All legal papers shall be presented for electronic filing in portable document format ("pdf"). As authorized by Pa.R.C.P. No. 205.4(b)(1), in the event any legal paper is submitted to the Prothonotary for filing in other than portable document format, including being presented in a hard-copy format, the Prothonotary

(Footnote Continued Next Page)

shall convert such legal paper to portable document format and maintain the legal paper in portable document format. The Prothonotary shall return the hard-copy legal paper to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(4).

(c)(2) All legal papers that are filed electronically shall be filed through the Prothonotary's Electronic Filing System ("Electronic Filing System") which shall be accessible through the Chester County Prothonotary's web site, www.efiling.chesco.org. To obtain access to the Electronic Filing System, counsel and any unrepresented party must apply to the Prothonotary's Office for a User Name and Password.

(d)(1) The Prothonotary will accept for payment of all filing fees the following credit and debit cards: Discover, MasterCard and Visa. The Prothonotary will not accept advance deposit on account of future filing fees.

(f)(1) Upon receipt of the legal paper, the Prothonotary shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the Electronic Filing System. The Prothonotary shall also provide the filing party with notice that the legal paper was accepted for filing. If a legal paper is not accepted upon presentation for filing or is refused for filing by the Electronic Filing System, the Prothonotary shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor.

(2) Neither the Court nor the Prothonotary shall be required to maintain a hard copy of any legal paper, notice or order filed or maintained electronically under this rule.

(3) The Prothonotary's fees and costs shall be paid by credit card when legal papers are filed using the Electronic Filing System. Payment of all costs and fees for the filing of a legal paper presented by a filing party at the office of the Prothonotary for electronic filing shall be paid by credit card as set forth above or by check or cash.

C.C.R.C.P. 205.4.

Rule 206.3 governs the form of service for filings with the court and provides, in relevant part, as follows:

Rule 206.3. Service and Certification

(a) Immediately after filing with the prothonotary, each party, shall serve upon all other counsel and unrepresented parties complete copies of all rules, proposed orders, petitions[,], motions, preliminary objections, and answers to same.

(b) Each party shall, within five (5) days of the filing of any document, file with the prothonotary a separate document in the form specified by C.C.R.C.P. 206.3(d) certifying that service of a complete copy has been made.

(c) The court at its discretion may strike, dismiss or deny, any petition, motion or preliminary objection for failure of the moving party to comply with the service and certification requirements of this rule.

C.C.R.C.P. 206.3(a)-(c).

After our review, initially, we conclude that nothing in the Chester County local rules requires a petitioner to serve a time-stamped copy of any filing; all that is required is service of a “complete” copy of the filing. **See** Chester County Rules of Civil Procedure 205.4 and 206.3. Accordingly, we find no abuse of discretion in the court’s interpretation that the word “complete” need not include a time stamp, which stamp is added by the court at the time of filing, where the text of the local rules could have specified that such a service requirement exists if there was one. **See Gutman**, 482 A.2d at 1327. Therefore, we discern no abuse of discretion in the court’s finding that Mother properly served Father with her transfer request filing. **See id.**

Nevertheless, we conclude that the court abused its discretion in treating Mother's filing as a motion rather than as a petition. In so doing, it granted Mother's transfer request prematurely, without following the procedure dictated by Local Rule 206.4(c)(4). **See** C.C.R.C.P. 206.4(c)(4). We acknowledge that Mother's filing, itself, is styled as a motion, and that, contrary to Mother's claims, that filing did not contain a form rule to show cause, which would have indicated to the court that the document should be treated as a petition rather than as a motion. **See** Mother's Brief at 9 (stating "[Chester County Rule of Civil Procedure 206.2 requires that a [petition] be filed with a proposed order and a rule return. Both items were filed of record with [Mother's petition]." (citation omitted); **cf.** Chester County Form Rule to Show Cause (located at <https://www.chesco.org/DocumentCenter/View/34466/form---Rule-2064?bidId=>) (accessed 8/21/26). Nevertheless, dispositive to this appeal, Mother based the substance of her transfer request on a central fact not of record—namely, that Father planned to move to Allegheny County—such that Local Rule 206.1(a) required her request to take the form of a petition. **See** C.C.R.C.P. 206.1(a). As Mother's filing should have been deemed a petition based on the assertions made therein, and because Father did not file a response, the court could only grant Mother's transfer request if the court first followed the procedure set forth in Local Rule 206.4(c)(4). **See** C.C.R.C.P. 206.4(c)(4). As the court failed to follow that procedure, we must reverse the

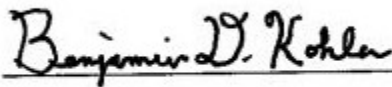
order granting transfer to Missouri and remand this case for further proceedings. **See Crookes**, 499 A.2d at 630-31.

In connection with our review of the court's interpretations, we also find the court erred in interpreting Section 5427. **See C.K.M.**, 279 A.3d at 611-12. In that regard, although the language of Section 5427 uses the specific word "motion," we conclude that the use of that word is ambiguous insofar as it is susceptible of two reasonable interpretations, that either: (1) procedurally, motions (as compared with petitions) are permitted under Section 5427 to effectuate a transfer request; or (2) Section 5427 does not dictate the procedural form for the transfer request, especially where the word "motion" denotes the permissive sources of a transfer request (i.e. the parties or the court). **See Povacz**, 280 A.3d at 991. After our review, reading the words of Section 5427 in context, and interpreting that statute to retain its scope and operation, we conclude that the second interpretation is the correct one—that the Legislature's use of the word "motion" refers permissibly to those who may invoke that statute rather than defines the specific procedure to follow. **See id.** Here, under the circumstances of this case, it is Local Rule 206.1(a) that governs the form of Mother's transfer request in Chester County under Section 5427; as discussed above, Mother's instant transfer request must be in the form of a petition in Chester County because Mother alleges facts not of record insofar as her filing is centrally based on the averment that

Father is moving to Allegheny County.⁶ **See** C.C.R.C.P. 206.1(a). Accordingly, we reverse the order granting Mother's transfer request and remand for further proceedings consistent with this decision.⁷

Order reversed. Case remanded with instructions. Jurisdiction relinquished.

Judgment Entered.

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

Benjamin D. Kohler, Esq.
Prothonotary

Date: 9/18/2026

⁶ This Court need not, and does not, reach the questions of: (1) whether a transfer request may properly be filed in Chester County under Section 5427 as a motion rather than as a petition under other circumstances; and (2) how other counties' local rules might be interpreted in connection with requests made pursuant to Section 5427 of the UCCJEA.

⁷ In reaching our conclusion, we discern a further error of law in the court's application of Section 5427(b) of the UCCJEA: the court neglected to consider the relevant factors where it granted Mother's transfer request as an unopposed motion. **See** 23 Pa.C.S. § 5427(b). We observe that, no matter the source or form of the transfer request, the court must consider the relevant Subsection (b) factors prior to issuing its order. **See id.** (requiring "**Before** determining whether it is an inconvenient forum, a court of this Commonwealth **shall** consider whether it is appropriate for a court of another state to exercise jurisdiction. For this purpose, the court shall allow the parties to submit information and **shall** consider all relevant factors[including those enumerated.]") (emphases added).