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IN THIS ISSUE

MICHELLE R. BRUHN VS. STEVEN N. BRUHN
VS. NANCY E. BRUHN

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INCORPORATION NOTICE

NOTICE IS HEREBY GIVEN that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania at Harrisburg, Pennsylvania on or about July 9, 2020 for the incorporation of BAILEY B & B INC. under the Pennsylvania Corporation Law of 1988. The initial registered office of the corporation is 2350 Baltimore Pike, Gettysburg, PA 17325.

Bernard A. Yannetti, Jr., Esq.
Hartman & Yannetti
Solicitors

7/31

PETITION FOR CHANGE OF NAME NOTICE

NOTICE IS HEREBY GIVEN that a Petition (#2020-SU-541) has been filed in the Court of Common Pleas of Adams County Pennsylvania, seeking to change the name of minor Stevie Ann Mackey to Stevie Ann Lomax. A hearing on the Petition will be held on September 25, 2020 at 10:00 AM in Courtroom 4, Third Floor, Adams County Courthouse, 111 Baltimore Street, Gettysburg, PA 17325, at which time any persons interested may attend and show cause, if any, why the Petition should not be granted.

Natalie Burston, Esq. for Petitioner
204 King Avenue
Harrisburg, PA 17109
717-412-0041

7/31

FICTITIOUS NAME REGISTRATION

An application for registration of the fictitious name VERTICE AERIAL PHOTOGRAPHY, 11 Robin Trail, Fairfield, PA 17320 has been filed in the Department of State at Harrisburg, PA, File Date 06/11/2020 pursuant to the Fictitious Names Act, Act 1982-295. The names and address of the people who are a party to the registration are Ron Nicodemus, 11 Robin Trail, Fairfield, PA 17320

7/31

MICHELLE R. BRUHN VS. STEVEN N. BRUHN
VS. NANCY E. BRUHN

1. Michelle Bruhn (“Stepmother”) filed a complaint in custody on February 21, 2020, regarding the Child, A.M.B. Steven Bruhn (“Father”) filed an Answer on March 11, 2020. The case was listed for custody presentation on March 13, 2020. Father objected to Stepmother’s standing. Mother joined in Father’s objection.

2. Throughout their marriage, Father and Stepmother both performed various parental duties for the Child and her paternal sibling as a blended family. Stepmother’s contributions included, *inter alia*: helped with homework and school projects, laundry, attended parent teacher conferences at the Child’s school, transported the Child to extracurricular activities, took the Child to doctor and dental appointments, cooked meals, arranged and paid for babysitting as necessary, took the Child on educational outings, took the Child to religious services at Germantown Mennonite Church, disciplined the Child, purchased clothing and other items for the Child, and performed general day to day parental duties, all with Father’s consent.

3. Moreover, in loco parentis status cannot be in defiance of the natural parents’ wishes and the parent-child relationship.

4. In the instant case, A.M.B. and her biological sibling, J.A.B., resided exclusively with Father and Stepmother for approximately 10 years while those parties were married. From 2006 until the present, Mother has had sporadic contact and little involvement with A.M.B.

5. Father encouraged the Child and her brother to refer to Stepmother as “Mom” and “Mommy.” At all times during the marriage, Father promoted the Child’s perception of Stepmother as her parent.

6. This is a situation where Father is attempting in hindsight to expunge Stepmother’s relationship with Child, a relationship that was created, fostered and continue, regardless of any legal beliefs or advice, by Father, a biological parent, for the majority of the Child’s life thus far.

7. We find, therefore, that Stepmother has established colorable claim to custody on the basis of in loco parentis standing.

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY,
PENNSYLVANIA, 20-S-202, MICHELLE R. BRUHN VS.
STEVEN N. BRUHN VS. NANCY E. BRUHN

Katrina M. Luedtke, Esq., Attorney for Plaintiff
Taylor K. Thomas, Esq., Attorney for Defendant
Nancy E. Bruhn, self-represented
Simpson, J., July 13, 2020

OPINION

Michelle Bruhn (“Stepmother”) filed a complaint in custody on February 21, 2020 regarding the Child, A.M.B. Steven Bruhn (“Father”) filed an Answer on March 11, 2020. The case was listed for custody presentation on March 13, 2020. Father objected to Stepmother’s standing. Mother joined in Father’s objection. An

evidentiary hearing to resolve the issue of Stepmother’s standing to pursue for custody of the Child was delayed due to the COVID-19 judicial emergency, and was ultimately held on May 28, 2020.

ISSUE

Whether Stepmother has established that she has the capacity to pursue a claim for any form of legal and physical custody of the Child on the basis that she stands in loco parentis to the Child, pursuant to **23 Pa. C.S.A. §5324 (2)**.

FINDINGS OF FACT

1. The Child at issue is A.M.B., born in April 2005. She is currently 15 years old.
2. Steven N. Bruhn (“Father”) is the natural father of the Child. He resides in East Berlin, Adams County, Pennsylvania.
3. Nancy E. Bruhn (“Mother”) is the natural mother of the Child. She resides in Manheim, Lancaster County, Pennsylvania.
4. Michelle Bruhn (“Stepmother”) is the stepmother of the Child. She resides Cheltenham, Montgomery County, Pennsylvania.
5. Mother and Father divorced sometime prior to 2006.
6. Prior litigation regarding custody of the Child occurred in the Lancaster County Court of Common Pleas.
7. By Order dated October 24, 2006, the Lancaster County Court granted sole legal and physical custody of the Child to Father.¹
8. Subsequently, the Lancaster County Court issued an Order on November 9, 2007 allowing the Child to relocate with Father to Springfield, Missouri. Father retained sole legal custody and primary physical custody of the Child and her brother. Mother was given periods of partial physical custody upon her release from prison, consisting of one week each summer and for a period of time when the Child is not attending school between Thanksgiving and New Years each year, and at other times as Mother and Father would agree.

¹ The Order relates to A.M.B. and her sibling, J.A.B., who is now emancipated and therefore not the subject of the instant proceedings. J.A.B. did provide testimony during the hearing.

9. Stepmother was not a party to any of the Lancaster County Orders.
10. Father and Stepmother began living together in 2006 and married in April of 2007.
11. When Father and Stepmother married, the Child was 2 years old and her paternal sibling was 4 years old. Both of these Children resided exclusively with Father and Stepmother during their marriage.
12. During their marriage, Father worked outside of the home. Stepmother was a full-time student for a time and worked intermittently at various part-time jobs.
13. Throughout their marriage, Father was the primary breadwinner and Stepmother was the primary caregiver for A.M.B. and her paternal sibling.
14. Throughout their marriage, Father and Stepmother both performed various parental duties for the Child and her paternal sibling as a blended family. Stepmother's contributions included, *inter alia*: helped with homework and school projects, laundry, attended parent teacher conferences at the Child's school, transported the Child to extracurricular activities, took the Child to doctor and dental appointments, cooked meals, arranged and paid for babysitting as necessary, took the Child on educational outings, took the Child to religious services at Germantown Mennonite Church, disciplined the Child, purchased clothing and other necessary items for the Child, and performed general day to day parental duties, all with Father's consent.
15. When Mother was released from prison, Stepmother arranged for occasional visits with the Child and Mother.
16. Both Father and Stepmother encouraged the Child and her brother J.A.B. to call Stepmother "Mommy" and "Mom" during the marriage.
17. The Child and her brother J.A.B. still refer to Stepmother as their Mother.
18. In October 2008, Father and Stepmother had a child together (V.A.B.), a half-sibling to A.M.B. and J.A.B.

19. Father and Stepmother separated on or about January 2015 and were divorced in 2017.
20. After Father and Stepmother separated, the Child temporarily continued to reside with Stepmother in Cheltenham for several weeks, while Father transitioned to his parents' residence in Lancaster.
21. Father ultimately relocated with the Child to Adams County.
22. Since relocating to Adams County, the Child has been enrolled in the Bermudian Springs School District.
23. From approximately February 2015 until November 2019, Father and Stepmother agreed to a shared custody schedule for the Child and V.A.B. Stepmother had primary custody of V.A.B. during the weekdays and Father had primary custody of A.M.B. during the weekdays. These Children alternated weekends with Stepmother and Father so that they could be together every weekend. During the summer periods, Father and Stepmother also agreed for these siblings to spend extra time together at both party's homes, for extended visits and vacation periods.
24. During the period from February 2015 until November 2019, when A.M.B. was in Stepmother's partial physical custody, Stepmother took her to religious services and youth group activities at Germantown Mennonite Church with Father's consent.
25. During the period from February 2015 until November 2019, when A.M.B. was in Stepmother's partial physical custody, Stepmother performed day-to-day parental duties for her.
26. On December 21, 2018, Father and Stepmother signed an agreement entitled "Shared Legal Custody Agreement" related to their biological child, V.A.B., which incorporated various provisions regarding A.M.B.
27. Mother was not a party to the written agreement.
28. The written agreement was not filed with any Court.
29. Stepmother initiated an action for child support against Father on behalf of V.A.B. on or about October 2019.
30. Father ceased allowing Stepmother to exercise any physical custody of A.M.B. after November 17, 2019.

31. Stepmother is remarried.
32. A.M.B. has primarily resided with Father since 2015 and has seen Mother infrequently.
33. Stepmother still speaks frequently to A.M.B. via phone/text message and Snapchat.
34. In the past five years, Stepmother has not attended any doctor or dental appointments for A.M.B.
35. Stepmother has not attended any of A.M.B.'s volleyball games since A.M.B. has lived in Adams County.
36. Stepmother has not attended any parent teacher conferences at A.M.B.'s current school.
37. Stepmother is not listed as an emergency contact person at A.M.B.'s current school.
38. Stepmother is listed as an emergency contact person for A.M.B. at Germantown Mennonite Church.
39. After Father and Stepmother separated, Stepmother continued to occasionally give A.M.B. money for clothes and other things she wanted.
40. Stepmother paid for a dental aligner device for the Child without Father's consent.
41. Stepmother has not paid child support to Father for A.M.B.
42. Father is the sole financial support for A.M.B.
43. Currently, Father or his current significant other arrange medical appointments for the Child.
44. All parties have stipulated that proper venue for this case now lies in Adams County.

DISCUSSION

Stepmother asserts that she has established a prima facie claim to custody of the Child by virtue of standing in loco parentis. Father disagrees, citing that he has always been the Child's sole legal custodian, the sole financial provider, and sole decisionmaker for the Child and that he has never consented to Stepmother discharging parental duties. For the reasons cited below, we find that Stepmother has established a prima facie claim to custody of A.M.B. and therefore overrule Father's preliminary objection.

As to third parties and standing to sue for custody of a child, the relevant statute provides, in pertinent part:

§ 5324. Standing for any form of physical custody or legal custody.

The following individuals may file an action under this chapter for any form of physical custody or legal custody:

(1) A parent of the child.

(2) A person who stands in loco parentis to the child. ...

23 Pa. C.S.A. §5324.

“The fundamental concept of standing ensures that a party seeking to litigate a matter has a substantial, direct, and immediate interest in the subject-matter of the litigation.” **C.G. v. J.H.**, 193 A.2d 891 (Pa. 2018)(citation omitted). Determining standing in custody disputes is a threshold issue that must be resolved before proceeding to the merits of the underlying custody action. **K.C. v. L.A.**, 128 A.3d 774, 779 (Pa. 2015).

“In the area of child custody, principles of standing have been applied with particular scrupulousness[.]” [**D.G v. D.B.**, 91 A.3d 706, 708 (Pa. Super. 2014)]. This stringent application of standing principles serves to protect both the interest of the court system by ensuring that actions are litigated by appropriate parties and the interest in keeping a family unit free from intrusion “by those that are merely strangers, however well-meaning.” **Id.** (citation omitted). Indeed, in evaluating whether a Washington state statute conferring standing to “any person” to seek visitation of children, the United States Supreme Court has recognized the significant interest at stake in the context of persons seeking judicial intervention to gain visitation or custody of children. “The liberty interest ... of parents in the care, custody and control of their children is perhaps the oldest fundamental liberty interest recognized by this Court.” **Troxel v. Granville**, 530 U.S. 57, 65, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000). In Pennsylvania, Section 5324 of the Domestic Relations Code limits the classes of persons deemed to have a substantial, direct, and immediate interest in the custody of

children by conferring standing only upon “(1) a parent of the child[;] (2) a person who stands in loco parentis to the child[; and] (3) a grandparent of the child who is not in loco parentis to the child[.]” under certain circumstances. **23 Pa.C.S. § 5324.**

C.G., 193 A.3d at 898.

“The term in loco parentis literally means ‘in the place of a parent.’ **Peters v. Costello**, 891 A.2d 705, 710 (Pa. 2005) (citing Black’s Law Dictionary, 791 (7th Ed. 1991)). A person stands in loco parentis with respect to a child when he or she “assum[es] the obligations incident to the parental relationship without going through the formality of a legal adoption. The status of in loco parentis embodies two ideas; first, the assumption of a parental status, and, second, the discharge of parental duties.” **T.B. v. L.R.M.**, 786 A.2d 913, 916–17 (Pa. 2001). “[T]he showing necessary to establish in loco parentis status must in fact be flexible and dependent upon the particular facts of the case.” **J.A.L. v. E.P.H.**, 682 A.2d 1314, 1320 (Pa. Super.1996). A domestic partner with no biological connection to a child may be found to stand in loco parentis to a child. **Bupp v. Bupp**, 718 A.2d 1278 (Pa. Super. 1998).

Moreover, in loco parentis status cannot be in defiance of the natural parents’ wishes and the parent-child relationship. **T.B.**, 786 A.2d at 917. Notwithstanding that, such defiance must have been to the creation of a parent-child bond with the third party, rather than to the continuation of the relationship. **Liebner v. Simcox**, 834 A.2d 606, 610 (Pa.Super.2003). A natural parent cannot seek to “eras[e] a relationship between a former partner and a child which was voluntarily created and actively fostered simply because after the parties’ separation [the natural parent] regretted having done so.” **J.A.L.**, 682 A.2d at 1322; see also **T.B.**, 786 A.2d at 919. Also a factor and consideration is whether only limited custody rights were being sought by the third party. **J.A.L.**, 682 A.2d at 1321. We must therefore consider “whether the third party lived with the child and the natural parent in a family setting, irrespective of its traditional or nontraditional composition, and developed a relationship with the child as a result of the participation and acquiescence of the natural parent.” **Bupp**, *supra* at 1281.

In **J.A.L.**, the Superior Court reversed the trial court's denial of in loco parentis standing to a former same-sex partner. In that case, Mother and Partner agreed to raise a child together and together selected the sperm donor. Mother and Partner executed a nomination of guardian document, which included a statement reflecting the parties' intent to raise the child together, and an authorization for consent to medical treatment, allowing Partner to consent to treatment for the child. Following the parties' separation, the trial court concluded Partner lacked standing. The Superior Court disagreed and noted the following:

The in loco parentis basis for standing recognizes that the need to guard the family from intrusions by third parties and to protect the rights of the natural parent must be tempered by the paramount need to protect the child's best interest. Thus, while it is presumed that a child's best interest is served by maintaining the family's privacy and autonomy, that presumption must give way where the child has established strong psychological bonds with a person who, although not a biological parent, has lived with the child and provided care, nurture, and affection, assuming in the child's eye a stature like that of a parent. Where such a relationship is shown, our courts recognize that the child's best interest requires that the third party be granted standing so as to have the opportunity to litigate fully the issue of whether that relationship should be maintained even over a natural parent's objection.

Id. at 1319-20.

The Superior Court closely examined the record and concluded that the parties' conduct after the child's birth and pre-separation, established the Mother and Partner's intent to create a parent-like relationship with the Partner. It then turned to post-separation conduct, finding that the "contact was reinforced after the parties' separation, visits which occurred with a frequency and regularity similar to that of post-separation visits by many noncustodial natural parents and thus must be considered adequate to maintain any bond previously created." **Id.** at 1322. Thus, the Superior Court concluded Partner had standing to challenge custody.

The development of a strong psychological bond between the child and the third party is a concern to the courts, “however, such bonds must necessarily be based on the assumption of parental status and discharge of parental duties in order to achieve this legal status.” **C.G.**, 193 A.3d at 910, citing **J.A.L.**, 682 A.2d at 1319-20. “Indeed, if the determining factor were the child's development of a bond with the person seeking standing, it would be of no moment to the court if the bond was forged contrary to the natural parent's wishes. Acceptance of such a rule would undermine well-established principles of in loco parentis analyses” **Id.**, citing **T.B.**, 786 A.2d at 917 (explaining that a third party “cannot place himself in loco parentis in defiance of the parent's wishes and the parent/child relationship”).

In **Liebner v. Simcox**, the Superior Court upheld the trial court’s determination that the child’s stepfather (“Michael”) had standing to pursue custody. **Id.**, 834 A.2d 606 (Pa. Super. 2003). In making this finding, the trial court relied upon the following salient factors:

Between approximately the Spring of 1996, through February 24, 2002, Michael both assumed a parental status and discharged parental duties. Beginning with the parties' cohabitation, through February of 1999, a period of approximately three years, the parties lived together with C.M., and later with A.L., as a family unit. C.M. referred to Michael as his “dad” and was treated by Michael's extended family as their own. Furthermore, Michael was recognized in the community and in his church as C.M.'s father. Following their separation, the parties agreed to continued contact between Michael and C.M., which occurred on a regular basis for another three years.

In the instant case, A.M.B. and her biological sibling, J.A.B., resided exclusively with Father and Stepmother for approximately 10 years while those parties were married. From 2006 until the present, Mother has had sporadic contact and little involvement with A.M.B. Mother has not discharged parental duties herself. As the Child’s sole legal custodian, Father had the exclusive decision-making authority for the Child, yet we find Stepmother’s testimony credible that Father consistently and often permitted Stepmother to stand in his stead for the Child’s educational and medical appointments during the marriage. The parties lived together as a blended

family unit. They shared expenses and parental duties for all of their children². Father encouraged the Child and her brother to refer to Stepmother as “Mom” and “Mommy”. At all times during the marriage, Father promoted the Child’s perception of Stepmother as her parent. According to paternal grandmother’s testimony, Father also promoted this view to the paternal side of the Child’s family. Father consented to Stepmother to performing day-to-day parental duties throughout the marriage. Based upon the testimony of the Child’s brother, J.A.B., it is clear that a parental bond developed between Stepmother and A.M.B. during the ten years that they lived together as an intact family. Father did not defy, but instead wholeheartedly supported, the creation and development of this bond. **Liebner**, *supra*.

The post-separation conduct of Father and Stepmother must also be considered as it relates to the Child. **J.A.L.**, *supra*. Father maintains that Stepmother’s post-separation conduct and the wording of the parties’ written custody agreement, *infra*, demonstrates that, even if Stepmother had stood in loco parentis to the Child prior to separation, she has renounced that status per the plain language of the agreement and through her actions in not continuing to participate in the Child’s school activities and medical appointments.

“...[T]he post-separation conduct should not be determinative of the issue of standing; however, the conduct by either parent or partner may shed light on the analysis of whether the person seeking standing was ever viewed as a parent-like figure.” **C.G.**, 193 A.3d at 910. When they separated in 2015, Stepmother remained living in Montgomery County while Father ultimately relocated with the Child to Adams County. The Child’s paternal-half sibling, V.A.B., remained residing primarily with Stepmother. The distance between their residences approximately a two-hour drive³. To their credit, Father and Stepmother recognized that it would benefit both A.M.B. and V.A.B. to create a custody schedule to promote their sibling bond by maximizing their time together as much as possible. Stepmother and Father verbally agreed that A.M.B. and V.A.B. would spend alternating weekends between the parties’ homes and share a few weeks at the parties’ respective homes in the summer. They

² Stepmother’s biological child from a prior relationship and Stepmother’s younger sister, over whom Stepmother had guardianship, also resided with the family.

³ According to MapQuest.

consistently utilized this arrangement for several years, then decided to formalize it in December 2018.

On December 21, 2018, Father and Stepmother created a written agreement related to custody of V.A.B. The agreement also included provisions which gave Stepmother the right to continue exercising partial physical custody of A.M.B. under the same schedule as the prior verbal arrangement. **Defendant's Exhibit B.** With respect to A.M.B., the agreement states, in pertinent part:

“Additionally, we are setting forth provisions for [A.M.B.], biological and dependent daughter of Steven N. Bruhn and half-sister of [V.A.B.], as we both recognize the pivotal and maternal role that Michelle Bruhn has played in her life since an early age. **This should in no way be construed to alter or supersede the current Lancaster County court order granting sole custody of [A.M.B.] to Steven M. Bruhn, nor should it imply in any way an agreement of shared custody of [A.M.B.]**. Rather, it is intended to provide stability for [A.M.B.] and to continue to foster the relationship between her and Michelle. It is also important to acknowledge [A.M.B.]’s agency in choosing whether she wants to continue visiting Michelle in Philadelphia. [A.M.B.]’s input should be respected and considered, particularly in regard to any activities in which she would like to participate in East Berlin that may conflict with a Philadelphia⁴ visit or vice versa.

...

... 3. [V.A.B.] and [A.M.B.] will continue to alternate weekends throughout the year between Philadelphia and East Berlin. Pick up and drop off will be in Denver, PA unless otherwise arranged and agreed to, or if [J.A.B.] is driving to or from Philadelphia. Transportation provided by [J.A.B.] for himself or [A.M.B.] to go to or from East Berlin at times they are scheduled to go to Philadelphia is at Michelle Bruhn’s expense.

⁴ The parties used “Philadelphia” instead of Cheltenham to describe Stepmother’s location. Cheltenham is geographically close to Philadelphia.

...

- ...5. As per the previous reference to Steven's biological child, [A.M.B.], she will be supported in spending a portion of her summer with Michelle Bruhn as follows:
- a. [A.M.B.] will spend one week of her summer in Philadelphia to attend a church camp or youth event with Germantown Mennonite Church.
 - b. [A.M.B.] will spend one week of her summer with Michelle Bruhn on a vacation trip.
 - c. [A.M.B.] will spend one week of her summer with Michelle Bruhn to be used at her discretion. This provision is being made to give [A.M.B.] agency in determining how to spend at least a portion of her summer vacation.
 - d. ***This agreement acknowledges that there may be conflicts between timing of events or trips planned in Philadelphia and those planned in East Berlin. When possible, both Steven and Michelle will give a thirty-day notice for any plans to avoid conflicts. When conflicts to [sic] arise, both Steven and Michelle agree to negotiate the timing of plans in good faith, and with taking [A.M.B.]'s preferences into consideration.

Defendant's Exhibit B.

The agreement also sets forth a Christmas holiday schedule for [A.M.B.] to share with Father and Stepmother each year. **Id.** The Agreement was not filed with any court. The parties consistently abided by the terms of the agreement until November 2019, when Father ceased allowing Stepmother to exercise any custodial periods with A.M.B. Father cites that his reason for ceasing the custodial periods was due to the deterioration of his relationship with Stepmother and her new husband, and his financial difficulty in transporting A.M.B. Stepmother counters that Father has withheld custody of A.M.B. to punish Stepmother because she initiated a child support action against him to obtain support for V.A.B.

In his post-hearing memorandum, Father posits that the true purpose of the custodial arrangement outlined in the parties' written agreement was to promote the sibling relationship between the Child and V.A.B. We agree that, although not plainly stated therein, this is

a significant benefit of the custodial arrangement outlined in the agreement. However, the plain language of the agreement clearly states that the portion of the agreement regarding A.M.B. “is intended to provide stability for [A.M.B.] **and to continue to foster the relationship between [A.M.B.] and [Stepmother]**”. **Defendant’s Exhibit B** (emphasis added). In doing so, Father explicitly continued to acknowledge and embrace the “pivotal and maternal role that [Stepmother] has played in [A.M.B.]’s life since an early age”. **Id.** As Father continued to abide by the terms of this agreement until November 2019, we presume his continued consent to the continuation of the relationship that developed between the Child and Stepmother since 2006 up until that time.

Father argues in the alternative that, even if Stepmother once established in loco parentis status, she has severed it through her word and deed after their separation. Father relies upon the language in the written agreement, in which the parties clearly intended for the terms of the most recent Lancaster County Order to stand:

This should in no way be construed to alter or supersede the current Lancaster County court order granting sole custody of [A.M.B.] to Steven M. Bruhn, nor should it imply in any way an agreement of shared custody of [A.M.B.].

Defendant’s Exhibit B. The most recent Lancaster County Order granted sole legal custody and primary physical custody to Father with limited periods of partial physical custody to Mother. While the plain language of the agreement states that it should not imply an agreement of shared custody of A.M.B., it creates the opposite effect. The agreement carves out specific and regular periods of unsupervised partial physical custody for Stepmother. The parties clearly intended for the Child’s relationship with Stepmother to survive beyond the separation of Father and Stepmother. This reinforces the conclusion that Stepmother’s relationship to the Child is not “merely incidental” to the relationship of Father and Stepmother. **C.G.**, *supra*. Similar to the facts in **Leibner**, Stepmother maintained consistent and frequent contact with the Child since the parties’ separation in 2015 until Father began withholding the Child from her in November 2019. Stepmother had periods of custody with the Child and her sibling V.A.B. on alternating weekends and for other blocks

of time during the summer months and holidays at Stepmother's home, which is approximately two hours away from Father's home. While exercising these periods of custody post-separation, Stepmother performed day-to-day parental duties for the Child. Stepmother took the child on educational enrichment excursions to museums. Stepmother continued to take the Child to worship and youth group services at Stepmother's church and is designated as an emergency contact person for the Child at that location. All of this was with Father's acquiescence until November of 2019. Stepmother testified that she did not seek to participate in decisions regarding the Child's medical or educational issues, acknowledging that Father maintains sole legal custody per the Lancaster County Order. Notwithstanding that, Stepmother's actions have evidenced a continued care and concern for the child and a desire to continue having regular and consistent contact with the Child, serving in a part-time parental role and discharging day-to-day parental duties when she had the Child in her custody, similar to the custodial arrangements of many biological parents who have partial physical custodial time and reside a significant distance from the other parent.

We would be remiss if we did not consider the position of the Child's natural Mother, who also objects to Stepmother's standing in this matter. Mother was not a party to the written agreement, thus did not acquiesce to the arrangement. Father has had sole legal custody of the Child since 2006. During the past fourteen years, for the bulk of the Child's life, Mother has not participated in her medical or educational decisions and has sporadic contact with the Child. Mother has never filed to modify custody. The written agreement does not alter or supersede any of Mother's physical custodial rights. Rather, it carves out additional time for the Child to spend with Stepmother without sacrificing Mother's minimal allotted custodial time.

It is clear that Stepmother was involved with A.M.B. financially, educationally, medically, emotionally and otherwise during the marriage and remained consistently involved in her life after separation, with Father's acquiescence, up until November 2019. There is little doubt that Stepmother established a parent-like relationship with the Child during the marriage. After separation, she continued in the role of a partial physical custodian, continuing to perform many day-to-day parental duties during her frequent periods of partial physical

custody up until November 2019. It is clear that Father encouraged the Child to look upon Stepmother as a parental figure both during the marriage and for several years after separation. This conclusion is strongly supported by the testimony of A.M.B.'s brother, J.A.B.

This is a situation where Father is attempting in hindsight to expunge Stepmother's relationship with Child, a relationship that was created, fostered, and continued, regardless of any legal beliefs or advice, by Father, a biological parent, for the majority of the Child's life thus far. Stepmother's relationship with the child "was reinforced by visits after the parties' separation, visits which occurred with a frequency and regularity similar to that of post-separation visits by many noncustodial natural parents and thus must be considered adequate to maintain any bond previously created." **J.A.L.**, *supra*. Stepmother is a person who, although not a biological parent, has lived with the child and provided care, nurture, and affection, assuming in the child's eye a stature like that of a parent. **Id.** She has shown a constant, sincere interest in the Child. The Child recognizes Stepmother as a significant person in her life, which is reinforced by the language of the Father's agreement with Stepmother. **Id.** We find therefore, that Stepmother has established colorable claim to custody on the basis of in loco parentis standing.

As a caveat, we recognize that this conferral of standing does not automatically result in or equate to custodial time for Stepmother. It merely allows the trial court to consider Child's best interests:

...The existence of such a colorable claim to custody grants standing only. In other words, it allows the party to maintain an action to seek vindication of his or her claimed rights. A finding of prima facie right sufficient to establish standing does not affect that party's evidentiary burden: in order to be granted full or partial custody, he or she must still establish that such would be in the best interest of the child under the standards applicable to third parties.

J.A.L., 682 A.2d at 1319–2. Between a parent and a non-parent, there is a presumption that custody shall be awarded to the parent, unless the non-parent rebuts that presumption by clear and convincing evidence. **23 Pa. C.S.A. §5327.**

Accordingly, an Order shall be entered scheduling this matter for further proceedings consistent with this Opinion.

ORDER SCHEDULING

And now, 13th day of July, 2020, Plaintiff's Exhibit 1 and Defendant's, Steven Bruhn, Exhibits A – D were admitted at the hearing which concluded on May, 28, 2020. The Adams County Prothonotary shall seal the Exhibits.

ESTATE NOTICES

NOTICE IS HEREBY GIVEN that in the estates of the decedents set forth below, the Register of Wills has granted letters, testamentary of or administration to the persons named. All persons having claims or demands against said estates are requested to make known the same, and all persons indebted to said estates are requested to make payment without delay to the executors or administrators or their attorneys named below.

FIRST PUBLICATION

ESTATE OF GEORGE OLIVER LYTER, III, a/k/a GEORGE O. LYTER, III, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Jacklyn L. Lyter, 5919 Ambau Road, Spring Grove, PA 17362

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF DANIEL H. MYERS, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Executrix: Deborah L. Myers, 210 Kimberly Lane, East Berlin, PA 17316

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

ESTATE OF VANDRINA ROGERS, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Administrator: Devante L. Ellis, 46 Stonybrook Lane, New Oxford, PA 17350

Attorney: Amy E.W. Ehrhart, Esq., 118 Carlisle Street, Suite 202, Hanover, PA 17331

ESTATE OF PHYLLIS M. WARNER, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executrix: Carol P. Wilson, 186 Skylite Drive, Hanover, PA 17331

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

SECOND PUBLICATION

ESTATE OF LINDA K. CUFFLEY a/k/a LINDA KAYE CUFFLEY, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Michael E. Cuffley, 170 Hamilton Drive, Abbottstown, PA, 17301

Attorney: Arthur J. Becker, Jr., Esq., Becker Law Group, P.C., 544 Carlisle Street, Hanover, PA 17331

ESTATE OF MARIO C. GALANTI, DEC'D

Late of Latimore Township, Adams County, Pennsylvania

Joyce Galanti, 30 York Street, Apt. #1, Gettysburg, PA 17325

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF THERON EUGENE HANN, DEC'D

Late of Conewago Township, Adams County, Pennsylvania

Administrator: Theron Matthew Hann, c/o Jennifer M. Stetter, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

Attorney: Jennifer M. Stetter, Esq., Barley Snyder, LLP, 14 Center Square, Hanover, PA 17331

ESTATE OF TERRY L. HERMAN, DEC'D

Late of Mt. Pleasant Township, Adams County, Pennsylvania

Administratrix: Phyllis Herman, P.O. Box 95, Arendtsville, PA 17303

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF WILMA W. HOFF, a/k/a WILMA HOFF, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Co-Executors: Joseph H. Fischer, 674 Glenbarrett Court, Marietta, GA 30066; William Alexander Joachim

Attorney: Terence J. Barna, Esq., BennLawFirm, 103 East Market Street, P.O. Box 5185, York, PA 17405-5185

ESTATE OF ANDREW CHARLES LANGLEY, DEC'D

Late of Straban Township, Adams County, Pennsylvania

Co-Administrators: Jeff Langley and Nancy Langley, 300 Coleman Road, Gettysburg, PA 17325

Attorney: John A. Wolfe, Esq., Wolfe, Rice & Quinn, LLC, 47 West High Street, Gettysburg, PA 17325

ESTATE OF VERGIE L. NACE, DEC'D

Late of Tyrone Township, Adams County, Pennsylvania

Executors: Cynthia J. Naylor, 860 Company Farm Road, Aspers, PA 17304; Michael Naylor, 860 Company Farm Road, Aspers, PA 17304

Attorney: Elinor Albright Rebert, Esq., 515 Carlisle Street, Hanover, PA 17331

ESTATE OF SYLVIA A. WOLFORD, DEC'D

Late of Berwick Township, Adams County, Pennsylvania

Carla J. Grove, 1662 Hanover Pike, Littlestown, PA 17340

Attorney: David K. James, III, Esq., 234 Baltimore Street, Gettysburg, PA 17325

THIRD PUBLICATION

ESTATE OF JANET R. FERREE, DEC'D

Late of Oxford Township, Adams County, Pennsylvania

Executor: Frank E. Ferree, 2283 Carlisle Pike, Hanover, PA 17331

Attorney: Clayton A. Lingg, Esq., Mooney Law, 230 York Street, Hanover, PA 17331

ESTATE OF GEORGE D. HAYBERGER, DEC'D

Late of the Borough of Biglerville, Adams County, Pennsylvania

Georgia A. Starner, 150 Tree Lane, Aspers, PA 17304

Attorney: Henry O. Heiser, III, Esq., 104 Baltimore Street, Gettysburg, PA 17325

ESTATE OF BERNARD F. MURRAY a/k/a BERNARD FRANCIS MURRAY, DEC'D

Late of Hamilton Township, Adams County, Pennsylvania

Executor: Robin J. Brocious, c/o Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

Attorney: Sharon E. Myers, Esq., CGA Law Firm, PC, P.O. Box 606, East Berlin, PA 17316

ESTATE OF ROBERT E. O'BRIEN, DEC'D

Late of the Borough of Gettysburg, Adams County, Pennsylvania

Personal Representative: Susan Wagner, 1 Spencer Lane, Bedminster, NJ 07921

Attorney: Teeter Law Office, 108 West Middle Street, Gettysburg, PA 17325

THIRD PUBLICATION CONTINUED

ESTATE OF DWIGHT L. STRAUSBAUGH
a/k/a DWIGHT L. STRAUSBAUGH, JR.,
DEC'D

Late of the Borough of Gettysburg,
Adams County, Pennsylvania

Co-Executrices: Charlene K. Grinder
a/k/a Charlene K. Strausbaugh
Grinder, 305 South Howard Avenue,
Gettysburg, PA 17325; Melinda Ann
Yurick, 5316 Greenbriar Drive,
Bethlehem, PA 17017; Holly J.
Strausbaugh, Box 852, Ross, CA
94957

Attorney: Teeter Law Office, 108 West
Middle Street, Gettysburg, PA 17325



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