

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

S.L.S.,

Appellee

v.

D.S.,

Appellant

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1225 WDA 2012

Appeal from the Order Entered July 24, 2012  
In the Court of Common Pleas of Erie County,  
Domestic Relations Division, at No: 13769-2010

BEFORE: DONOHUE, SHOGAN, and WECHT, JJ.

MEMORANDUM BY WECHT, J.:

Filed: March 12, 2013

D.S. ("Father") appeals from an order entered on July 24, 2012, following a June 29, 2012 custody relocation hearing. The order granted S.L.S. ("Mother")'s request to relocate with the parties' daughter, A.S. ("Child"), born in September of 2005, from Erie, Pennsylvania, to Orlando, Florida. The order also granted Mother primary physical custody of Child, and granted Father partial physical custody. In addition, the parents were awarded shared legal custody. We affirm.

The relevant facts and procedural history are as follows. Mother and Father married in November 2002. On October 21, 2010, the parties entered into a Marital Settlement Agreement ("the Agreement"), which contained a custody provision. The Agreement was incorporated into the Divorce Decree, which was entered on December 3, 2010. Trial Court Opinion ("T.C.O."), 7/24/12, at 1. Pursuant to the Agreement, Mother had

primary physical custody of Child, and Father had partial physical custody. They shared legal custody of Child. Summer and holiday schedules were established as well. *Id.* at 2.

On March 26, 2012, Mother filed a Complaint for Custody/Relocation, requesting permission to relocate with Child from Erie to Orlando, Florida. On March 29, 2012, Mother filed a Relocation Notice. On April 9, 2012, Father filed a Counter-Affidavit Regarding Relocation, objecting to Mother's proposed move. Father also filed an Answer to Complaint for Custody/Relocation and Counterclaim seeking primary physical custody on April 16, 2012. *Id.* at 2.

Mother and Father are pharmaceutical sales representatives. At the time of the hearing, Mother resided in Fairview, Pennsylvania, and Father resided in Edinboro, Pennsylvania. *Id.* at 2.

Mother was laid off permanently from her position with Takeda Pharmaceuticals North America, Inc. ("Takeda"), in March 2012, and has been unable to locate employment commensurate with her prior earnings and experience in the Erie area. *Id.* at 2.

Mother requested leave of court to move to Orlando to be with her fiancé, T.A., who is a flight attendant with Southwest Airlines ("Southwest"). Mother and T.A. have been in a relationship since August 2010. In December of 2010, Mother and T.A. considered the option of T.A. moving to Pennsylvania. Takeda had offered Mother a pharmaceutical sales position in Pittsburgh, and T.A. could travel more easily to a hub served by Southwest

from Pittsburgh than from Erie. Mother sought Father's consent to relocate to Pittsburgh with Child, but Father opposed Mother's request. Mother then declined to take the position with Takeda in Pittsburgh. T.C.O. at 2-3.

As a result of her permanent layoff from Takeda, Mother received severance pay of approximately \$42,000.00 and benefits continuation until September 16, 2012. In 2011, Mother earned approximately \$114,000.00. Mother has been unsuccessful in her search for comparable employment in the Erie area. Mother indicated that the positions that she has found in Erie offered poor pay and benefits. *Id.* at 3.

Mother currently is seeking employment as a pharmaceutical sales representative in Orlando. Mother testified that the pay range of available positions in the Orlando area is closer to her former pay with Takeda than the positions she has found in Erie. In addition, Mother's expert witness indicated that Mother has a better opportunity to obtain employment and earn higher wages in the Orlando area than in the Erie area. *Id.* at 3.

Mother proposed that Child will attend the Orlando Christian Preparatory School ("Orlando Christian"). At the hearing, Mother testified that the students' test scores from Orlando Christian are higher than the national average; that class sizes are small; and that the student-teacher ratio is favorable. Mother believes that Orlando Christian is comparable to the school Child would attend in Fairview. Mother also testified that Child will benefit from Orlando's arts and cultural activities, attractions, and climate. *Id.* at 3-4; Notes of Testimony ("N.T."), 6/29/2012, at 55-56.

Mother's proposal for visitation was as follows: that Mother or T.A. would travel with Child to Erie once a month for weekend visitation with Father; that Child would spend one-half of the summer, and the majority of school breaks, with Father; and that Father could have visitation whenever he traveled to Orlando. Mother is willing to pay for Child's round-trip transportation expenses for visitation with Father in Erie. Mother is unwilling to relocate without Child. *Id.* at 4.

Father opposed Child's relocation to Orlando, and requested primary physical custody. Father asserted that Child's extended family members and Father's friends in the Erie area provide a valuable support network. Father proposed that, if his request for primary physical custody was granted, and if Mother relocated to Orlando, Child would spend every other weekend, a portion of the summer, holidays on an alternating basis, and school breaks with Mother. *Id.* at 4.

The trial court detailed the following factual findings:

[Mother] is 37 years old. She graduated from Clarion University in 1996.

[Mother] loves [Child] and is devoted to [Child].

During the parties' marriage, [Mother] was the child's primary caregiver. Also, she was the parent who primarily took [Child] to medical appointments and activities such as dance class and swimming lessons.

[Mother] has a step-sister in Orlando. The step-sister does not have an established relationship with [Child].

[Mother] denies a criminal history or history of substance abuse.

[Mother] testified she has no real support system in Erie.

[Mother] harbors a degree of resentment toward [Father] over [Father]'s absences from the home during the marriage, the extent of [Father]'s involvement in recreational activities, the mental health issues [Father] struggled with during the marriage and [Mother]'s belief [Father] excessively consumed alcohol.

[Child] is nearly seven years old. She is healthy. No special needs were identified. She will enter first grade in the fall of 2012.

[Child] has a good relationship with each parent. She has a strong attachment with [Mother].

[Child] enjoys a warm relationship with [T.A.]. [Mother], [Child] and [T.A.] function well as a family unit. They participate in recreational activities and go on vacations together. [Child] and [T.A.] play together. They bake and cook together. They do errands and go shopping together. [T.A.] engages [Child] in hobbies.

[Child] has a relationship with both sets of grandparents. The maternal grandparents reside in Pennsylvania and own real estate in Ocala, Florida, approximately 45 minutes from Orlando. The paternal grandparents reside in Edinboro, Pennsylvania. Until [Child] entered preschool, [Child]'s grandmothers took turns babysitting [Child]. [Child] does not visit much at the residence of the maternal grandparents. The maternal grandparents see [Child] on special occasions. The paternal grandparents have regular contact with [Child]. [Mother] testified she would facilitate visitation with [Child]'s grandparents if the relocation request is granted.

[Child] has relationships with long-term friends of [Father] who reside in Edinboro and Cranesville, Pennsylvania.

[Father] is 43 years old. He graduated from Grove City College in 1991.

[Father] is a pharmaceutical sales representative for Sanofi Pharmaceuticals. He earns approximately \$128,000.00 per year.

He has been employed by the same employer for approximately 14 years.

[Father] is engaged to [M.B.]. [Father] has been in a relationship with [M.B.] since September of 2010. [M.B.] resides in Pittsburgh, Pennsylvania. [M.B.] has two children. [Child] sees [M.B.] approximately once a month and more often during the summer. [Father] testified [Child] gets along well with [M.B.] and her children. [Father] testified [M.B.] wants to relocate with her children to Erie.

[Father] loves [Child]. During [Father]'s periods of visitation, [Father] and [Child] spend time with [Father]'s friends and his parents. [Father] and [Child] play golf together and go to camp together.

[Father] acknowledged [Mother] was the primary caretaker of [Child] during the marriage. [Father] participated in child care and taking [Child] to medical appointments, although to a lesser extent than [Mother].

[Father] admitted he did not exercise his opportunity for increased visitation with the child during the summer of 2011. According to the custody schedule in effect since October of 2010, [Father] has overnight visitation one night per week and every other weekend from Friday after school until Sunday evening. During the summer, [Father] has visitation two overnights per week, every other weekend and one week each month during the summer months.

[Father] takes prescription medication for depression. [Father] testified he limits alcohol consumption when around [Child]. [Father]'s mental health condition and recreational consumption of alcohol have not affected his ability to provide for [Child]'s essential needs.

[T.A.] is 35 years old. He has never been married and has no children. He is a flight attendant with Southwest Airlines. He earns approximately \$55.00 per hour and works 14 to 15 days per month. His employment typically involves three-day trips followed by four days off. His flight crew base is in Orlando.

[T.A.] resides in a two-bedroom home in the Conway neighborhood of Orlando, close to the airport. The home is

located on a quiet cul-de-sac near [Child]'s proposed school, a community pool and a soccer field. [T.A.] testified the neighborhood is family-oriented and stable. [Child] is familiar with [T.A.]'s residence as she has stayed there overnight.

[T.A.] enjoys spending time with [Child]. He regards [Child] with affection. He engages [Child] in activities. He wants to live with [Mother] and [Child] as a family unit.

[T.A.] denies a criminal history or history of substance abuse.

T.C.O. at 4-7 (headings omitted).

On August 6, 2012, Father filed a timely notice of appeal, along with a concise statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(a)(2)(i) and (b).

On appeal, Father raises the following three issues for our review:

- I. Did the trial court commit an error of law and/or abuse its discretion in concluding [Mother] satisfied the requirements of section 5337 of the Pennsylvania Child Custody Act and concluding [Mother] satisfied her burden of proof and that relocation was in Child's best interest?
- II. Did the trial court commit an error of law and/or abuse its discretion by ignoring its own prior precedent?
- III. Did the trial court commit an error of law and/or abuse its discretion in failing to award to [Father] primary physical custody of the parties' child pursuant to the factors in section 5328 of the Pennsylvania Child Custody Act?

Father's Brief at 4.

We review custody orders according to the following standard of review:

[O]ur 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.

*C.R.F., III v. S.E.F.*, 45 A.3d 441, 443 (Pa. Super. 2012) (citation omitted).

We have explained the limitation on our review of the record as follows:

The broad scope of review attendant to custody matters does not confer upon the reviewing court, the license or privilege of making independent factual determinations, nor does it authorize us to substitute our judgment for that of the trial court.

*T.B. v. L.R.M.*, 753 A.2d 873, 881 (Pa. Super. 2000).

In his first issue, Father challenges the trial court's grant of relocation.

In determining whether to grant relocation, the trial court must consider the following ten factors:

**(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).

Father argues that the trial court assigned too much weight to Mother's and her expert's testimony about job opportunities in Orlando, and did not consider Mother's limited effort to find a job in Erie. In addition, Father contends that the trial court did not comment on the strong evidence presented by Father that relocation would not be in the best interest of Child

and Mother. Specifically, Father alleges that Mother has no job prospects and no support system for herself and Child in Orlando other than T.A., whereas a strong supportive environment existed in Erie County, where Child has spent her entire life. Father believes that the trial court did not fully consider the negative impact of relocation, including a change in school and activities, and overestimated the benefits of relocation. Father also contends that his relationship with Child would not be preserved should Mother and Child move to Orlando. Father's Brief at 21-31.

Our review of the record reveals that, in the instant case, the trial court applied each factor required in a section 5337(h) analysis. As to the first relocation factor, the trial court found that Child has positive relationships with both Mother and Father. The trial court noted that Child has a strong attachment to Mother. The court determined that T.A. also plays a significant role in child's life, and that Child regards him as a parental figure. T.C.O. at 11. The trial court also found that Child has a good relationship with both sets of grandparents, although child has greater contact with paternal grandparents. Finally, Child has a friendly relationship with Father's fiancée, her two children, and Father's friends. *Id.*

Regarding the second factor, the trial court determined that relocation will not have a negative effect on Child. Because of her young age, Child does not have a strong attachment to friends or schools. Additionally, given Child's age and good health, the trial court did not anticipate that relocation

will affect Child's physical or educational development. Although the trial court did anticipate some emotional impact on Child, Mother, T.A., and Father have the capability to minimize the emotional impact on Child's development through cooperation and a willingness to facilitate contact. *Id.* at 11.

In considering the third factor, the trial court found that it was feasible to preserve Child's relationship with Father through a custody schedule that provides for extended visitation with Father during school breaks and in the summer, monthly weekend visitation in Erie, and visitation with Father when he chooses to travel to Orlando. The court also found that Mother's income potential in Orlando as a pharmaceutical sales representative will support Child's transportation expenses. In addition, as a flight attendant for Southwest, T.A. has travel passes available to him for third-party use. Moreover, Father's wages are sufficient to fund travel for visitation with Child, and his work schedule is flexible. *Id.*

Regarding the fourth factor, the trial court determined that Child was too young to express a preference. The trial court did not interview Child. *Id.* at 12.

On the fifth factor, the trial court found no evidence to suggest that either Mother or Father attempted to thwart the other parent's relationship with Child. *Id.* at 12.

As to the sixth and seventh factors, concerning whether relocation will improve the quality of life for the relocating party and for the Child, the trial court found that the relocation will enhance the lives of both Mother and Child. *Id.* at 12. Mother is in an established relationship with T.A., and, at the time of trial, they were engaged to be married in September of 2012. Mother also will benefit through increased employment opportunities in the Orlando area. *Id.* at 12. The trial court determined that Child will benefit from residing with T.A. and Mother as a family unit. In reaching its decision, the trial court also found that Child will benefit by attending school in Orlando, and from the recreational and cultural opportunities in the Orlando area. The trial court determined that Child will benefit derivatively from the enhancements Mother would receive. *Id.* at 12.

Regarding the eighth factor, the trial court found that Mother's motivation for relocation and Father's motivation for opposing relocation were genuine. *Id.* at 12. As to the ninth factor, the trial court found that present or past abuse was not a factor in this case. *Id.* at 12.

As to the tenth statutory element, which implicates any other factors affecting the best interests of Child, the trial court noted that Mother testified that she will facilitate visitation with Father and with Child's grandparents. As well, paternal grandparents and Father's friends will have the opportunity for visitation with Child during Father's periods of partial custody. Mother also testified that maternal grandparents will have the

opportunity for visitation in Orlando since they own real estate in Ocala, Florida. *Id.* at 12.

As part of the relocation, the trial court considered Mother's employment. Father specifically questions the weight given this issue. Mother testified that she had looked for jobs in Erie. Notes of Testimony ("N.T."), 6/29/2012, at 44. Mother indicated that the positions available in the Erie area paid much less than she earned at her prior job. N.T. at 44-45. Mother testified that she had not obtained an interview or an offer in the Erie area. N.T. at 45. Mother had started a job search in Orlando and had received responses. N.T. at 49-50. Mother testified that the positions in Orlando offered salaries closer to her prior salary. N.T. at 50-51. Mother's expert testified that the job opportunities were greater in Orlando and that the salaries were higher in Orlando. N.T. at 170-71. We are satisfied that the record adequately supports the trial court's conclusions.

Father disagrees with the weight that the trial court afforded to each of the factors mandated under the Child Custody Act for consideration of Mother's relocation request. However, as the trial court's conclusions are well-reasoned, and are supported by the evidence of record, we may not disturb the trial court's relocation decision. *C.R.F.*, 45 A.3d at 443. Accordingly, we affirm the trial court's decision as to issue one.

In his second issue, Father contends that the trial court erred by ignoring its own rulings in prior cases dealing with similar factual situations.

Father's Brief at 31-34. Mother observes, correctly, that Father has failed to cite appellate case law supporting his conclusion that such alleged inconsistency by a trial court requires that a ruling be overturned. Mother's Brief at 11. The failure to cite authority supporting an argument constitutes waiver. **Chapman-Rolle v. Rolle**, 893 A.2d 770, 774 (Pa. Super 2006); Pa.R.A.P. 2119(a). Therefore, we conclude that Father has waived this issue, and we will not consider it.

Moreover, we note in any event that custody decisions are individualized and based on a particular child's best interests. While two cases may appear similar, the children necessarily differ. Because no two children are exactly alike (and no two parents are exactly alike), it is not at all unusual for ostensibly "similar" cases to have different outcomes. As relocation cases involve "delicate issues," the trial court must handle those issues on a case-by-case basis. **Baldwin v. Baldwin**, 710 A.2d 610, 614 (Pa. Super. 1998). There is no "answer key" or cookie cutter mold.

In his third issue, Father asserts that the trial court erred or abused its discretion in deciding to award primary physical custody to Mother. Father contends that the trial court awarded primary custody of Child to Mother because it found that Mother had been the primary caregiver. He further contends that, although the trial court routinely states throughout its analysis that Mother continues to be the primary caretaker of Child, it does not indicate how it determined that Mother is the primary caretaker. Father

notes that, in its best interest analysis, the trial court found that both parents performed their parental duties sufficiently well to satisfy Child's basic physical, emotional, and educational needs. Father argues that the trial court relied on the amount of custody time each parent exercised as a main consideration in determining who was the primary caretaker of Child. Father's Brief at 34-36.

The paramount concern in a custody determination is the best interest of the child. *M.P. v. M.P.*, 54 A.3d 950, 953 (Pa. Super. 2012). In applying the Custody Act, the trial court determines a child's best interests through consideration of the following sixteen factors:

**§ 5328. Factors to consider when awarding custody**

**(a) Factors.**—In ordering any form of custody, the court shall determine the best interest of the child by considering all relevant factors, giving weighted consideration to those factors which affect the safety of the child, including the following:

(1) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party.

(2) The present and past abuse committed by a party or member of the party's household, whether there is a continued risk of harm to the child or an abused party and which party can better provide adequate physical safeguards and supervision of the child.

(3) The parental duties performed by each party on behalf of the child.

(4) The need for stability and continuity in the child's education, family life and community life.

(5) The availability of extended family.

(6) The child's sibling relationships.

(7) The well-reasoned preference of the child, based on the child's maturity and judgment.

(8) The attempts of a parent to turn the child against the other parent, except in cases of domestic violence where reasonable safety measures are necessary to protect the child from harm.

(9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.

(10) Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.

(11) The proximity of the residences of the parties.

(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.

(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

(14) The history of drug or alcohol abuse of a party or member of a party's household.

(15) The mental and physical condition of a party or member of a party's household.

(16) Any other relevant factor.

23 Pa.C.S.A. § 5328(a).



Our review of the record reveals that, in the instant case, the trial court applied each factor required by section 5338(a). As to the first custody factor, the trial court found that Mother and Father are equally likely to permit frequent and continuing contact between Child and the other parent. T.C.O. at 8. Regarding the second factor, the trial court found no evidence of abuse by Mother, Father or any other household member. The trial court determined that both parents are equally likely to provide adequate safeguards and supervision for child. *Id.*

In evaluating the third factor, the trial court concluded that both Mother and Father perform their parental duties sufficiently well to satisfy Child's basic physical, emotional, and educational needs. The court found that Mother has been the primary caregiver and nurturer of Child since birth. *Id.* at 8. Regarding the fourth factor, the trial court recognized the need for stability and continuity in Child's education and family and community life. Because Child was to enter first grade in the fall, the trial court found Child was not yet established in a particular school. The trial court also found that Child has no special needs that would suggest an inability to adapt to changes in Child's family and community life. *Id.* at 9. As to the fifth factor, Child's paternal grandparents live near Father and see Child on a regular basis. Child's maternal grandparents do not see Child as frequently, except on special occasions. *Id.*

With regard to the sixth factor, the trial court noted that Child has no siblings. As to the seventh factor, the trial court did not interview Child, because Child was only six years old. *Id.* at 9. Regarding the eighth factor, the trial court stated that no evidence had been presented that either parent attempted to turn Child against the other parent. *Id.* at 9.

In evaluating the ninth factor, the trial court found that Mother is more likely to maintain a loving, stable, consistent, and nurturing relationship with Child adequate to Child's emotional needs. Similarly, the trial court stressed that, prior to Mother's and Father's separation, Mother was the primary caregiver, although Father performed parental duties. The trial court also concluded that, pursuant to the custody provisions of the Marital Settlement Agreement, Mother has continued to be Child's primary caregiver. *Id.* at 9. Regarding the tenth factor, the trial court found that, based on Mother's history as primary caregiver, Mother was more likely to regularly attend to Child's daily physical, emotional, developmental, and educational needs. *Id.* at 9.

As to the eleventh factor, the trial court noted that relocation to Orlando will change the status quo as Mother and Father heretofore had lived near each other. *Id.* at 9.

With regard to the twelfth factor, the trial court found that Mother demonstrated greater availability to care for Child when she is not working. When not working, Father participated in recreational activities outside the

home on a regular basis. Both parents are able to make appropriate child care arrangements. *Id.* at 9.

In reviewing the thirteenth factor, the trial court cautioned that the level of conflict between Mother and Father is moderate. The trial court found that Mother harbored resentment toward Father over marital issues. *Id.* at 10.

As to the fourteenth factor, there was contradictory testimony about Father's use of alcohol. The trial court determined that Father's mental health condition and recreational consumption of alcohol have not affected his ability to provide for Child's essential needs. As to the fifteenth factor, there was no evidence that either Mother, Father, T.A., or M.B., Father's fiancée, has a mental or physical condition that would interfere with parenting. *Id.* at 10.

Finally, as to the sixteenth factor, the trial court observed that Mother was Child's primary caregiver during the marriage and continues to be Child's primary caregiver. The trial court determined that Child has a strong attachment with Mother, and that, although Child has a healthy relationship with Father, it would be unduly disruptive for the parties to change their primary physical custody arrangement. *Id.* at 10.

The trial court relied most heavily on its finding that Mother has been the primary caregiver for Child. Mother testified that Father has not exercised the additional custody time available to him in the summer. Notes

of Testimony (“N.T.”), 6/29/2012, at 17-18. Father confirmed that he did not exercise that time. N.T. at 137-38. Prior to the relocation request, Father had four nights out of fourteen and did not request additional time, nor ask for 50/50 custody. N.T. at 19-20. Mother took Child to her medical appointments and activities. N.T. at 28. Mother stayed home when Child was sick. *Id.* Mother made dinner for Child. N.T. at 29. Mother picked Child up from school. N.T. at 58. Once Mother requested relocation, Father asked for more custody time and attended some of Child’s activities. N.T. at 30. Father testified that he participated in child care activities and was present for appointments and activities, but that “[t]he bulk of the time it was [Mother]” and “[Mother] was there pretty much all the time.” N.T. at 134-35. The record supports the trial court’s finding that Mother has been the primary caregiver.

The record also supported the court’s conclusion that Child has a good relationship with T.A. Child and T.A. work on cars together. N.T. at 63-64, 108. They cook together and participate in leisure activities. N.T. at 64, 108. T.A. has attended Child’s school events, including Halloween parades and field day. N.T. at 64, 107.

Although Father is not satisfied with the weight that the trial court afforded to each of the factors in rendering its custody decision, the court’s conclusions are not unreasonable, in view of the evidence of record. We are constrained to defer to the trial court’s custody decision, which is supported

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by the record and explained in detail by that court's opinion. *C.R.F.*, 45 A.3d at 443. Accordingly, we also affirm the trial court decision as to issue three.

As we find sufficient evidence of record to support the trial court's custody order granting Mother primary physical custody of Child and permitting relocation to Orlando, we may not disturb the trial court's decision. We may not and will not retry the case.

Order affirmed.