

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

H.L.,

Appellee

v.

M.S.,

Appellant

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 1933 MDA 2013

Appeal from the Order entered October 4, 2013,  
in the Court of Common Pleas of Cumberland County,  
Civil Division, at No(s): 2013-4878

BEFORE: DONOHUE, ALLEN, and MUNDY, JJ.

JUDGMENT ORDER BY ALLEN, J.:

**FILED MAY 29, 2014**

M.S. ("Mother") appeals from the trial court's order determining that H.L. stands *in loco parentis* to Mother's minor son ("Child") (born in May of 2007), to file a custody complaint, and directing the parties to proceed to a custody conciliation at the earliest possible date. Because the appealability of an order involves our jurisdiction to hear an appeal, we may raise the issue *sua sponte*. ***Kensey v. Kensey***, 877 A.2d 1284, 1286-87 (Pa. Super. 2005). This Court has summarized:

Under Pennsylvania Law, an appeal may be taken from: (1) a final order or an order certified by the trial court as a final order (Pa.R.A.P. 341); (2) an interlocutory order as of right (Pa.R.A.P. 311); (3) an interlocutory order by permission (Pa.R.A.P. 312; 1311; 42 Pa.C.S.A. § 702(b)); or a collateral order (Pa.R.A.P. 313). The question of the appealability of an order goes directly to the jurisdiction of the Court asked to review the order. A final order is any order that: (1) disposes of all claims and of all parties; or

(2) any order that is expressly defined as a final order by statute; or (3) any order entered as a final order pursuant to subdivision (c) of this rule. Pa.R.A.P. 341(b). Subdivision (c) allows the trial court, in multi-claim or multi-party actions, to enter a final order as to one or more but fewer than all of the claims and parties upon an express determination that an immediate appeal would facilitate resolution of the entire case, and also allows a party to apply for a determination of finality. Pa.R.A.P. 341(c). Furthermore, a custody order is considered final and appealable only if it is both: (1) entered after the court has completed its hearings on the merits; and (2) intended by the court to constitute a complete resolution of the custody claims pending between the parties.

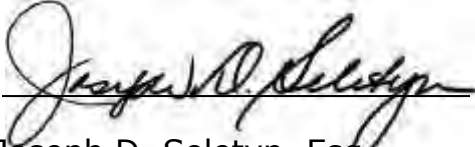
***Moyer v. Gresh***, 904 A.2d 958, 963 (Pa. Super. 2006) (citations omitted).

Here, the order denying Mother's preliminary objections to H.L.'s custody complaint and "remanding for a custody conciliation does not dispose of all the claims since it does not decide the paramount issue of custody, and in fact specifically directs that further proceedings on the issue of custody be scheduled." ***Id.***; compare ***S.A. v. C.G.R.***, 856 A.2d 1248 (Pa. Super. 2004). Additionally, the order at issue "is not expressly defined as a final order by statute, the trial court did not expressly determine that an immediate appeal would facilitate resolution of the entire case, and [Mother] did not apply for a determination of finality." ***Id.***

In sum, because Mother appealed from an interlocutory order, and did not take the necessary steps for a finality determination, we quash her appeal. ***See id.*** at 963-64 (holding that the order denying biological parents' motion to dismiss complaint for custody brought by biological mother's ex-husband and remanding for a custody conciliation was not a final order).

Appeal quashed.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn". The signature is written in a cursive style with a horizontal line underneath it.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 5/29/2014