

**NON-PRECEDENTIAL DECISION – SEE SUPERIOR COURT I.O.P 65.37**

J.H.

Appellee

v.

Y.H.

Appellant

IN THE SUPERIOR COURT OF  
PENNSYLVANIA

No. 67 MDA 2014

Appeal from the Order December 20, 2013  
In the Court of Common Pleas of Dauphin County  
Criminal Division at No(s): 2012-CV 8725 CU

BEFORE: FORD ELLIOTT, P.J.E., OLSON, and STRASSBURGER,\* JJ.

CONCURRING AND DISSENTING MEMORANDUM BY STRASSBURGER, J:

**FILED JULY 29, 2014**

I agree with the Majority's denial of Father's request for counsel fees, and with the Majority's resolution of most of Mother's issues, including the affirmance of the portions of the contempt order which prohibit Mother from exercising custody of Child outside of Dauphin County and require Mother's time with Child to be supervised. Those precautions are reasonably warranted given Mother's custody violations.

I dissent to express my disagreement with the Majority's affirmance of the portion of the contempt order which limits Mother's supervised visitation with Child to four hours per week. With the other precautions put in place with the contempt order, this time limitation appears to be wholly punitive.

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\* Retired Senior Judge specially assigned to the Superior Court.

“A custody order should not be used to reward or punish a parent for good or bad behavior.” ***Rosenberg v. Rosenberg***, 504 A.2d 350, 353 (Pa. Super. 1986). Therefore, I would vacate that portion of the trial court’s December 20, 2013 order which limits Mother to four hours of visitation per week, and would remand for the entry of a new supervised visitation schedule that is practical for all involved parties.