

**NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT I.O.P. 65.37**

C.I.C.	:	IN THE SUPERIOR COURT OF
	:	PENNSYLVANIA
	:	
v.	:	
	:	
R.J.F.W.	:	
	:	
v.	:	
	:	
H.M.,	:	
	:	
Appellant	:	No. 911 MDA 2019

Appeal from the Order Entered May 15, 2019  
in the Court of Common Pleas of Dauphin County  
Civil Division at No(s): 2019-CV-984-CU

BEFORE: BOWES, J., STABILE, J., and MUSMANNO, J.

JUDGMENT ORDER BY MUSMANNO, J.: **FILED: FEBRUARY 7, 2020**

H.M. appeals from the trial court’s May 15, 2019, Order, which denied without a hearing his Petition to intervene in the custody action filed by C.I.C. (“Aunt”), against R.J.F.W. (“Father”), concerning H.M.’s stepchild, A.W. (“Child”) (born in March 2002), to Aunt’s deceased sister, S.W. (“Mother”), during Mother’s marriage to Father. We reverse and remand for further proceedings.

Mother died on February 5, 2019. On February 7, 2019, Aunt filed a Complaint in Custody. Aunt filed a Motion for Service by Publication on February 13, 2019, which was granted on February 19, 2019. A conciliation conference was held on March 11, 2019.

On March 18, 2019, H.M., Child's stepfather, filed a Complaint in Custody and a Petition for Intervention. On March 21, 2019, the trial court issued a Rule to Show Cause why the Petition for Intervention should not be granted. The March 21, 2019, Order stated in part, "[i]f an answer is filed opposing the requested relief, a hearing will be scheduled by further order of this court." On April 11, 2019, Aunt filed an Answer to the Petition for Intervention. On April 16, 2019, based upon a determination of the Custody Conference Officer, the trial court issued an Order granting sole legal and physical custody to Aunt, and directing that Child have no contact with H.M.

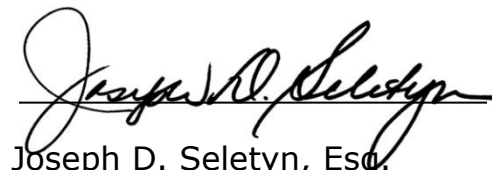
On May 15, 2019, the trial court denied without a hearing H.M.'s Petition for Intervention. H.M. timely filed a Notice of Appeal. On June 20, 2019, H.M. filed a Civil Docketing Statement delineating the issues to be raised on appeal. Thereafter, the trial court determined that a hearing should have been conducted on H.M.'s Petition for Intervention. Trial Court Opinion, 6/21/19, at 2. The trial court therefore requested that this Court reverse its Order, and remand for a hearing on H.M.'s Petition for Intervention. ***Id.***

Prior to receiving the trial court's Opinion, this Court entered an Order directing H.M. to file a concise statement of errors complained of on appeal pursuant to Rule 1925(b) by June 28, 2019. H.M. complied, filing his Concise Statement on June 25, 2019. On August 2, 2019, H.M. and Aunt filed a Joint Motion for Remand.

Our review discloses the lack of a developed record regarding H.M.'s Petition for Intervention. Keeping in mind the best interests of Child, and the agreement of the trial court, H.M., and Aunt that a remand is appropriate for the development of the record, we reverse the Order of the trial court, which denied intervention without a hearing, and remand for further proceedings.

Order reversed; case remanded for further proceedings. Superior Court jurisdiction is relinquished.

Judgment Entered.

A handwritten signature in black ink, appearing to read "Joseph D. Seletyn", written over a horizontal line.

Joseph D. Seletyn, Esq.  
Prothonotary

Date: 02/07/2020