

SUPREME COURT OF PENNSYLVANIA

Wentz, M. v. Wentz, D.

No. 197 MAL 2026 (Pa. June 5 2026) · No. No. 197 MAL 2026 · Decided June 5, 2026

SUMMARY

This concurring statement addresses the Pennsylvania Supreme Court's denial of allowance of appeal in a child-custody and relocation dispute. Justice Wecht expresses concern about the trial court's rapid reversal of a prior custody order, its treatment of the mother's adult vacation, and its consideration of the father's changed circumstances, but concludes that the petition did not adequately develop arguments warranting review under Pennsylvania Rule of Appellate Procedure 1114(b). Justice McCaffery joined the concurring statement.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Justice David N. Wecht
JURISDICTION	Supreme Court of Pennsylvania
DECIDED	June 5, 2026
DOCKET	No. 197 MAL 2026
DISPOSITION	other
PROCEDURAL POSTURE	Petition for allowance of appeal from the Superior Court's unpublished memorandum and order affirming the Carbon County Court of Common Pleas order modifying custody and directing the children to return to Pennsylvania.
STANDARD OF REVIEW	Abuse-of-discretion review of the trial court's custody determination; an appellate court may not substitute its judgment for that of the trial court that heard and observed the witnesses. The Pennsylvania Supreme Court's allowance-of-appeal review also required a meaningful presentation of the Rule 1114(b) criteria.
PRECEDENTIAL VALUE	Concurring statement; nonprecedential as to Justice Wecht's unresolved observations and reasoning. The accompanying denial of allowance of appeal does not decide the merits of the custody or relocation issues.
PARTIES	Melinda Wentz v. Dustin Wentz

TOPICS

family law procedure

child custody

relocation

appellate procedure

standard of review

PRACTICE AREAS

family law

child custody

appellate procedure

QUESTIONS PRESENTED

1. Whether allowance of appeal should be granted to review the Superior Court's affirmance of the trial court's custody modification and order requiring the children to move back to Pennsylvania.
2. Whether the statutory relocation factors under 23 Pa.C.S. § 5337 must be considered when neither parent is relocating but a custody modification would cause the children to move a significant distance.
3. What constitutes a significant distance for purposes of applying the relocation provisions of the Pennsylvania Child Custody Act.
4. Whether the Superior Court improperly deferred to the trial court despite concerns about the trial court's abrupt reversal of its prior custody order and its fact-finding.

HOLDINGS

1. Allowance of appeal should be denied because Mother's petition did not meaningfully develop the Rule 1114(b) criteria or adequately present the potentially significant relocation and appellate-review issues.
2. The concurrence identifies, but does not decide, whether section 5337's relocation factors apply when a custody modification causes the children to move a significant distance and what distance qualifies as significant.

KEY QUOTATIONS

“Issues appear in this case that could merit this Court’s review had Mother raised them. But she failed to do so.” (4)

“The instant petition for allowance of appeal does not develop an adequate presentation as required by Rule 1114(b).” (5)

FACTUAL BACKGROUND

Mother and Father share two children. In 2024, the trial court allowed Mother to relocate with the children to New Jersey and awarded her primary physical custody, citing Father's persistent alcohol abuse, emotional abuse, drunk driving, and physical roughness with a child, along with benefits associated with Mother's proposed relocation. After Father sought modification, the trial court reversed course in 2025, awarded Father primary custody, and ordered the children to return to Pennsylvania, relying on Father's improved circumstances and criticizing aspects of Mother's conduct. The Superior Court expressed concern about the trial court's rapid reversal and its focus on Mother's adult vacation, but affirmed under a deferential abuse-of-discretion standard.

PROCEDURAL HISTORY

In March 2024, the Carbon County Court of Common Pleas granted Mother permission to relocate to New Jersey and awarded her primary physical custody. After Father petitioned to modify custody, the trial court held hearings in June and July 2025, reversed its prior custody order, awarded Father primary custody, and ordered the children to move back to Pennsylvania. The Superior Court affirmed, concluding that the trial court had not abused its discretion despite concerns about the trial court's fact-finding and its failure initially to address the statutory relocation factors. The Pennsylvania Supreme Court denied allowance of appeal; Justice Wecht concurred because Mother had not adequately developed the issues under Pennsylvania Rule of Appellate Procedure 1114(b).

DISPOSITION

other

CASES CITED

- Wentz v. Wentz, 2217 EDA 2025, slip op. at 2 (Pa. Super. Mar. 12, 2026)
- Graves v. Graves, 265 A.3d 688, 701 (Pa. Super. 2021)
- Carrero v. Lopez, 300 A.3d 494, 501 (Pa. Super. 2023)
- Taylor v. Smith, 302 A.3d 203, 207 (Pa. Super. 2023)
- D.K. v. S.P.K., 102 A.3d 467, 474 (Pa. Super. 2014)