

SUPERIOR COURT OF PENNSYLVANIA

Ronald Bordone v. Virginia Bordone

2025 Pa. Super. 205 · No. 3155 EDA 2024 · Decided September 16, 2025

SUMMARY

The Pennsylvania Superior Court considered whether Pennsylvania or Connecticut law governed the validity of the parties’ marriage. The concurring opinion explains that, despite the general rule recognizing marriages valid where celebrated, Pennsylvania’s interests and its Divorce Code supported applying Pennsylvania law to validate the marriage and preclude annulment.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Beck, J.; Olson, J.; Dubow, J.
JURISDICTION	Pennsylvania Superior Court
DECIDED	September 16, 2025
DOCKET	3155 EDA 2024
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from an order of the Bucks County Court of Common Pleas concerning the validity and potential annulment of the parties' marriage.
PRECEDENTIAL VALUE	Published Pennsylvania Superior Court opinion; the extracted text is a concurring opinion.
PARTIES	Ronald Bordone v. Virginia Bordone

TOPICS

- annulment
- marriage
- statutory interpretation
- appellate procedure
- family law procedure

PRACTICE AREAS

- family law
- marriage
- annulment
- statutory interpretation
- appellate procedure

QUESTIONS PRESENTED

- Whether the law of Connecticut, where the parties celebrated their marriage, governed the marriage's validity.

2. Whether Pennsylvania law could be applied under 23 Pa.C.S. § 1702(a) to validate the marriage and preclude annulment despite an asserted impediment under the law of the place of celebration.

HOLDINGS

1. Pennsylvania law may govern the validity of a marriage celebrated in another state when the surrounding circumstances demonstrate that Pennsylvania has the greater interest in determining the marriage's validity; the place-of-celebration rule is subject to exceptions, including conflicts with the public policy of the parties' domicile.
2. The marriage was valid under Pennsylvania law and therefore was not subject to annulment.

KEY QUOTATIONS

“The general rule ... that a marriage valid where contracted is valid everywhere” (at 2)

“As such, I fully agree with the Majority that section 1702(a) of the Pennsylvania Divorce Code applies to validate their marriage and, on that basis, the marriage was not subject to annulment.” (at 3)

FACTUAL BACKGROUND

The parties exchanged marriage vows in Connecticut but did not otherwise live their lives there. They resided elsewhere for approximately twenty years, including in Pennsylvania for the several years preceding the dispute. The husband argued that Connecticut law governed the marriage's validity because the marriage was celebrated there; the concurrence concluded that Pennsylvania had the greater interest in determining the marriage's validity.

PROCEDURAL HISTORY

Ronald Bordone appealed from an October 28, 2024 order entered by the Bucks County Court of Common Pleas, Civil Division. Judge Beck filed a concurring opinion stating that she joined the Majority's decision in full and separately addressed the husband's choice-of-law argument concerning the validity of the marriage.

DISPOSITION

other

CASES CITED

- Commonwealth v. Custer, 21 A.2d 524 (Pa. Super. 1941) (en banc)
- Commonwealth ex. rel. Wenz v. Wenz, 171 A.2d 529 (Pa. Super. 1961) (en banc)

OPINION

Bordone, R. v. Bordone, V. 2025 Pa. Super. 205

PER CURIAM.

J-A18002-25 2025 PA Super 205

RONALD BORDONE : IN THE SUPERIOR COURT OF

: PENNSYLVANIA

Appellant : v. :

VIRGINIA BORDONE : No. 3155 EDA 2024

Appeal from the Order Entered October 28, 2024 In the Court of Common Pleas of Bucks County Civil Division at No(s): 2021-60355 BEFORE: OLSON, J., DUBOW, J., and BECK, J.

CONCURRING OPINION BY BECK, J.: FILED SEPTEMBER 16, 2025

I join the decision of the learned Majority in full. I write separately to address Husband’s claim that, pursuant to Pennsylvania law, “the law of the state in which the marriage is celebrated[] governs the validity of the marriage in regard to the capacity of the parties to enter into the contract of marriage.” Husband’s Brief at 10 (citing *Commonwealth v. Custer*, 21 A.2d 524 (Pa. Super. 1941) (en banc)). Although Husband is correct that the Custer Court espoused “[t]he general rule ... that a marriage valid where contracted is valid everywhere,” the Court also recognized that this rule is not without exceptions. See *Custer*, 21 A.2d at 526. One such exception noted in *Custer* is “marriages repugnant to the public policy of the domicile of the parties,” J-A18002-25 including “polygamy.”¹ *Id.* The Court continued, observing that “[s]ince the recognition of foreign marriages rests on comity only, the surrounding circumstances may and should be freely inquired into in deciding whether to accord validity to them.” *Id.* (citation omitted). Another en banc panel of this Court subsequently applied Pennsylvania law to hold a marriage valid that would have otherwise been nullified under the laws of the state where the marriage occurred. See *Commonwealth ex. rel. Wenz v. Wenz*, 171 A.2d 529 (Pa. Super. 1961) (en banc). In *Wenz*, this Court considered the validity of a divorce decree entered in the State of Ohio, following which the appellant entered into a second marriage in the State of Maryland and resided with his second spouse in Pennsylvania. *Id.* at 530. Of particular relevance to the present matter, the *Wenz* Court recognized, that an invalidation of the Ohio divorce decree would be an “impediment” to the marriage under Maryland law. *Id.* at 532. Though it agreed with the conclusion of the trial court that there was insufficient credible evidence presented to find the Ohio divorce decree was invalid, it further held that even if it was invalid, the marriage should be sustained under _____

1 Bigamy is one form of polygamy. See *Black’s Law Dictionary* (12th ed. 2024) (defining “polygamy” as “[t]he fact, condition, or practice of having more than one spouse simultaneously”); see also Majority Op. at 7 n.4 (defining “bigamy” as, inter alia, “[t]he act of marrying one person while legally married to another”). -2- J-A18002-25 Pennsylvania law, applying the very provision that the Majority applies in the case at bar. *Id.*; see also Majority Op. at 11 (citing 23 Pa.C.S. § 1702(a)). Husband’s contention that Connecticut law should apply because the marriage occurred there is meritless. Examining the “surrounding circumstances” of the parties’ marriage, *Custer*, 21 A.2d at 526, there is no question that Pennsylvania has a far greater interest than Connecticut in determining the validity of the marriage between Husband and Wife. As the Majority recognizes, the parties were in Connecticut solely to exchange their marriage vows; they spent the next twenty years residing

and living their lives elsewhere—most recently, and for the past several years, in Pennsylvania. As such, I fully agree with the Majority that section 1702(a) of the Pennsylvania Divorce Code applies to validate their marriage and, on that basis, the marriage was not subject to annulment. -3-