

APPENDIX

Appendix Overview

The appendix begins on the following page and is separately paginated using the format App. 1a, App. 2a, and so on.

The appendix contains the lower-court orders, memoranda, jurisdictional orders, hearing-officer order, transcript excerpts, and record materials necessary to show the jurisdictional sequence, the unrecorded interstate judicial communication, the admitted relocation violation, the post-hoc relocation rationale, and the continuing enforcement consequences challenged in this petition.

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

KELLY N. HERRMANN,

Respondent

v.

JEREMY J. HERRMANN,

Petitioner

: No. 142 MAL 2026
:
:
: Petition for Allowance of Appeal
: from the Order of the Superior
: Court
:
:
:
:
:

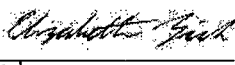
ORDER

PER CURIAM

AND NOW, this 9th day of April, 2026, the “Supplemental Application For Relief And Notice Of Ongoing Constitutional Violations” and the Petition for Allowance of Appeal are **DENIED**.

The Application for Relief to Clarify Filing–Fee Status is **DISMSSED AS MOOT**.

A True Copy Elizabeth E. Zisk
As Of 04/09/2026

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX B

Memorandum of the Superior Court of Pennsylvania

No. 334 MDA 2025

Filed March 13, 2026

Superior Court Memorandum

This case has a complicated procedural history: Father and Mother first resided in Pennsylvania and then moved to California and then to Reno, Nevada. Mother and the Children moved to Susanville, California to be closer to a hospital that could provide care for their oldest daughter. After this child passed away, Mother and the Children moved back to Father in Nevada. A Temporary Protection Order was entered against Father on November 13, 2021. The parties separated on November 14, 2021. Mother moved with the minor Children back to Susanville, California, where she filed for divorce.

The divorce and custody cases were heard in Washoe County, Nevada. An Order deciding these matters was entered on April 13, 2022. Pursuant to this Order, Mother was awarded sole legal and primary physical custody of the Children and she was permitted to relocate back to Susanville, California with the Children because it was in their best interests and because they only moved to Nevada out of medical necessity to obtain care for their daughter. Father did not appeal this decision. Father was awarded two video calls per week, provided he was sober.

In July of 2022, Father filed a notice of change of address with the Nevada court indicating he had changed his address from Reno, Nevada to Montana.^[FN 3]

FN 3. Apparently, according to a footnote to the Nevada court's Order of April 30, 2024, a hearing had been held in this case in Nevada on February 15, 2024. Father attended the hearing remotely from Arizona via Zoom, but his mailing address was in Montana at that time.

Mother moved to the home of her parents in Berks County, Pennsylvania on July 1, 2023. Through counsel, she registered the foreign Custody Order from the Washoe County Court in Nevada with the Court of Common Pleas of Berks County. She also filed a notice of change of address with the Court in Nevada [in July 2023] indicating that she had relocated from California to Pennsylvania. [In August 2023, Father filed a motion in Nevada for an order to enforce the divorce decree and/or for an order to show cause

regarding contempt. The Nevada court held a hearing on the matter in February 2024.]

On March 15, 2024, Mother filed a Petition to Modify Custody in Berks County. Ten days later, on March 25, 2024, Father filed a Motion for Change of Custody or Visitation with the Nevada trial court. On April 17, 2024, Father filed a Request for Conference between Judges to Establish Jurisdiction in the Nevada Court, asking that the Nevada Judge contact the undersigned to establish jurisdiction and asserting that the only [c]ourt that could assume jurisdiction other than Nevada is the Lassen Superior Court in California.

On April 30, 2024, after an informal judicial conference with this [c]ourt, the Nevada court, *sua sponte*, found Father's Motion to be moot because neither party nor the Children resided in the state of Nevada. Those facts were of record so, under the law, there was no other possible determination, whether argued or not. There was no "swap."

Father filed an appeal of Nevada's April 30, 2024 Order in the Court of Appeals of the state of Nevada. On June 14, 2024, Father filed a Change of Address to Verdi, Nevada in the Court of Common Pleas of Berks County. On September 20, 2024, a three-judge panel in the state of Nevada affirmed the district court order on the basis that Nevada no longer had exclusive, continuing jurisdiction.

A Custody Trial was held [in Pennsylvania] on December 4, 2024 and, after obtaining the transcript and reviewing the evidence, our Decision and Order were entered on the docket on February 12, 2025. [. . .]

Trial Court Opinion (T.C.O.), 4/9/25, at 1-3 (internal citations and some footnotes omitted) (parties' names adjusted to "Father" and "Mother").

Father timely filed this appeal. He raises the following twelve issues for our review, which we reorder for ease of disposition:

1. Did the trial court abuse its discretion and violate due process by improperly limiting Father's Pa.R.A.P. 1925(b) Statement to one page under threat of waiver, thereby hindering his ability to adequately preserve issues for appeal?
2. Did the Trial Court err in its February 11, 2025, Order by finding Nevada lost Continuing Exclusive Jurisdiction (CEJ) under 23 Pa.C.S.A. § 5422(a)(2), based on an erroneous factual finding that Father did not reside in Nevada and by misconstruing Father's ability to preserve Nevada's jurisdiction, when Father was, in fact, residing in Nevada (as noted in the court's own Findings of Fact #2 and #18) and maintained significant connections with Nevada through, inter alia, court-ordered monthly supervised child visitations in Reno, thereby preserving Nevada's CEJ under § 5422(a)(1)?
3. Did the Trial Court err by asserting "initial home state jurisdiction" for Pennsylvania under 23 Pa.C.S.A. § 5421 when Nevada, the decree-issuing state, retained CEJ at the time Mother commenced the Pennsylvania action, thereby precluding Pennsylvania from exercising initial jurisdiction?
4. Did the Trial Court violate 23 Pa.C.S.A. § 5426 (Simultaneous Proceedings) by exercising its jurisdiction after being informed that Father had commenced a custody proceeding in Nevada (the state with CEJ)—specifically Father's Motion for Change of Custody filed March 25, 2024, in direct response to Mother's March 15, 2024, Pennsylvania filing and her illegal relocation—without first staying its own proceeding and properly communicating with the Nevada court as mandated, and before Nevada had validly terminated or stayed its proceeding or determined Pennsylvania was a more appropriate forum?
5. Did the Trial Court err by relying on a UCCJEA conference call whose very necessity is questionable given the court's primary stated jurisdictional grounds (PA as home state, NV lost CEJ as all parties supposedly left), and which was, in any event, fatally flawed by being unrecorded, held with conflicting dates, and by denying

Father his statutory right (NRS 125A.275; J.C. v. K.C.) to participate or present facts and legal arguments regarding jurisdiction before the transfer determination, thereby violating due process?

6. Did the Trial Court err by failing to conduct the mandatory significant connection or inconvenient forum analyses under 23 Pa.C.S.A. §§ 5422 and 5427 before assuming jurisdiction, relying instead on a flawed "home state" determination?
7. Did the Trial Court err as a matter of law in its February 11, 2025, Order by exercising jurisdiction when such jurisdiction was predicated upon Mother's acknowledged violation of the specific, limited relocation authorization in the April 13, 2022, Nevada Divorce Decree (authorizing relocation to Susanville, California only), constituting unjustifiable conduct under 23 Pa.C.S.A. § 5428, thereby mandating that the Pennsylvania court decline jurisdiction, particularly in light of cases like Beese v. Calehuff?
8. Did the Trial Court err in its Pa.R.A.P. 1925(a) Memorandum by improperly introducing, for the first time, an argument that Mother's illegal relocation might be excused by alleged domestic violence under 23 Pa.C.S.A. § 5337(k), thereby attempting a post-hoc justification for its flawed jurisdictional ruling and prejudicing Father who had no opportunity to rebut this complex factual and legal excuse at Trial?
9. Did the trial court err by failing to properly apply the "clean hands" doctrine to preclude Mother from benefiting from her illegal relocation?
10. Was Father denied due process by the trial court's refusal to permit virtual participation in the custody trial under Pa.R.C.P. 1930.3 despite documented good cause (financial and physical hardship) and the court's subsequent imposition of unaffordable and physically burdensome travel for visitation?
11. Did the trial court abuse its discretion and deny due process by making numerous findings of fact that were

unsupported by, or contradictory to, the evidence of record, including but not limited to mischaracterizations of Father's parental guidance, risk assessment, self-care ability, housing, mental health, criminal record, and the circumstances of a deceased child's death, while ignoring evidence adverse to Mother?

12. Did the trial court exhibit judicial bias, denying Father a fair hearing, through a pattern of erroneous rulings, unsupported findings, mischaracterization of facts and law, disparate treatment of parties, use of biased language ("her children"), an inconsistent approach to jurisdictional determinations including the UCCJEA call, and improper post-hoc introduction of legal authorities?

Father's Brief at 19-23 (parties' names adjusted to "Father" and "Mother").

We begin by noting the difficulty this Court has had in discerning which issues Father has properly preserved for our review and adequately argued in his brief. Father filed two concise statements of errors complained of on appeal with the trial court. Father's first statement was three pages, single-spaced, and raised sixteen issues, along with a list of case law. Upon receiving that statement, the trial court ordered Father to file a "**Concise** Statement." **See** Order, 3/14/25 (emphasis in original) (footnote omitted). The trial court included a footnote that specified, a "statement that is over one page long, verbose and redundant violates the relevant mandatory Rules of Appellate Procedure 1925(b)(4)(i), (iv) and 2135." **Id.** (citation omitted). Father then filed a second concise statement, which was one page, hand-written, and raised approximately nine issues, along with harm suffered, relief sought, and conclusion sections. Now, on appeal, Father raises twelve issues in the

statement of the questions involved section in his brief. These issues do not fully match either concise statement.

Moreover, Father's brief is one hundred pages, and the argument section begins on page thirty-nine. In contravention of our Appellate Rules, his argument is not clearly divided into sections for the twelve issues he listed in his statement of the questions involved. **See** Pa.R.A.P. 2119(a). Instead, this section has numerous headings labeled "A" through "L," and ending with "VIII." These headings do not clearly align with Father's twelve issues, and some raise new arguments not included in his statement of the questions involved in his brief. **See generally** Father's Brief at 39-95. Most headings also contain multiple subsections. For example, Section D has twenty-two numbered paragraphs, each purporting to raise an additional sub-issue. Additionally, many sections throughout his argument are repetitive, with Father making the same or similar arguments multiple times.

Most troubling is the fact that throughout the majority of Father's argument, he fails to provide citations to the record and to tell us when or where he raised his claimed error to the trial court. **See** Pa.R.A.P. 2119(c), (e). For many of his issues, Father also fails to meaningfully cite legal authority or cogently explain how his cited authority supports his argument. **See** Pa.R.A.P. 2119(a)-(b). We recognize that Father included an appendix to his brief with purported relevant case law which he claims supports his arguments. However, he admits that this case law was removed from his brief "due to word limitations." **See** Father's Brief at 13. To the extent that this

appendix takes Father's brief over the 14,000-word count limit, he fails to explain why we should consider it. More importantly, a list of over twenty cases with a few sentences summarizing the cases and purporting to explain why they are relevant does not cogently support Father's argument, as contemplated by our Appellate Rules and case law.

We are cognizant of Father's *pro se* status. Nevertheless, it is well-settled that this status affords him no special benefit, and he must comply with our Rules of Appellate Procedure. ***See Commonwealth v. Vurimindi***, 200 A.3d 1031, 1037-38 (Pa. Super. 2018) (citations omitted). Moreover, "any person choosing to represent himself in a legal proceeding must, to a reasonable extent, assume that his lack of expertise and legal training will be his undoing." ***Id.*** (citation omitted). Equally well-settled is the fact that this Court will not act as an advocate or develop arguments on behalf of an appellant. ***See Interest of R.H.***, 320 A.3d 706, 716 (Pa. Super. 2024) (citations omitted). If an issue is not properly developed with citation to legal authority; it is waived. ***See B.S.G. v. D.M.C.***, 255 A.3d 528, 535 (Pa. Super. 2021) (citations omitted). Nor will we scour a record to find evidence to support an appellant's argument. ***See Milby v. Pote***, 189 A.3d 1065, 1079 (Pa. Super. 2018) (citation omitted). We will only address the issues that Father has properly raised and argued in this appeal.

Related to the above discussion, Father's first issue alleges that the trial court abused its discretion and violated his due process rights by improperly limiting his concise statement "to a mere one page, under threat of waiver."

Father's Brief at 92. Father claims this severely prejudiced him in his ability to adequately preserve all meritorious issues for appellate review. *Id.* at 93. Father asserts that this Court should not strictly waive issues reasonably discernible from the record and argued in his brief. *Id.* (citations omitted).

Father's characterization of the trial court's order is inaccurate. The trial court did not specifically limit his concise statement "to a mere one page." Instead, as noted above, the court ordered Father to file a **concise** statement. The court reminded Father that a statement that is "over one page long, **verbose and redundant**" violates the Appellate Rules. Order, 3/14/25 (emphasis added) (citation omitted). The court did not accept Father's original three-page concise statement that was also verbose and redundant, and it reminded him of the rules for a concise statement.

We agree with the trial court that Father's first concise statement was redundant. For example, Father raised at least nine issues dealing with the trial court's jurisdiction under the UCCJEA. Moreover, as will be explained below, Father has waived some of his issues due to a lack of proper development in his brief or because he raised new issues in the argument section of his brief that were not included in his statement of the questions involved. These issues are not waived strictly because of his one-page concise statement. Father's first issue merits no relief.

Father's next eight appellate issues relate to his argument that Pennsylvania does not have jurisdiction over this matter pursuant to the UCCJEA. As these issues are related, we address them together.

Because Father challenges whether the trial court had subject matter jurisdiction, his claim presents a pure question of law. **See J.S. v. R.S.S.**, 231 A.3d 942, 947 (Pa. Super. 2020) (citation omitted). Our standard of review is *de novo*, and our scope of review is plenary. **Id.** (citation omitted).

The “purpose of the UCCJEA is to avoid jurisdictional competition, promote cooperation between courts, deter the abduction of children, avoid relitigating custody decisions of other states, and facilitate the enforcement of custody orders of other states.” **Boback v. Pershing**, 311 A.3d 1126, 1129 (Pa. Super. 2024) (citation omitted). The UCCJEA was also enacted to conform state law with the Parental Kidnapping Prevention Act (PKPA), 28 U.S.C. § 1738A, which is a federal law requiring “that states give full faith and credit to another jurisdiction’s child custody determination made in compliance with the provisions of the PKPA.” **R.M. v. J.S.**, 20 A.3d 496, 502-03 (Pa. Super. 2011) (citation omitted); **see also** U.S. Const. Art. IV, § 1.

On appeal, the crux of Father’s argument is that Nevada, as the state that issued the original custody order, retained exclusive, continuing jurisdiction over the custody matter. Father claims Nevada retained jurisdiction because Father resided in Nevada and Father and the Children maintained significant connections there. Thus, Pennsylvania could not invoke initial home state jurisdiction. Further, Mother’s relocation to Pennsylvania was illegal, and Pennsylvania should have declined jurisdiction.

Father’s argument is misplaced and fails to appreciate the procedural posture of this case. In April 2024, the Nevada district court found that it no

longer had jurisdiction over this matter because neither party was located in Nevada. **See** Order Finding Motion Moot; Sua Sponte Order Regarding Jurisdiction, 4/30/24, at 2. Father appealed the district court's order. The Nevada appeals court affirmed, agreeing with the district court's decision to relinquish jurisdiction because Nevada had lost exclusive, continuing jurisdiction as the parties and Children no longer resided in Nevada. Order of Affirmance, 9/20/24, at 5-7.

Thus, the Nevada courts have relinquished jurisdiction and any of Father's arguments related to Nevada having exclusive, continuing jurisdiction are unavailing. This includes Father's arguments related to significant connections. The appropriate time and place for Father to make those arguments was to the Nevada courts. This Court does not have the authority to tell Nevada that it has jurisdiction over a case, when that state has determined it does not. We are bound by Nevada's decision.¹ **See** U.S. Const.

¹ Put another way, even if we agreed with Father (which we do not) that Nevada should not have relinquished jurisdiction, there is nothing we can do about that. Father's available remedy was to appeal the Nevada order, which he did, albeit unsuccessfully. This Court has no authority to overturn another court's decision. As the learned trial judge asked Father, "[W]hen it comes to foreign orders, you'd agree with me there is a thing that's full faith and credit with regard to orders and decisions of other states. So here's my question to you. Even if I decided that Nevada got it wrong, as [Mother's counsel] mentioned, they relinquished jurisdiction, so what ability do I have, at this point, to send this case back to Nevada even if I thought -- even if I did, and I said if, if I thought it was the appropriate forum?" N.T., 12/4/24, at 155. We agree with the trial court's astute assessment of the case. In response, Father cited a case "J.C. versus J.C" to support his position, which we discern (*Footnote Continued Next Page*)

Art. IV, § 1 ("Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State."); **R.M.**, 20 A.3d at 502-03 (explaining that the "PKPA requires that states give full faith and credit to another jurisdiction's child custody determination made in compliance with the provisions of the PKPA" (citation omitted)).

Because Nevada determined it no longer has jurisdiction in this matter, we now analyze whether Pennsylvania has jurisdiction under the UCCJEA.

Here, the trial court found that it had authority to modify the Nevada custody order because neither the Children nor the parents resided in Nevada, Nevada had divested itself of jurisdiction, and Pennsylvania had jurisdiction to

to be referring to **J.C. v. K.C.**, 179 A.3d 1124 (Pa. Super. 2018). We take this opportunity to distinguish **J.C.** and other similar cases.

In **J.C.**, this Court concluded that the trial court abused its discretion by relinquishing jurisdiction to New York under the UCCJEA without permitting Father to submit information relevant to the inconvenient forum determination or present facts and legal arguments pursuant to Section 5410, in conjunction with the telephone conference between the Pennsylvania and New York courts. This Court found that the trial court's contravention of its statutory obligations denied Father a full and fair ability to litigate his case and reversed the trial court's jurisdictional orders.

Father fails to appreciate the different procedural posture of **J.C.** In **J.C.**, it was the **Pennsylvania** court that relinquished jurisdiction and entered orders to that effect. The father in **J.C.** then appealed the **Pennsylvania** jurisdictional orders to this Court. However, here, **Nevada** relinquished jurisdiction and entered an order to that effect, not Pennsylvania. And the order Father is appealing here is a custody order, not an order relinquishing jurisdiction. Even if we agreed with Father, we simply could not grant him the same relief granted in **J.C.** because we have no authority to reverse a Nevada order. Again, Father should have raised his arguments to the Nevada appeals court when he appealed the Nevada jurisdictional order.

make an initial custody determination under the UCCJEA. **See** Decision and Order, 2/12/25, at 16.

UCCJEA Section 5423 explains when a Pennsylvania court has jurisdiction to modify a child custody determination made by another state.

Except as otherwise provided in section 5424 (relating to temporary emergency jurisdiction), a court of this Commonwealth may not modify a child custody determination made by a court of another state unless a court of this Commonwealth has jurisdiction to make an initial determination under section 5421 (a)(1) or (2) (relating to initial child custody jurisdiction) and:

(1) the court of the other state determines it no longer has exclusive, continuing jurisdiction under section 5422 (relating to exclusive, continuing jurisdiction) or that a court of this Commonwealth would be a more convenient forum under section 5427 (relating to inconvenient forum); or

(2) a court of this Commonwealth or a court of the other state determines that the child, the child's parents and any person acting as a parent do not presently reside in the other state.

23 Pa.C.S.A. § 5423.

To make a custody modification under Section 5423, the trial court must first have jurisdiction to make an initial custody determination under Section 5421. Section 5421 provides, in relevant part:

(a) General rule.--Except as otherwise provided in section 5424 (relating to temporary emergency jurisdiction), a court of this Commonwealth has jurisdiction to make an initial child custody determination only if:

(1) this Commonwealth is the home state of the child on the date of the commencement of the proceeding or was the home state of the child within six months before the

commencement of the proceeding and the child is absent from this Commonwealth but a parent or person acting as a parent continues to live in this Commonwealth[.]

23 Pa.C.S.A. § 5421. The UCCJEA defines "home state" as the "state in which a child lived with a parent or a person acting as a parent for at least six consecutive months immediately before the commencement of a child custody proceeding." 23 Pa.C.S.A. § 5402.

Here, although Father contests the legality of Mother's relocation, he does not dispute that she relocated with the Children to Pennsylvania in July 2023, where they have remained since. At the time Mother filed her petition to modify custody in March 2024, the Children had lived with a parent, Mother, in Pennsylvania for at least six consecutive months. **See id.** Thus, Pennsylvania was the home state of the Children. Accordingly, the trial court had jurisdiction to make an initial child custody determination under Section 5421. **See** 23 Pa.C.S.A. § 5421(a)(1).

Because the trial court had jurisdiction to make an initial custody determination as the Children's home state, it met the first element needed to modify Nevada's child custody determination under Section 5423. It also met the second element because Nevada determined that it no longer had exclusive, continuing jurisdiction under Section 5422 as Father, Mother, and the Children no longer resided in Nevada. Therefore, the trial court had jurisdiction to modify Nevada's child custody determination under Section 5423. **See** 23 Pa.C.S.A. § 5423(1), (2).

The circumstances of Mother's relocation do not change our determination that Pennsylvania had jurisdiction under the UCCJEA. Father cites UCCJEA Section 5428 to support his proposition that Pennsylvania was required to decline jurisdiction because of Mother's unjustifiable conduct of illegally relocating to Pennsylvania. Father also claims that Mother's wrongful relocation made her hands "unclean" such that, as a matter of equity, the trial court should not have granted her relief.

Section 5428 provides:

(a) General rule.--Except as otherwise provided in section 5424 (relating to temporary emergency jurisdiction) or by other laws of this Commonwealth, if a court of this Commonwealth has jurisdiction under this chapter because a person seeking to invoke its jurisdiction has engaged in unjustifiable conduct, the court shall decline to exercise its jurisdiction unless:

- (1) the parents and all persons acting as parents have acquiesced in the exercise of jurisdiction;
- (2) a court of the state otherwise having jurisdiction under sections 5421 (relating to initial child custody jurisdiction) through 5423 (relating to jurisdiction to modify determination) determines that this Commonwealth is a more appropriate forum under section 5427 (relating to inconvenient forum); or
- (3) no court of any other state would have jurisdiction under the criteria specified in sections 5421 through 5423.

23 Pa.C.S.A. § 5428.

Father's argument fails for two reasons. First, Father already attempted to argue, in his Nevada case, that Mother's relocation was illegal, and Nevada

was required to retain jurisdiction. This was a proper argument to make in Nevada because Mother's relocation purportedly violated a Nevada custody order, not a Pennsylvania order. However, Father failed to file a fact-specific affidavit or declaration in support of his motion as required by Nevada law, so the Nevada district court lacked jurisdiction to find contempt. **See** Order After Hearing on Enforcement, 4/30/24, at 3. On appeal, the Nevada court noted that Father failed to explain how the allegedly improper relocation impacted the district court's jurisdictional analysis or otherwise provided the district court with jurisdiction. Order of Affirmance, 9/20/24, at 6.

Second, even if Father gets another bite at the apple to raise this issue again to this Court, the trial court did not determine that Mother's relocation was unjustifiable conduct. The trial court explained:

Father does not deny that he has PTSD from his years in the military serving in Iraq. He also had a problem with alcohol abuse, though he claims to be sober now. We found Mother's testimony credible that, when she tried to leave Father with her Children, he assaulted her. In fact, the youngest child was bruised when he grabbed the baby from Mother and carried it under his arm as he fled. Mother gave notice to the court in Nevada when she filed a Change of Address. We find that the fact that she did not notify Father she was relocating to Pennsylvania, was mitigated by the history of abuse at the hands of Father, both physical and emotional. The Nevada court gave her permission to relocate to California in the first instance, and gave Father the right to telephone contact with his Children only if he was sober. He was later given professionally supervised visitation. We find that Mother can provide a safer environment for her Children in Pennsylvania.

T.C.O. at 8-9 (internal citation omitted) (parties' names adjusted to "Father" and "Mother").

Section 5428's Uniform Law Comment and Pennsylvania's relocation statute support the trial court's decision. The Uniform Law Comment states:

The focus in this section is on the unjustified conduct of the person who invokes the jurisdiction of the court. A technical illegality or wrong is insufficient to trigger the applicability of this section. This is particularly important in cases involving domestic violence and child abuse. Domestic violence victims should not be charged with unjustifiable conduct for conduct that occurred in the process of fleeing domestic violence, even if their conduct is technically illegal. Thus, if a parent flees with a child to escape domestic violence and in the process violates a joint custody decree, the case should not be automatically dismissed under this section. An inquiry must be made into whether the flight was justified under the circumstances of the case. [. . .]

23 Pa.C.S.A. § 5428, Uniform Law Comment. The relocation statute provides that any "consideration of a failure to provide reasonable notice [of a relocation] under subsection (i) shall be subject to mitigation if the court determines that such failure was caused in whole, or in part, by abuse." 23 Pa.C.S.A. § 5337(k).

At the custody trial, Mother testified to past incidents of abuse committed by Father including: pushing her once before they had children; losing his temper and punching holes in walls; punching and breaking a window of her vehicle while the parties' son was in the backseat; verbally abusing her; and sending her vulgar, threatening, and harassing text messages and emails, which were admitted into evidence. **See** N.T., 12/4/24,

at 35-36, 56-57. She also testified about the November 2021 incident, described above by the trial court, which culminated in Father pleading guilty to battery. **See id.** at 24-31. Mother obtained protection orders against Father in Nevada and California. **See id.** at 31, 35. The trial court referenced this conduct several times throughout its custody decision. **See** Decision and Order, 2/12/25, at 4, 7-10, 14. The court stated that there "is a history of violent behavior by Father toward Mother." **Id.** at 9. In its opinion, the court noted that testimony and exhibits submitted by Mother "at the custody trial established she was a battered wife." T.C.O. at 7 (citation omitted).

Thus, the trial court's conclusion that Mother relocating in violation of the Nevada custody order was mitigated by past abuse was supported by the record and relevant law. Moreover, as the trial court noted, Mother filed a change of address in Nevada, which indicates that she did not hide her relocation. Mother flew the Children back to Nevada for supervised monthly visits with Father, even after she relocated. **See** Decision and Order, 2/12/15, at 10; N.T. at 39; Order After Hearing on Enforcement, 4/30/24, at 3.

Father alleges that the trial court's reliance on domestic violence as a justification for Mother's relocation was improper because it was a "post-hoc" justification that was not litigated at trial. Again, we disagree.

At trial, Father's and Mother's history, including the past abusive conduct, was extensively litigated. Father had the opportunity to testify and cross-examine Mother and could have used either opportunity to rebut her testimony. The trial court was permitted to consider any past abuse in making

its jurisdiction and custody determinations. Father was not precluded from arguing to the trial court that Mother's relocation was illegal, which he did. He was also not precluded from attempting to rebut the trial court's reasoning on appeal to this Court, after receiving the trial court's opinion.²

Father also argues that the trial court erred by failing to conduct an inconvenient forum analysis pursuant to the UCCJEA. Father devoted two paragraphs of his argument to discussing inconvenient forum. **See** Father's Brief at 54-55, 70-71. He generically cites UCCJEA Section 5427, but he cites

² Father repeatedly cites **Beese v. Calehuff**, 514 A.2d 182 (Pa. Super. 1986) to support his argument that the trial court should have declined to exercise jurisdiction. **Beese** was decided under the Uniform Child Custody Jurisdiction Act (UCCJA), the predecessor statute to the UCCJEA and is factually distinguishable from this case. In **Beese**, mother and father had one child while married. They divorced in Florida. The Florida court forbade either parent from removing the child from Florida without the other parent's or the court's permission. Mother subsequently tried to modify the restriction on removing the child from Florida but was denied. Nevertheless, mother brought the child to Pennsylvania, without father's or the court's permission. Mother and the child moved in with mother's new husband. Mother and her new husband, who claimed to be the child's biological father, filed a petition in Pennsylvania seeking custody of the child. The trial court determined that under the UCCJA, it could not properly assume jurisdiction over the matter because mother violated the Florida custody order. This Court affirmed, concluding that mother's removal of the child without proper permission precluded her and her current husband from litigating custody in Pennsylvania.

Here, however, as noted, Father should have, and attempted to, raise issues with Mother's relocation in Nevada, but was unsuccessful. The trial court found that Mother's relocation was mitigated by past abuse. Mother relocated first to California, with permission, and then went to Pennsylvania. Nevada has already relinquished jurisdiction, so even if the trial court had declined to exercise jurisdiction, this matter could not have gone back to Nevada, and Pennsylvania has been established as the Children's home state. **See** 23 Pa.C.S.A. § 5428(a)(3). Thus, **Beese** is inapposite here.

no other authority nor any evidence in the record to support his assertions.

See id. This issue is waived. **See B.S.G., supra; R.H., supra; Milby, supra.**

Even if not waived, Section 5427 states a "court of this Commonwealth which has jurisdiction under this chapter to make a child custody determination **may** decline to exercise its jurisdiction at any time if it determines that it is an inconvenient forum under the circumstances and that a court of another state is a more appropriate forum." 23 Pa.C.S.A. § 5427(a) (emphasis added). Therefore, contrary to Father's claims, the trial court was not mandated to decline jurisdiction under this section, and Pennsylvania was the Children's home state.

Lastly, Father raises various arguments related to alleged procedural errors the Pennsylvania and Nevada courts made under the UCCJEA. He claims that the trial court violated Section 5426 by failing to stay its proceeding and properly communicate with the Nevada court. **See** Father's Brief at 49. Father takes issue with the conference call that occurred between the Pennsylvania and Nevada courts, claiming that it violated the UCCJEA because it was unrecorded, and he was not given the opportunity to present facts and arguments before the jurisdiction decision was made.

We again reiterate that, after the conference call between the courts, Nevada issued an order relinquishing its jurisdiction. Father then appealed that order in Nevada. The appropriate time and place for Father to raise any procedural irregularities with the conference call that resulted in Nevada's order relinquishing jurisdiction was in the Nevada proceedings. **See** Father's

Brief at 68, 71 (citing Nevada law). When asked by the trial court at the custody trial if Father had raised those issues in the Nevada matters, Father admitted that he had not raised those issues and had failed to state the applicable law or appropriate arguments in Nevada. **See** N.T. at 104, 135. Father specifically admitted that he “didn’t know about the UCCJEA.” **Id.** at 135. Because Father failed to appropriately raise these issues and arguments in Nevada, they are waived. **Cf.** Pa.R.A.P. 302(a) (“Issues not raised in the trial court are waived and cannot be raised for the first time on appeal.”)

Further, the Nevada appeals court specifically stated, “the district court ***properly held a conference*** with the Court of Common Pleas of Berks County, Pennsylvania—at [Father’s] request—at which it was agreed that Pennsylvania had assumed jurisdiction” Order of Affirmance, 9/20/24, at 6-7 (emphasis added). Thus, the Nevada court indicated that the conference was proper.

Moreover, although Father claims that he was not given an opportunity to present facts and legal arguments before the courts decided on jurisdiction, this is unclear from the record. The Nevada court orders reference filings from Father and Mother related to jurisdiction and a hearing the district court held on February 15, 2024, wherein Father and Mother testified to their respective residences. **See** Order Finding Motion Moot; Sua Sponte Order Regarding Jurisdiction, 4/30/24; Order of Affirmance, 9/20/24.

We are not privy to what Father included in his filings to Nevada. However, the references to these filings and hearing appear to belie Father’s

assertion that he had no opportunity to present facts and arguments regarding jurisdiction before the Nevada court made its decision. **See id.** Even if this opportunity was insufficient under the UCCJEA, as explained above, Father should have raised the propriety of the courts' communication in his appeal of the Nevada court order regarding jurisdiction. And then it was for Nevada to decide if Father was provided an adequate opportunity to present facts and arguments before it relinquished its jurisdiction.

As for Father's other arguments, even assuming there was an error, he fails to allege, let alone persuade us, how he suffered any prejudice from Pennsylvania not staying its proceeding until a jurisdiction determination was made. **See J.C. v. K.C.**, 179 A.3d 1124, 1129-1130 (Pa. Super. 2018) (citing **Harman ex rel. Harman v. Borah**, 756 A.2d 1116, 1122 (Pa. 2000) for the proposition that relief is not warranted merely because some irregularity occurred during the trial; the moving party must demonstrate that he has suffered prejudice from the mistake.)

It appears from the record that Father filed a request for a conference call between the courts in Nevada on April 17, 2024, which occurred on or about April 26 or April 30, 2024. Father cites no authority to support the idea that this call, which occurred less than two weeks after Father's request, was untimely under the UCCJEA, and he again fails to allege how he was prejudiced by any delay. Further, Father's claim that the trial court exercised its jurisdiction prematurely is inaccurate. After Mother and Father filed exceptions to the custody hearing officer's recommended order, the court held

its custody trial in December 2024, which was after the Nevada appeals court affirmed the district court's decision. And the court did not enter its custody order until February 2025, well after Nevada had relinquished jurisdiction. We fail to see how Father suffered any prejudice from the lack of an official stay.

For the reasons explained above, Father's second through ninth issues related to jurisdiction merit no relief.

Turning to Father's remaining issues, we note our well-settled standard of review for custody matters:

In reviewing a custody order, our scope is of the broadest type and our standard is abuse of discretion. We must accept findings of the trial court that are supported by competent evidence of record, as our role does not include making independent factual determinations. In addition, with regard to issues of credibility and weight of the evidence, we must defer to the presiding trial judge who viewed and assessed the witnesses first-hand. However, we are not bound by the trial court's deductions or inferences from its factual findings. Ultimately, the test is whether the trial court's conclusions are unreasonable as shown by the evidence of record. We may reject the conclusions of the trial court only if they involve an error of law, or are unreasonable in light of the sustainable findings of the trial court.

Wilson v. Smyers, 284 A.3d 509, 515 (Pa. Super. 2022) (quoting ***S.T. v. R.W.***, 192 A.3d 1155, 1160 (Pa. Super. 2018)). Importantly, it is not this Court's role to "re-find facts, re-weigh evidence, and re-assess credibility." ***Id.*** at 520 (citation omitted).

In a custody-related matter, the court's "paramount concern is the best interests of the children involved." ***A.L.B. v. M.D.L.***, 239 A.3d 142, 148 (Pa.

Super. 2020) (citation omitted). When ordering any form of custody, a court must determine the best interest of the child by considering all relevant factors, giving substantial weighted consideration to specific factors that affect the safety of the child.³ **See** 23 Pa.C.S.A. § 5328(a).

In his tenth issue, Father claims that he was denied due process because the trial court refused to permit him to virtually participate in the custody trial despite documented good cause. He also claims that he was denied due process because the court imposed unaffordable and physically burdensome travel for visitation on him.

This argument is waived due to lack of development. **See B.S.G., supra; R.H., supra; Milby, supra.** Father devoted one paragraph in the argument section of his brief to this issue. **See** Father's Brief at 73-74. He cites no legal authority besides Pennsylvania Rule of Civil Procedure 1930.3 to support his argument, and he cites nothing in the record. Father also fails to mention due process in this paragraph.

³ In 2024, the General Assembly enacted significant amendments to the custody factors "pursuant to Act of April 15, 2024, P.L. 24, No. 8 (known as 'Kayden's Law')." **Velasquez v. Miranda**, 321 A.3d 876, 886 n.6 (Pa. 2024). Kayden's Law expanded the factors to be considered in the court's best interest analysis and required the court to give "substantial weighted consideration" to, *inter alia*, the "safety of the child." **Id.** (citation omitted). These statutory amendments took legal effect on August 13, 2024. As the trial court entered the instant order in February 2025, Kayden's Law applies to this appeal.

Even if not waived, Rule 1930.3 provides that a party may testify electronically with "the approval of the court upon good cause shown." Pa.R.Civ.P. 1930.3. This right is not automatic. Although Father takes issue with not being permitted to attend virtually, he does not claim he was denied notice or an opportunity to be heard, as he participated in the custody trial in person. **See S.T.**, 192 A.3d at 1161 ("Formal notice and an opportunity to be heard are fundamental components of due process when a person may be deprived in a legal proceeding of a liberty interest, such as physical freedom, or a parent's custody of her child." (citation and emphasis omitted)).

As for the costs of visitation, Father simply makes a bald allegation that the final custody order "imposed an unaffordable and physically burdensome travel schedule for minimal supervised visitation, effectively taking [Father] out of the [C]hildren's lives without following the proper legal avenue to do so." Father's Brief at 74. He fails to give any explanation as to why this travel schedule is unaffordable or physically burdensome, and he cites nothing in the record nor any legal authority to support his claim. This issue is waived. **See B.S.G., supra; R.H., supra; Milby, supra.**

Even if not waived, we would rely upon the trial court's explanation for its decision and the discretion it is afforded in custody matters. **See Wilson, supra.** The trial court explained as follows:

[Father], under the current Custody Order, has more of an opportunity to see the Children in person if he comes to Pennsylvania than he had under the original Nevada court order. He previously lived in Pennsylvania, he is unemployed, very mobile, and has lived in his camper

before. [Father] could travel to Pennsylvania once a month, and he could see his Children through supervised visitation, which he could pay for through part-time work. Mother showed her cooperation with supervised visits when she flew the Children to Nevada in the past, without complaint about the costs.

T.C.O. at 9.

In his eleventh issue, Father claims that the trial court abused its discretion and denied him due process by making numerous factual findings that were unsupported by, or contradictory to, the evidence. In his statement of the questions involved, he alleges mischaracterizations of his parental guidance, risk assessment, self-care ability, housing, mental health, criminal record, and the circumstances of a deceased child's death. Father also claims the court ignored evidence adverse to Mother.

As noted above, in the due process section of his brief, Father includes twenty-two numbered paragraphs, each purporting to raise a separate error by the trial court. Some of these paragraphs have already been addressed in our analysis above. None of the other paragraphs properly develop arguments for our review. Father simply makes bald allegations about the court, without sufficient citations to the record or legal authority to support the allegations. This issue is waived.⁴ ***See B.S.G., supra; R.H., supra; Milby, supra.***

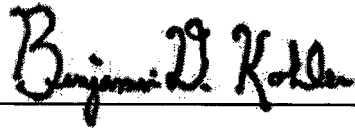
⁴ Even if not waived, it appears that Father is seeking that this Court re-weigh the evidence in his favor and find him to be more credible than Mother. This is not our role. ***See Wilson***, 284 A.3d at 520 (noting that it is not this Court's role to "re-find facts, re-weigh evidence, and re-assess credibility." (citation omitted)).

In his final issue, Father argues that the trial court exhibited judicial bias through numerous actions, many of which have already been addressed above. Within his argument, Father's allegations of bias mainly stem from factual findings or statements made by the trial court that Father disagrees with. We have reviewed the record and see no evidence that the court was biased against Father. That the court disagreed with Father or found Mother more credible does not demonstrate bias. Father's final issue merits no relief. To the extent that Father attempts to raise other issues in his argument that were not included in his statement of the questions involved, Father has failed to adequately develop those issues for our review, so he has waived them. ***See B.S.G., supra; R.H., supra; Milby, supra.***

In sum, the trial court had jurisdiction under Section 5423 of the UCCJEA to enter the custody order on appeal. This Court is bound by Nevada's decision to relinquish jurisdiction, and many of Father's arguments related to the UCCJEA should have been made to the Nevada courts. Most of Father's other claims have been waived because he failed to cogently develop them in his brief. For any claims that Father properly raised and developed, we discern no error of law or abuse of discretion in the trial court's decision.

Order affirmed.

Judgment Entered.

A handwritten signature in black ink, reading "Benjamin D. Kohler", is written over a horizontal line.

Benjamin D. Kohler, Esq.
Prothonotary

Date: 03/13/2026

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX C

Memorandum Opinion of the Court of Common Pleas of Berks
County

Dated April 7, 2025

Trial Court Memorandum Opinion

KELLY HERRMANN,

Appellee

vs.

JEREMY HERRMANN,

Appellant

: IN THE COURT OF COMMON PLEAS OF
: BERKS COUNTY, PENNSYLVANIA
: CIVIL ACTION – LAW
: CUSTODY

: Trial Court Docket No. 24-02421
: Superior Court 334 MDA 2025
: ASSIGNED TO: Bodor, J.

Rebecca A. Smith, Esquire, for Plaintiff
Jeremy Herrmann, Pro Se

MEMORANDUM OPINION, BODOR, J.

April 7, 2025.

Before the Court is the appeal of Jeremy Herrmann (Appellant) of this Court's Decision and Final Custody Order of February 11, 2025. This Court held a full Custody Trial on December 4, 2024. At issue is partial custody of the parties' minor Children. In addition to the foregoing, we incorporate by reference and adopt for our reasoning our Custody Decision entered on the docket on February 12, 2025.

Kelly Herrmann, (Appellee) and Appellant, Jeremy Herrmann, were married on December 29, 2007. They are the natural parents of two minor children, J.H., born in 2015, and K.H., born in 2020 (Children). ¹ The parties separated on November 14, 2021 and were divorced on April 13, 2022.

This case has a complicated procedural history: Appellant and Appellee first resided in Pennsylvania and then moved to California and then to Reno, Nevada. Appellee and the children moved to Susanville, California to be closer to a hospital that could provide care for their oldest daughter. ² After this child

¹ The parties had another older child who died before their divorce was filed.

² The parties were able to reside in a Ronald McDonald House for three months when their daughter was first hospitalized.

passed away, Appellee and the children moved back to Appellant in Nevada. A Temporary Protection Order was entered against Appellant on November 13, 2021. The parties separated on November 14, 2021. Appellee moved with the minor children back to Susanville, California, where she filed for divorce.

The divorce and custody cases were heard in Washoe County, Nevada. An Order deciding these matters was entered on April 13, 2022. (Court Exhibit 1). Pursuant to this Order, Appellee was awarded sole legal and primary physical custody of the Children and she was permitted to relocate back to Susanville, California with the children because it was in their best interests and because they only moved to Nevada out of medical necessity to obtain care for their daughter. Appellant did not appeal this decision. Appellant was awarded two video calls per week, provided he was sober.

In July of 2022, Appellant filed a notice of change of address with the Nevada court indicating he had changed his address from Reno, Nevada to Montana. 3

Appellee moved to the home of her parents in Berks County, Pennsylvania on July 1, 2023. Through counsel, she registered the foreign Custody Order from the Washoe County Court in Nevada with the Court of Common Pleas of Berks County. She also filed a notice of change of address with the Court in Nevada indicating that she had relocated from California to Pennsylvania.

On March 15, 2024, Appellee filed a Petition to Modify Custody in Berks County. Ten days later, on March 25, 2024, Appellant filed a Motion for Change

³ Apparently, according to a footnote to the Nevada court's Order of April 30, 2024, a hearing had been held in this case in Nevada on February 15, 2024. Appellant attended the hearing remotely from Arizona via Zoom, but his mailing address was in Montana at that time.

My only Motion to be mooted
by the Nevada Court was my motion to change child custody after
of Custody or Visitation with the Nevada trial court. 4 On April 17, 2024, ^{learning of Ms. Hebbman's criminal actions of illegally relocating our children}

Appellant filed a Request for Conference between Judges to Establish
Jurisdiction in the Nevada Court, asking that the Nevada Judge contact the
undersigned to establish jurisdiction and asserting that the only Court that could
assume jurisdiction other than Nevada is the Lassen Superior Court in California.
(Plaintiff's Exhibit 2). leaves ~~the~~ out unrecorded

On April 30, 2024, after an informal judicial conference with this Court,
the Nevada court, sua sponte, found Appellant's Motion to be moot because
neither party nor the children resided in the state of Nevada. (Court's Exhibit 2).

Those facts were of record so, under the law, there was no other possible
determination, whether argued or not. There was no "swap." but Judge Unsworth it was agreed upon that PA assumed jurisdiction

Appellant filed an appeal of Nevada's April 30, 2024 Order in the Court of
Appeals of the state of Nevada. On June 14, 2024, Appellant filed a Change of
Address to Verdi, Nevada in the Court of Common Pleas of Berks County. On
September 20, 2024, a three-judge panel in the state of Nevada affirmed the
district court order on the basis that Nevada no longer had exclusive, continuing
jurisdiction. (Plaintiff's Exhibit 6).

A Custody Trial was held on December 4, 2024 and, after obtaining the
transcript and reviewing the evidence, our Decision and Order were entered on
the docket on February 12, 2025. Appellant timely filed his Notice of Appeal to

without permission I lose due process rights?

That is the only ~~the~~ determining factor that the two courts
have. Informal

the Superior Court on March 11, 2025. By Order of March 13, 2025, we ordered Appellant to file a Concise Statement of the errors complained of on appeal. 5

In his Statement of Errors, Appellant asserts:

1. "The trial court erred in denying my motion to dismiss. The Court stated that I provided no factual basis in support in which I clearly laid out the laws that both trial courts are ignoring.
2. The trial court erred in taking jurisdiction from Nevada knowing Ms. Herrmann violated our Nevada custody order.
3. The trial court erred by Judge Bodor admitting he is biased, and that he does not care about the law, or the Constitution of the United States of America.
4. The trial court erred by not allowing either party to present facts and legal arguments, before a jurisdiction was made [section]5410(b).
5. The trial court erred by not recording the UCCJEA conference call between the two trial courts.
6. The trial court erred by holding a custody trial without saying what law they used to swap jurisdiction, like a football game.
7. The trial court erred by making me pay for all cost to see the children when the court knows I cannot afford to fly to Pennsylvania let alone pay for supervised visits for Ms. Herrmann's illegal conduct.

5 Appellant filed a three page, single-spaced "Statement of Errors to be Complained on Appeal with his Notice of Appeal. We ordered Appellant to file a *concise* statement. In response he filed a one-page Statement of Errors to be Complained on Appeal. Appellant also filed for the transcripts of both the PreTrial and the Custody Trial on one form. We previously dismissed Appellant's numerous improper requests for transcripts. By Order of March 11, 2025, we instructed him that a Request for a Transcript can only pertain to one proceeding on a particular date with the particular Court Reporter. As of this date, he has not properly requested the Custody Trial Transcript as ordered.

8. The trial court erred in dismissing my motion for court fees + costs when [section] 5339 literally says expenses in its title.
9. The trial court erred in saying I have been convicted of domestic violence when nothing on the record supports this finding."
10. Appellant also asserts that these errors deprived him of life + liberty by denying him due process of law.

In child custody matters, it is well settled that the scope of appellate review is of the broadest type and the standard is abuse of discretion. The Superior Court has stated:

"We must accept findings of the trial court that are supported by competent evidence of record, as our role does not include making independent factual determinations. In addition, with regard to issues of credibility and weight of the evidence, we must defer to the presiding trial judge who viewed and assessed the witnesses first-hand. However, we are not bound by the trial court's deductions or inferences from its factual findings. Ultimately, the test is whether the trial court's conclusions are unreasonable as shown by the evidence of record. We may reject the conclusions of the trial court only if they involve an error of law, or are unreasonable in light of the sustainable findings of the trial court."

C.R.F., III v. S.E.F., 45 A.3d 441, 443 (Pa.Super.2012).

"When a trial court orders a form of custody, the best interest of the child is paramount." S.W.D. v. S.A.R., 96 A.3d 396, 400 (Pa.Super.2014) (citation omitted).

Appellant's first six issues center around the jurisdictional issue. Appellant argues that, because Appellee moved to Pennsylvania without notifying him or the Court, the move is illegal and thus Nevada still has jurisdiction. Appellant raised this issue in the Nevada court, which ruled that the issue was moot because there was no party or child that remained living in Nevada. The Court of Appeals in the state of Nevada affirmed the district court's decision that Nevada no longer had exclusive, continuing jurisdiction for that reason. The judicial conference call that Appellant requested could not have been determinative of jurisdiction because Nevada no longer had jurisdiction once Appellant moved to Montana and Appellee and the children resided in Pennsylvania. Appellant's change of address to Nevada, after the fact, could not alter those facts.

The Court of Appeals for the state of Nevada, in its Order of Affirmance filed September 20, 2024, addressed Appellant's claim that Appellee's unlawful relocation kept jurisdiction in Nevada. The appellate court stated that, Appellant's argument that Appellee improperly relocated to Pennsylvania, would not allow Nevada to exercise jurisdiction over the parties' custody dispute because "continuing jurisdiction is lost when the child, the child's parents, and any other person acting as a parent no longer reside in the original decree State," and that "jurisdiction is not reestablished if the noncustodial parent returns to the state," citing UCCJEA (1997) section 202, comment 2. This issue is res judicata and binding on this Court, which must give full faith and credit to the Order from the state court of Nevada.

Do you know how serious this
is for via trial

Relocation
Clause in
decree
was Herman
Sept
2024
Appellant
still had
jurisdiction
during my
appeal
My appeal
was under
Emergency
Proceedings

Appellant also asserts that there was no evidence presented that he has been convicted of domestic violence when nothing on the record supports this finding. Appellant mischaracterizes the evidence. Testimony and exhibits submitted by Appellee at the custody trial established she was a battered wife. (Plaintiff's Exhibits 3 and 4). On March 3, 2022, Appellant pleaded guilty to one count of Battery. He was ordered to have no contact with the victim, Appellee, and received an alternative sentence of completing the Domestic Violence Program, Level 1, consisting of 26 classes. 6

The case *sub judice* is akin to the case of A.R. v. S.G., 329 A.3d 668 (PaSuper.2024)(unpublished disposition), where the appellant claimed the trial court erred by permitting the mother to relocate with the child out of state without notice to appellant, and by accepting Mother's unproven testimony that she was a victim of domestic abuse. Mother countered that her failure to give notice of her relocation was mitigated by the physical abuse she suffered. The trial court reviewed the factors under the Child Custody Act, 23 Pa.C.S.A. Sections 5328(a)(1-16), 7 as well as the relocation factors under 23 Pa.C.S.A. Section 5328(h). The Superior Court affirmed, stating that the trial court's findings were supported by the record and there was no abuse of discretion. It declined to disturb the trial court's credibility determinations, including its findings of Appellant's abuse of Mother. The Superior Court stated:

6 Appellant requested to be removed from the program because he was relocating to Montana. He was permitted to take on-line classes due to his remote location. On-line classes were approved but a review was set thereafter to see how he was progressing. (Plaintiff's Exhibit 4, pp. 4-8).

7 The trial court used the factors then in place before the Child Custody Act was amended by Kayden's Law, which has put even more emphasis on the safety of the Child.

In my opinion
of
the motion
to
bring up

"...the trial court appropriately considered, pursuant to 23 Pa.C.S.A. section 5337(k), Appellant's abuse of Mother as a mitigating factor concerning Mother's lack of notice regarding her relocation with the Child. *Id.* (Any consideration of a failure to provide reasonable notice...shall be subject to mitigation if the court determines that such failure was caused in whole, or in part, by abuse."

The Superior Court, citing its unpublished memorandum in Moyer v. Moyer, 309 A.3d 1059, 809 MDA 2023 (Pa.Super.2023), said the Moyer case is instructive. In that case, the Superior Court affirmed the trial court in Berks County, not only on the basis that the trial court did not consider father's alleged abuse of mother to the exclusion of all other factors, but rather found father lacked the ability to provide a safe environment in which the Children's needs will best be met...the court did consider that mother relocated without father's consent and without giving him proper notice. However, the court found this situation was mitigated by father's abuse of mother."

Appellant does not deny that he has PTSD from his years in the military serving in Iraq. He also had a problem with alcohol abuse, though he claims to be sober now. We found Mother's testimony credible that, when she tried to leave Appellant with her children, he assaulted her. In fact, the youngest child was bruised when he grabbed the baby from Appellee and carried it under his arm, as he fled. (Plaintiff's Exhibit 5). Appellee gave notice to the court in Nevada when she filed a Change of Address. We find that the fact that she did not notify Appellant she was relocating to Pennsylvania, was mitigated by the history of abuse at the hands of Appellant, both physical and emotional. The Nevada court

What
bruises
I see
red marks
skin irritation
★

and what ~~about~~ original court said I caused the skin
irritation on K.A.?
So what law are you trying to use?

...also bruises

gave her permission to relocate to California in the first instance, and gave Appellant the right to telephone contact with his children only if he was sober. He was later given professionally supervised visitation. We find that Mother can provide a safer environment for her children in Pennsylvania.

As for Appellant's last issue, 8 "[t]he trial court erred by making me pay for all cost to see the children when the court knows I cannot afford to fly to Pennsylvania let alone pay for supervised visits for Ms. Herrmann's illegal conduct," the Superior Court has held, "The fact that a move of a considerable distance will increase the cost and logistical problems of maintaining contact between the noncustodial parent and child will not necessarily preclude relocation when other factors militate in favor of it." Ketterer v. Seifert, 902 A.2d 533 (Pa.Super.2006) citing Speck v. Spadafore, 895 A.2d 606, 610 (Pa.Super.2006).

Appellant, under the current Custody Order, has more of an opportunity to see the children in person if he comes to Pennsylvania than he had under the original Nevada court order. He previously lived in Pennsylvania, he is unemployed, very mobile, and has lived in his camper before. Appellant could travel to Pennsylvania once a month, and he could see his children through supervised visitation, which he could pay for through part-time work. Mother showed her cooperation with supervised visits when she flew the children to Nevada in the past, without complaint about the costs.

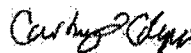
⁸ As for Appellant's issue 8, we did not dismiss his *in forma pauperis* application. The docket summary shows that, on September 23, 2024, it was granted as to filing fees and costs.

For the foregoing reasons, we respectfully request that the Superior Court quash this appeal for Appellant's failure to properly secure the transcript of the Custody Trial despite this Court's specific Order on how to do so, or in the alternative, affirm this Court's Decision and Order of February 11, 2025.

BY THE COURT:

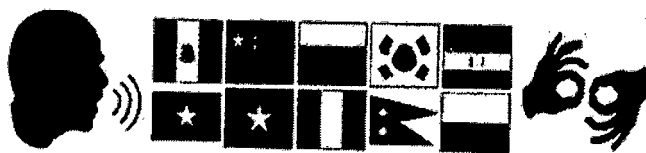

Justin D. Bodor, J.

NOTICE IS HEREBY GIVEN OF THE ENTRY OF THIS ORDER
OR DECREE PURSUANT TO RULE P.C.P. 236 YOU ARE
NOTIFIED THAT THIS ORDER/DOCUMENT HAS BEEN
FILED IN THE PROTHONOTARY'S OFFICE OF BERKS
COUNTY AND THIS IS AN EXTRACT FROM THE RECORD
OF SAID COURT CERTIFIED ON 04/09/25
J. K. DEL COLLO Prothonotary

 Deputy



Notice of Language Rights



Language Access Coordinator
Berks County Services Center, 633 Court Street, 4th Floor, Reading, PA 19601
610-478-6208 x5712

Interpreter@countyofberks.com

English: You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information provided at the top of this notice.

Spanish/Español: Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

Mandarin/Cantonese Simplified Chinese/普通话/粤语简体中文: 您有权获得免费的口译员服务。若需要口译员, 请使用本通知上方提供的联系信息通知法院工作人员。

Mandarin/Cantonese Traditional Chinese/普通话/廣東話繁體中文: 您有權要求免費傳譯服務。如欲要求傳譯服務, 請參閱本通知頂部的聯絡資料。通知法庭職員。

Arabic/العربية: يحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم, يرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المقدمة في الجزء العلوي من هذا الإعلان.

Russian/Русский: У вас есть право на бесплатные услуги переводчика. Заявка на переводчика подается в суд по адресу, телефону или эл. почте, указанным выше в заголовке этого уведомления.

Vietnamese/Tiếng Việt: Quý vị có quyền được một thông dịch viên giúp mà không tốn chi phí nào cả, xin hãy báo cho nhân viên tòa án dùng thông tin liên lạc có ở trên đầu thông báo này.

Nepali/नेपाली: तपाईंको निःशुल्क रूपमा भाषा अनुवादक राख्न पाउने अधिकार छ। अनुवादकको लागि अनुरोध गर्न, यस सूचनाको माथि दिइएको सम्पर्क जानकारी भरेर अदालतका कर्मचारीहरूलाई जानकारी दिनुहोस्।

Korean/한국어: 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알리십시오.

Polish/Polski: Ma Pan/Pani prawo do nieodpłatnego skorzystania z usług tłumacza ustnego. Aby zwrócić się o wsparcie ze strony tłumacza ustnego, proszę skontaktować się z pracownikami sądu, korzystając z danych znajdujących się w górnej części niniejszego dokumentu.

Pakistan/پنجابی/Punjabi: تہاڈے کول بغیر ادائیگی کیتیاں اک مترجم حاصل کرن دا حق اے۔ مترجم دی درخواست کرن لئی, میربانی کر کے ایس نوٹس دے اوئے فراہم کیتیاں رابطے دیاں معلومات نوں ورتدیاں عدالت دے عملے نوں اطلاع دوو۔

Punjabi/ਪੰਜਾਬੀ/India: ਤੁਹਾਨੂੰ ਇਕ ਦੁਬਾਸ਼ੀਆ ਹਾਸਲ ਕਰਨ ਦਾ ਹੱਕ ਹੈ, ਜਿਸ ਦੀ ਤੁਹਾਨੂੰ ਕੋਈ ਲਾਗਤ ਨਹੀਂ ਲੱਗੇਗੀ। ਦੁਬਾਸ਼ੀਏ ਲਈ ਬੇਨਤੀ ਕਰਨ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰ ਕੇ ਅਦਾਲਤ ਦੇ ਅਮਲੇ ਨੂੰ ਜਾਣੂ ਕਰਵਾਓ ਤੇ ਇਸ ਲਈ ਇਸ ਨੋਟਿਸ ਦੇ ਸਿਖਰ ਉੱਤੇ ਦਿੱਤੀ ਸੰਪਰਕ ਜਾਣਕਾਰੀ ਦਾ ਇਸਤੇਮਾਲ ਕਰੋ।

Portuguese/Português: Você tem direito a um intérprete gratuitamente. Para solicitar um intérprete, informe à nossa equipe usando os dados de contato mostrados na parte superior deste aviso.

Somali/Somaali: Waxaad xaq u leedahay in lagu turjumo lacag la'aan ah. Si aad u codsato turjumaanka, fadlan u sheeg maxkamadda shaqaalaha adiga oo isticmaala macluumaadka ciwaanka kor lagu siiyay ee ogeysiiskaan.

Haitian Creole/Kreyòl Ayisyen: Ou gen dwa resevwa sèvis yon entèprèt gratis. Pou mande pou yon entèprèt, tanpri fè manm pèsonèl tribinal la konnen lè ou sèvi avèk enfòmasyon an yo te bay ou nan tèt avè sa a.

French/Français: Vous avez le droit de bénéficier gratuitement de l'assistance d'un interprète. Pour en faire la demande, veuillez en informer le personnel du tribunal à l'aide des coordonnées indiquées en haut de page.

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX D

Decision and Final Custody Order

Court of Common Pleas of Berks County

Entered February 11-12, 2025

Berks County Custody Order

KELLY HERRMANN,

Plaintiff

vs.

JEREMY HERRMANN,

Defendant

: IN THE COURT OF COMMON PLEAS OF
: BERKS COUNTY, PENNSYLVANIA
: CIVIL ACTION – LAW
: CUSTODY

:
: No. 24-02421
: ASSIGNED TO: Bodor, J.

Rebecca A. Smith, Esquire, for Plaintiff
Jeremy Herrmann, Pro Se

DECISION and ORDER, BODOR, J.

February 11, 2025.

This Court held a Custody Trial on December 4, 2024. At issue is partial custody of the parties' minor Children. After consideration of the testimony and the evidence presented, we enter the following Findings of Fact:

I. FINDINGS OF FACT

1. The Plaintiff, Kelly Herrmann (hereinafter "Mother"), an adult individual, resides at 210 Wert Road, Lenhartsville, Berks County, Pennsylvania, with her parents, Samuel and Connie Garland.
2. The Defendant, Jeremy Herrmann (hereinafter "Father"), an adult individual, resides at 1675 Highway 40 W #236, Verdi, Nevada 89436.
3. The parties are the natural parents of two minor children, J.H., born in 2015, and K.H., born in 2020 (hereinafter referred to as "the Children").
4. The parties were married on December 29, 2007.
5. The parties separated on November 14, 2021 and were divorced on April 13, 2022.
6. Mother resided in Nevada until the parties separated.
7. Mother moved with the minor Children to Susanville, California, from November 14, 2021 until July 1, 2023.

9. The divorce and custody cases were heard in Washoe County, Nevada; an Order addressing both these matters was entered on April 13, 2022.

10. Pursuant to this Order, Mother was awarded sole legal and primary physical custody of the Children.

11. Father was awarded supervised partial physical custody at a supervision facility.

12. Mother moved to the home of her parents in Berks County, Pennsylvania on July 1, 2023.

13. On March 11, 2024, Mother, through counsel, registered the foreign Custody Order from the Washoe County Court, Nevada, dated April 13, 2022, with the Berks County Court of Common Pleas.

14. Mother filed a Petition to Modify Custody in Berks County on March 15, 2024.

15. On April 30, 2024, the Washoe County Court entered an Order specifically finding that it had lost jurisdiction.

16. That Court also noted the following: "At the hearing held in this matter on February 15, 2024, Mr. Herrmann testified that he is a 'full time traveler;' was attending the hearing remotely from Parker, Arizona; and that his mailing address is Montana."

17. A Custody conciliation conference was held on April 22, 2024, but was continued until May 24, 2024.

18. On June 14, 2024, Defendant filed a Change of Address, now listing his address as 1675 Highway 40 W #236, Verdi, Nevada 89436.

18. A Recommendation was filed by the Custody Master on June 14, 2024, to which Mother filed exceptions on June 28, 2024, and Father filed exceptions on July 1, 2024.
19. A PreTrial conference was held on August 13, 2024; Defendant participated by video.
20. The Custody Trial was scheduled for and held on December 4, 2024.
21. Mother resides with her parents Samuel and Connie Garland.
22. Mother has no history of drug or alcohol problems.
23. Mother has no criminal convictions.
24. Mother has no findings of abuse through a protective order.
25. Mother has no Children and Youth Services involvement.
26. Mother has no mental health or major physical health conditions.
27. Father has a history of mental health concerns, PTSD, and is on disability for physical ailments.
28. At some point, Father was on medication but stopped taking it.
29. At some point, Father was briefly in counseling with Betterhelp, but he quit because it did not fit into his schedule.
30. Father is a military veteran, and he served tours of duty in Iraq.
31. Father's mental health began to decline prior to the death of their youngest daughter on July 17, 2021.
32. Father became increasingly paranoid and exhibited behavior that was harmful to the Children.
33. Father's excessive consumption of alcohol increased his paranoia; Father admitted he is an alcoholic, but says he stopped drinking in the last year.

34. Father refused to see their daughter before she died.
35. Father blames Mother for the death of their daughter.
36. Father quit his job after their daughter passed away.
37. Father has a conviction for domestic violence against Mother in California, more specifically he pled guilty to battery.
38. Despite Father's guilty plea to battery, he has repeatedly argued that no domestic violence occurred and that Mother is a liar; the incident occurred on November 13, 2021.
39. The Washoe County Court made a specific finding that clear and convincing evidence was established that Father engaged in an act of domestic violence.
40. Father continues to exhibit erratic behavior.
41. Father accuses the courts in Nevada and California of being corrupt.
42. Father accuses the police of being corrupt.
43. Father's conduct toward the court in Nevada actually triggered the Court to pursue vexatious litigation proceedings against Father.
44. During the custody process in Nevada in 2022, Father filed Petitions with the Court to terminate his own parental rights to his two minor children.
45. Father continues to argue that Nevada has jurisdiction over this custody matter despite the fact that neither party, nor the Children, live there and that Mother and the Children have lived in Berks County for over a year and a half.
46. Mother is employed as a special education teacher with the Oley Valley School District.
47. Father is unemployed.

48. Father is "houseless" and currently shares a group home with eight other men.

49. Father does not have a state where he has consistently resided since the parties' separation; he alternated between Nevada, California, Arizona, and Montana.

50. Father is not acting in the best interest of the minor Children.

II. DISCUSSION

In making our disposition, this Court considered the testimony of Mother and Father. The Court spoke to the oldest Child *in camera*. The required Findings of Fact and Conclusions of Law were filed by Mother, but not by Father. Mother's Exhibits 1 through 14, and the Court's Exhibits 1 and 2, were admitted into evidence and reviewed for our decision. Father did not submit any exhibits at trial.

The issue in this case is Father's partial custody of the parties' two minor children. "The primary concern in any custody case is the best interests of the child. The best-interests standard, decided on a case-by-case basis, considers all factors that legitimately affect the child's physical, intellectual, moral, and spiritual well-being." B.S.G. v. D.M.C., 255 A.3d 528, 533 (Pa. Super.2021)(citations omitted).

Under the Child Custody statute,¹ effective January 2011, the General Assembly listed sixteen factors the court must consider when awarding custody of

¹ 23 Pa.C.S.A. Section 5321, et. seq.

a child, giving weighted consideration to those factors which affect the safety of the minor child.

This year, the Child Custody statute was amended and is now commonly referred to as Kayden's Law, under 23 Pa. C.S.A. §5328, *as amended* (effective August 13, 2024). Since the new law went into effect on August 13, 2024, and this trial began after that date, we will address the new factors *seriatim*. The factors mandated for analysis are:

(a) Factors.--In ordering any form of custody, the court shall determine the best interest of the child by considering all relevant factors, giving substantial weighted consideration to the factors specified under paragraphs (1), (2), (2.1) and (2.2) which affect the safety of the child, including the following:

(1) Which party is more likely to ensure the safety of the child.

Father has unaddressed and untreated mental health problems. When he filed his two Petitions to Terminate Parental Rights, against himself, he admitted that he suffers from PTSD. (Plaintiff's Exhibits 8 & 9). Mother is concerned that Father would harm the Children solely in an effort to get back at Mother. Father's erratic behavior causes this Court concern for the safety of these Children. 2 Mother is concerned that Father will take the Children and run out of spite if he has them unsupervised. (Notes of Testimony, 12/4/24, p. 74). That is a concern of this Court as well. Father needs to contact the VA about treatment for PTSD and follow through with its recommendations for counseling and medication. This factor favors Mother.

2 Father has emailed this Court *ex parte*, before and after the trial, accusing this Court of being corrupt. He also labeled the District Court in Nevada "corrupt." (Plaintiff's Exhibit 1, p. 3).

(2) The present and past abuse committed by a party or member of the party's household, which may include past or current protection from abuse or sexual violence protection orders where there has been a finding of abuse.

Father entered a guilty plea to battery for an incident of domestic violence against Mother. He says he pled guilty as a way to get two other charges dropped, but that he is innocent. (Notes of Testimony, 12/4/24, pp. 142-143). Mother testified that, after she finished school in June 2018, she moved to California and joined Father in his camper. Within two weeks, the parties' youngest child, who had serious medical issues, was transferred to a Children's Hospital in Nevada. The family got housing at the Ronald McDonald house where they stayed for three months. There were no home-health nursing services for their daughter in California where they had been living, so they were able to find a home in Reno, Nevada, just a mile over the border. Mother moved out of that house in November of 2019. In November of 2021, Mother had to travel back to California for a CPR class and Father was supposed to watch the two children. He sent her a message that he wasn't going to take care of the children and that "[she] could figure it out; that he was done with [us]." Mother left the oldest son with a friend and took the youngest daughter back to Susanville to get their bags. When she arrived, Father came out before she even got out of the car. He was visibly drunk. He had papers for a divorce complaint. And he wanted her to sign a handwritten note saying that she was the enemy. Father said he was reluctant to show his face around Susanville because he thought Mother talked poorly of him. Mother agreed to meet him the next day for lunch, with his friends in Cold Springs,

Nevada, but she didn't want to drive over there and back. So she went back into the house to get sleepover bags for the Children. At that point, Father said she wasn't going to take his children and grabbed the youngest child from her, holding the child under one of his arms. He told her to call 911, so she tried to do that. Then he was trying to wrestle the phone away from her while holding the young child, almost dropping her. Father got the phone away from Mother and put the child down. Mother picked the child up and tried to leave again; Father again took the young child from her. Mother ran out of the house and down to a neighbor's house to call for help. From there, she was able to call 911. The Washoe County Sheriff's Office came forty-five minutes later. Mother stayed at the neighbor's house, but Father still had the child with him. Father left the house with the child, but returned prior to the Sheriff's arrival. Father was arrested. Mother went back into their home and found the young child in the house in her car seat. Mother took her back to the friend's home. When Mother went to change her diaper, she noticed red marks around her stomach and on her one foot. This was three or four hours after the incident. Criminal charges were filed as a result of this incident. (Plaintiff's Exhibit 3). Mother filed for a protection order. Father was charged with battery and domestic battery of the first degree. (Plaintiff's Exhibit 4). He pled guilty to battery. As a condition of his sentence, he had to participate in a domestic violence program. (Notes of Testimony, 12/4/24, pp. 34-41; Plaintiff's Exhibit 5). Father claims he did not harm the young child because he wasn't charged for it. We do not find Father to be credible concerning this incident. In November 2022, Mother also had to seek a restraining order against Father in California. It was entered in January of

2023, good for three years. Father was sending Mother text messages and emails that were extremely vulgar and threatening. In one of the emails, Father said she should say hello to Jesus and their daughter. (Id. at pp. 45-46). We also find that Father's temperament remains hostile and aggressive. We find that the Children are not safe alone with Father. This factor favors Mother.

(2.1) The information set forth in section 5329.1(a) (relating to consideration of child abuse and involvement with protective services).

There has been no Children and Youth Services Involvement other than when they contacted Mother because of the involvement of the youngest child in the domestic violence incident, *supra*, but no case was opened.

(2.2) Violent or assaultive behavior committed by a party.

There is a history of violent behavior by Father toward Mother, causing her to obtain a protective order against him. Over the years, Father lost his temper and punched holes in the walls. One time he punched out the back window of Mother's car while the oldest child was still in his car seat in the back seat. He pushed her when they had lived in Pennsylvania before their move out west. (Notes of Testimony, 12/4/24, p. 67). In the report from the Deputy Sheriff, who first arrived at the scene described above, the deputy observed a red mark on Mother's face below her left eye and what appeared to be a scratch in the same area. (Plaintiff's Exhibit 12, p. 4). Father was criminally charged and ordered to complete a Domestic Violence Level I Counseling program. (Notes of Testimony, 12/4/24, p. 39; Plaintiff's Exhibits 3 & 4). We also find that Father has been emotionally abusive to Mother by accusing her of killing their daughter, who was born with a very serious genetic disorder and was living with a tracheotomy.

After she died, Father's verbal abuse toward Mother increased. In texts, he would call her a bitch, a whore, a liar and a cheater. (Id. at pp. 67-68; Plaintiff's Exhibits 11 & 12). This factor favors Mother.

(2.3) Which party is more likely to encourage and permit frequent and continuing contact between the child and another party if contact is consistent with the safety needs of the child.

Despite Mother's move to Pennsylvania in July of 2023, she continued to fly with the children to Nevada each month for Father to exercise his periods of supervised visits. This continued until the Nevada Court relinquished jurisdiction whereby the supervised visitation agency would no longer supervise. Mother continued to try to facilitate calls between the Children and Father. Communication with Father was abhorrent. (Plaintiff's Exhibit 11, 12 & 13). Father was so rigid on the times of the calls as to cause the children to miss important activities in their lives. Despite this, Mother continued to ensure Father was able to speak to his children. (Plaintiff's Exhibit 10). During one call, initiated by the oldest Child, Father answered the call and told the child not to call anymore and then he hung up on the Child. (Notes of Testimony, 12/4/24, p. 48). Father is not willing to be flexible for the best interests of his children. This factor favors Mother.

(3) The parental duties performed by each party on behalf of the child.

Father was a stay-at-home dad when their first son was a newborn until he was two years old. Father has not had unsupervised contact with the minor children since November of 2021. He admits he does not pay any child support. In fact, he said in his Petitions to Terminate Parental Rights that he abandoned

them and provided no support for them. (Plaintiff's Exhibits 8 & 9). Mother has been raising these children by herself since the parties separated. She's taken care of all their daily needs. When Father did speak to the oldest child, he would berate him and be critical about his eating. (Notes of Testimony, 12/4/24, p. 55). This factor favors Mother.

(4) The need for stability and continuity in the child's education, family life and community life, except if changes are necessary to protect the safety of the child or a party.

Nothing in Father's life is stable; he has been a nomad, living in his camper in Nevada, California, Arizona and Montana. Currently, he resides in a government assisted group home for Veterans called Vitality. (Notes of Testimony, 12/4/24, pp. 119, 126, 134-136). It is a three-bedroom home with three bathrooms. There are two men that share his room, and six others in the house for a total of three men per bedroom or nine men sharing the house. (Id. at p. 133).

Mother resides with her parents in a single-family home on one and a half acres. It has four bedrooms and three and a half baths. Right now, the Children share a room with a bunk bed and a single bed in it. Mother plans to get her own place in the future, but in the interim, she can rearrange a bedroom and bath in the basement for herself so that the Children each have their own room.

Mother is gainfully employed as a special education teacher. The minor children attend school in Kutztown. J.H. is in fourth grade and rides the bus to school. He is doing very well; he reads at a very high level and he does great in math. K.H. is in preschool, attending three days a week for three hours.

Mother's parents provide the childcare when Mother is working. This factor favors Mother.

(5) The availability of extended family.

Mother resides with her parents. Her grandfather lives next door and an aunt and uncle and cousin live on the same original farm property that her parents divided their house from. Her brother and his wife and children live ten minutes away. Her sister and brother-in-law and two nephews live on a dairy farm nearby. Most of her family see the Children weekly, if not multiple times a week. (Notes of Testimony, 12/4/24, pp. 76-77). It is not believed that Father has any contact with his family, but his father lives in Northern California; his mother is deceased. He has an aunt on the east coast and a sister. (Id. at p. 77). This factor favors Mother.

(6) The child's sibling relationships.

This factor is neutral. Neither party has any other children. There was a sibling who was born with a genetic disorder, Trisomy 18 or Edwards Syndrome, and pulmonary hypertension. She was on a ventilator and a feeding tube. This sibling died when she was two and a half. (Notes of Testimony, 12/4/24, p. 28).

(7) The well-reasoned preference of the child, based on the child's developmental stage, maturity and judgment.

The minor children are too young to form a well-reasoned preference. The boy is nine years old and the girl is only four years old.

(8) The attempts of a party to turn the child against the other party, except in cases of abuse where reasonable safety measures are necessary to protect the safety of the child. A party's reasonable concerns for the safety of the child and the party's reasonable efforts to protect the child shall not be considered

attempts to turn the child against the other party. A child's deficient or negative relationship with a party shall not be presumed to be caused by the other party.

There is legitimate concern that Father will make every effort to alienate the children as a way to get back at Mother. This factor favors Mother.

(9) Which party is more likely to maintain a loving, stable, consistent and nurturing relationship with the child adequate for the child's emotional needs.

Mother has been the sole caregiver for the minor children since November of 2021. Father's mental health problems prevent him from providing stability for the children. Father's conversations with the oldest child about death and how one could die are inappropriate and emotionally damaging to a child at that young age. (Notes of Testimony, 12/4/24, pp. 56, 89-90). This factor favors Mother.

(10) Which party is more likely to attend to the daily physical, emotional, developmental, educational and special needs of the child.

Mother has been the sole caregiver for the minor children since November of 2021. Father does not even seem able to adequately care for himself, much less two minor children. Once he establishes some stability with his housing and gets mental health treatment, the situation could improve for him. This factor favors Mother.

(11) The proximity of the residences of the parties.

This is an open question as Father does not have a permanent residence. He was living in his camper in long-term visiting areas in Arizona and California. (Notes of Testimony, 12/4/24, p. 128). He claims to be waiting for the Court's decision before he gets one, not giving the Court the ability to assess whether his residence is sufficient for the Children's needs. Regardless of Father's actual

location, which he recently filed as Nevada, the distance is essentially across the country from one another, or at least 3,000 miles. This factor favors neither party.

(12) Each party's availability to care for the child or ability to make appropriate child-care arrangements.

Father's ability to care for the children is unknown and, considering his mental state, uncertain. Mother has a great deal of family support for childcare. This factor favors Mother.

(13) The level of conflict between the parties and the willingness and ability of the parties to cooperate with one another. A party's effort to protect a child or self from abuse by another party is not evidence of unwillingness or inability to cooperate with that party.

The level of conflict between the parties is extremely high. Father blames Mother for everything that has happened. Father accuses Mother of being a liar and bribing people for her own benefit. Father calls Mother a "cu*t," a thief, a liar, a horrible human being in text messages to her. (Notes of Testimony, 12/4/24, pp. 139-140; Plaintiff's Exhibit 11). Father has refused to work with Mother to accommodate telephone contact with the children at times that are best for their schedule. This factor favors Mother.

(14) The history of drug or alcohol abuse of a party or member of a party's household.

Father admittedly has a history of significant alcohol abuse. He claims he has been sober for a year. (Notes of Testimony, 12/4/24, p. 130). This factor favors Mother.

(15) The mental and physical condition of a party or member of a party's household.

Mother is physically and mentally healthy. She has been on medication for her hypothyroidism and medication for general anxiety since the death of her daughter nearly three years ago. Father has significant untreated mental health problems, PTSD, stemming, at least in part from his time deployed in the military and the death of his daughter. He is on disability for his shoulders, back and hips. He was prescribed medication for PTSD, but he never took it (Notes of Testimony, 12/4/24, p. 127-128, 137). This factor favors Mother.

(16) Any other relevant factor.

Father continues to argue that Berks County does not have jurisdiction to hear this custody matter. 23 Pa.C.S. §5423 details the requirements for a Pennsylvania Court to be able to modify an out-of-state Custody Order. 23 Pa.C.S. §5423 states: "Except as otherwise provided in section 5424 (relating to temporary emergency jurisdiction), a court of this Commonwealth may not modify a child custody determination made by a court of another state unless a court of this Commonwealth has jurisdiction to make an initial determination under section 5421(a)(1) or (2) (relating to initial child custody jurisdiction) and:

1) the court of the other state determines it no longer has exclusive, continuing jurisdiction under section 5422 (relating to exclusive, continuing jurisdiction) or that a court of this Commonwealth would be a more convenient forum under section 5427 (relating to inconvenient forum); or (2) a court of this Commonwealth or a court of the other state determines that the child, the child's parents and any person acting as a parent do not presently reside in the other state."

This Court has jurisdiction to make an initial custody determination under 5421(a)(1) as Pennsylvania is the home state of the minor Children. They have resided in Pennsylvania since July 1, 2023. Furthermore, Washoe County, Nevada lost jurisdiction under section 5423(2) because neither the Children nor the parents resided in Nevada. Nevada divested itself of jurisdiction under Order dated April 30, 2024. (Court's Exhibit 2). That decision was appealed and affirmed. (Plaintiff's Exhibit 1). As Father stated on the record via court proceeding on February 15, 2024, he is a full-time traveler. Per the Washoe County Order dated April 30, 2024, Father's mailing address was in Montana. Until very recently, he also gave the Court in Pennsylvania his mailing address as a P.O. Box. We take judicial notice of the Notice of the Custody Hearing Officer that, at the time of the Conciliation Conference held on May 24, 2024, Father gave his mailing address as P.O. Box 36, Verdi, Nevada. Father cannot reestablish Nevada's jurisdiction by "moving back" to Nevada.

Father also argues that the Washoe County Order was never "domesticated" in Berks County. The Order was registered in the Berks County Court of Common Pleas on March 11, 2024. Father objected to this fact at the initial child custody

conference. Father requested that this Court to hold a judicial conference with the Court in Washoe County, Nevada. It was determined that Nevada no longer had jurisdiction, because neither of the parties or the Children lived in Nevada. The facts are the facts and nothing, neither a recorded conversation nor an argument by Father, can change the facts.

Mother properly registered the foreign Order in Berks County. She then properly filed a Motion to Modify Custody with this Court. We properly held a full custody trial where Father was able to present his evidence and cross examine Mother. The main outcome of the trial, and our most significant concern is the safety of the Children. We find, by a preponderance of the evidence, that the Children are not safe with Father at this time and that it would not be in their best interest to be with Father unsupervised.

After review of all the relevant factors, we enter the following Order:

KELLY HERRMANN,

Plaintiff

vs.

JEREMY HERRMANN,

Defendant

: IN THE COURT OF COMMON PLEAS OF
: BERKS COUNTY, PENNSYLVANIA
: CIVIL ACTION – LAW
: CUSTODY

: No. 24-02421

: ASSIGNED TO: Bodor, J.

FINAL CUSTODY ORDER

AND NOW, this 11th day of February 2025, in final resolution of the Petition to Modify Custody, filed by Kelly Herrmann on March 15, 2024, it is hereby ORDERED and DECREED as follows:

1. Kelly Hermann, hereinafter referred to as Mother, shall have sole legal custody of the minor children, J.H., born in 2015, and K.H., born in 2020.
2. Mother shall have primary physical custody of the Children;
3. Father shall have partial physical custody of the Children as follows:
 - a) FaceTime or telephone calls twice a week, with one call on a Wednesday evening beginning at 7:30 pm Eastern time, and the other call on a Saturday morning at 11:00 am Eastern time, beginning with the youngest Child, for up to thirty minutes, and then with the oldest Child for up to one hour unless the Child wants more time; the calls shall be initiated and concluded by the Children.
 - b) One four-hour professionally supervised visit per month at one of the attached and approved supervised visitation centers in Berks County, on either a Saturday or Sunday, from noon to 4:00 pm, upon two weeks' notice to Mother of the chosen weekend and day. If there is a conflict with the Children's schedules or Mother's schedule on either that Saturday or Sunday of the chosen weekend, the other weekend day

will prevail; Mother shall notify Father promptly if there is a conflict with the date and day once she gets written confirmation of his choice; if there is a conflict of the chosen weekend, Mother shall give Father another choice of weekend in that month.

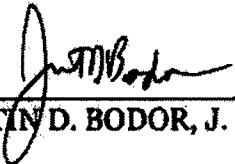
4. Mother shall choose the supervised visitation center and make the arrangements for the monthly visit; the visits shall be paid for by Father.
5. Mother, or her designee, shall be responsible for dropping off and picking up the Children from the supervised visitation center.
6. Father shall be responsible for his own transportation to Pennsylvania; failure to attend a visit will not result in any make-up time unless it is a bona fide and documented emergency.
7. The parties shall utilize App Close for all communication about the specific times and dates of phone calls with the Children and notice for any changes or scheduling supervised visits. Each party SHALL reply to any communication requiring a response within twenty four (24) hours of receiving said request. There shall be no derogatory remarks permitted on the App or that party shall be held in contempt of court.
8. A party who willfully fails to comply with this Final Custody Order may be adjudged in contempt of court. Contempt of court shall be punishable by any one or more of the following: (i) imprisonment for a period of not more than six (6) months; (ii) a fine of not more than \$500 per incident; (iii) probation for a period of not more than six (6) months; (iv) an order for nonrenewal, suspension or denial of operating privilege pursuant to

and under the authority of 23 Pa.C.S.A. §4355 (relating to denial or suspension of licenses); and/or (v) counsel fees and costs.

9. A parent proposing to change the residence of a child which significantly impairs the ability of the other parent to exercise custodial rights shall follow the procedures required by 23 Pa.C.S.A. §5337 and Rule of Civil Procedure 1915.17 as set forth in Exhibit B attached to this Custody Order.
10. Defendant's Petition for Dismissal is DENIED as there is no factual basis that would support it.
11. Defendant's Motion for Court Fees and Costs is dismissed because the relief granted by the Courts does not include travel expenses. Defendant was permitted to participate in the PreTrial Hearing via Teams, but not for a Custody Trial where a party's presence is required. On September 23, 2024, Defendant's Petition to Proceed In Forma Pauperis was granted as to filing fees and costs.

The standard Berks County Court of Common Pleas Appendices A, B and D shall be made a part of this Order.

BY THE COURT:


JUSTIN D. BODOR, J.

Supervised Visitation Providers

A New Dawn Family Solutions LLC

Website: www.andfs.com

Email: info@andfs.com

1180 Route 100

Bechtelsville, PA 19505

Phone: (610) 427-0619

Fax: 610-861-4677

Counseling Scheduling: 610-861-8779

Supervised Visitation Scheduling: 484-577-1394

Some insurances accepted and a Court Order is not required.

Rana Dimmig, MSS, MLSP, LSW; Tom Givler, BS

Services Provided:

- Individual Counseling
- Family Counseling
- Co-Parent Counseling
- Couples Counseling
- Reunification Therapy
- Therapeutic Visits
- Supervised Visitation (On-site & Off-site)
- COPE (Co-Parent Education)
- Anger Management (12 week program)
- Video/Phone Visits
- Outpatient Therapy
- Monitored Exchange
- Home Study & Home Inspection

Open Door International, Inc.

645 Penn Street, Suite 550

Reading, PA 19601

Phone: (610) 372-2200

Fax: (610) 372-8660

Website: kids@opendoorintl.com

- Individual Counseling
- Family Counseling
- Teen/Parent Conflict Counseling
- Intensive Intervention
- Reunification Counseling
- Home Assessments and Home Study
- Supervised Visitation
- Hands-on Supervised Visits
- Basic Parenting Skills and In-Home Basic Parenting Class

Stepping Stones Family Services
Website: www.steppingstonesfs.com

645 Penn Street, 4th Floor
Reading, PA 19601

Phone: 484-755-5736

Court Order required stating all terms and conditions of services requested.

Cody Forsythe – Point of Contact Person

- Supervised Visitation
- Nurturing Parent Program
- Domestic Violence Counseling
- Substance Abuse Counseling
- Drug Screenings

Rev. 8.13.24

APPENDIX TO CUSTODY ORDER

Certain rules of conduct which generally apply to custody matters are set forth below and are binding on all parties. Violation of any of these rules could become the subject of contempt proceedings before this Court, or could be grounds for modification of this Order. Custody orders are civil court orders and are not enforceable by police or other law enforcement. The word "child" is used below, but these rules apply to all the children in the Order. If any of these general rules conflict with any specific provisions of the Order, the Order shall control.

1. In addition to the rights in the Order, all parties shall also have the following rights with respect to the child:

A. The right to reasonable telephone contact with the child when they are in the other party's custody.

B. The right to be fully informed concerning the progress of the child in school and the child's medical status, including the right to obtain information directly from the child's school or medical practitioner.

C. The right to be informed in advance before any important decision is made concerning the child and the opportunity to participate in those decisions.

2. In the event of any serious illness of the child at any time, the party then having custody of the child shall immediately communicate with the other parties by telephone or by any other means, informing the other parties as to the nature of such illness. During such illness, each party shall have the right to visit the child as he or she desires consistent with the proper medical care of the child.

3. None of the parties shall alienate or permit an attempt by anyone else to alienate the child from the other parties. While in the presence of the child none of the parties shall make any remarks or do anything which is derogatory or uncomplimentary to the other parties and it shall be the duty of each party to uphold the other parties as ones the child should respect and love.

4. Both parties shall provide each other with the addresses and telephone numbers of where they will be staying anytime they take a trip with the child out of the jurisdiction of Berks County in excess of three (3) days.

5. The parties shall not conduct arguments or heated conversation in the presence of the child or when the child can overhear the argument.

6. The parties shall at all times consider the child's best interests, and act accordingly. It is in a child's best interest for the parties to understand that the child is trying desperately to cope with the fact of his or her parents' separation, and needs help in loving both parents and any other involved parties.

7. Neither party shall question the child as to the personal life of any other party except insofar as necessary to insure the personal safety of the child. By this we mean that the child will not be used as a spy on any other party. It is harmful to a child to be put in the role of spy.

8. The parties should remember that they cannot teach the child proper moral conduct if that party is indulging in improper conduct. Children are quick to recognize hypocrisy, and the party who maintains a double standard will lose the respect of the child.

9. Weekend and evening custody shall be subject to the following general rules:

A. Arrangements should be worked out beforehand between the parties without forcing the child to make choices and run the risk of displeasure. However, the child shall be consulted as to their schedules when appropriate.

B. Custodial rights shall be exercised at reasonable hours and under circumstances reasonably acceptable to the other parties and to the needs and desires of the child.

C. If a party finds himself or herself unable to pick up or drop off the child at the designated or agreed to time, he or she should give immediate notice to the other parties to avoid subjecting the child to unnecessary worry or failed expectations.

D. The party having custody of the child should prepare them both physically and mentally for the transfer of custody to another party and should have them available at the time and place designated in the Order or mutually agreed upon.

E. If any party or the child has plans which conflict with their scheduled custodial time and they wish to change their custodial time, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and the parties should be flexible for the sake of the child.

F. If a party shows up to begin their custodial time with the child and the party is under the influence of alcohol or drugs, the custodial time may be considered forfeited on those grounds alone.

10. If any party feels that another party has violated this Order, they may petition the Court as set forth in Pa.R.C.P. 1915.12.

APPENDIX B

Any Party to this action shall comply with the Provisions of 23 Pa. C.S.A. §5337 pertaining to a change in the residence as follows:

General Rule – No relocation shall occur unless:

- (1) every individual who has custody rights to the child consents to the proposed relocation; or
- (2) the court approves the proposed relocation.

(c) Notice.—

- (1) The party proposing the relocation shall notify every other individual who has custody rights to the child.
- (2) Notice, sent by certified mail, return receipt requested, shall be given no later than:
 - (i) the 60th day before the date of the proposed relocation, or
 - (ii) the 10th day after the date that the individual knows of the relocation, if:
 - (A) the individual did not know and could not reasonably have known of the relocation in sufficient time to comply with the 60-day notice; and
 - (B) it is not reasonably possible to delay the date of relocation so as to comply with the 60-day notice.
- (3) Except as provided by section 5336 (relating to access to records and information), the following information, if available, must be included with the notice of the proposed relocation:
 - (i) The address of the intended new residence.
 - (ii) The mailing address, if not the same as the address of the intended new residence.
 - (iii) Names and ages of the individuals in the new residence, including individuals who intend to live in the new residence.
 - (iv) The home telephone number of the intended new residence, if available.
 - (v) The name of the new school district and school.
 - (vi) The date of the proposed relocation.
 - (vii) The reasons for the proposed relocation.

(viii) A proposal for a revised custody schedule.

(ix) Any other information which the party proposing the relocation deems appropriate.

(x) A counter-affidavit as provided under subsection (d)(1) which can be used to object to the proposed relocation and the modification of a custody order.

(xi) A warning to the nonrelocating party that if the nonrelocating party does not file with the court an objection to the proposed relocation within 30 days after receipt of the notice, that party shall be foreclosed from objecting to the relocation.

(4) If any of the information set forth in paragraph (3) is not known when the notice is sent but is later made known to the party proposing the relocation, then that party shall promptly inform every individual who received notice under this subsection.

(d) Objection to proposed relocation.—

(1) A party entitled to receive notice may file with the court an objection to the proposed relocation and seek a temporary or permanent order to prevent the relocating. The nonrelocating party shall have the opportunity to indicate whether he objects to relocation or not and whether he objects to modification of the custody order or not. If the party objects to either relocation or modification of the custody order, a hearing shall be held as provided in subsection (g)(1). The objection shall be made by completing and returning to the court a counter-affidavit in substantially the same form:

This proposal of relocation involves the following child/children:

_____ Child's Name	_____ Age	_____ Currently residing at:
_____ Child's Name	_____ Age	_____ Currently residing at:
_____ Child's Name	_____ Age	_____ Currently residing at:

I have received a notice of proposed relocation and

1. ___ I do not object to the relocation and I do not object to the modification of the custody order consistent with the proposal for revised custody schedule as attached to the notice.

2. ___ I do not object to the relocation, but I do object to modification of the custody order, and I

request that a hearing be scheduled:

- a. ☐ Prior to allowing (name of child/children) to relocate.
- b. ☐ After the child/children relocate.

3. ☐ I do object to the relocation and I do object to the modification of the custody order, and I further request that a hearing be held on both matters prior to the relocation taking place.

I understand that in addition to checking (2) or (3) above, I must also file this notice with the court in writing and serve it on the other party by certified mail, return receipt requested. If I fail to do so within 30 days of my receipt of the proposed relocation notice, I shall be foreclosed from objecting to the relocation.

received County of Berks Prothonotary's Office on 02/12/2025 8:26 AM Docket No. 24-2421

APPENDIX D

"AppClose"

- (1) The parties shall communicate regarding the child via the app AppClose on any smart device. The parties are Ordered to download the app and establish a parent account. Each party shall enroll in the program within ten (10) calendar days from today's date.
- (2) Thereafter, the parties shall not communicate via e-mail, text message, or telephone, but shall conduct all communications regarding shared parenting matters, except matters of emergency discussed below in paragraph (4), using the app's features.
- (3) The parties shall utilize the app's Messaging feature only when the information cannot be conveyed in the Calendar, Expense, and/or Info Bank features. If an entry requires a response, the receiving parent shall respond within forty-eight (48) hours unless the entry itself indicates a longer time frame is acceptable.
- (4) In the event of an emergency regarding the child that must be acted upon within forty-eight (48) hours, the parties may communicate via e-mail, text message, or telephone. In the case of such an emergency, the subject and general content of any such communication shall be memorialized by a Journal entry in the Calendar feature.
- (5) This Order shall remain in full force and effect until further order of court or written agreement of the parties.

Received County of Berks Prothonotary's Office on 02/12/2025 8:26 AM Docket No. 24-2421

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX E

Order After Hearing on Enforcement

Second Judicial District Court of Nevada

Entered April 30, 2024

Nevada Enforcement Order

1 Code:

2
3
4
5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 KELLY N. HERRMANN,

10 Plaintiff,

Case No. DV21-01770

11 vs.

Dept. No. 12

12 JEREMY J. HERRMANN,

13 Defendant.
14

15 **ORDER AFTER HEARING ON ENFORCEMENT**

16 This matter came before the Court on February 15, 2024, pursuant to the Order Setting
17 Hearing on Motion to Enforce, Order Denying Motion for an Order to Show Cause entered on
18 November 6, 2023. Plaintiff, Kelly Herrmann ("Ms. Herrmann"), was present represented by
19 Richard Crane, Esq. and Marshal Willick, Esq.¹ Defendant, Jeremy Herrmann ("Mr. Herrmann"),
20 was present representing himself.²

21 The parties are the parents of two minor children: Jackson Herrmann, born March 23, 2015;
22 and Kennedy Herrmann, born August 10, 2020. Pursuant to the Findings of Fact, Conclusions of
23 Law and Decree of Divorce ("Decree") entered April 13, 2022, Ms. Herrmann was awarded sole
24 legal and primary physical custody of the minor children subject to Mr. Herrmann's supervised
25 visitation rights.

26
27 ¹ Ms. Herrmann appeared by way of a simultaneous audiovisual transmission from Pennsylvania and conceded to
being sworn-in across state lines. Ms. Herrmann's counsel appeared by way of simultaneous audiovisual transmission
from Clark County, Nevada.

28 ² Mr. Herrmann appeared by way of a simultaneous audiovisual transmission from Arizona and conceded to being
sworn-in across state lines.



1 Based upon the papers, pleadings, and orders on file herein, and the testimony heard at the
2 hearing, the Court now finds and orders as follows:

3 Findings

4 1. At the time this action was filed, Nevada was the "home state" of the children as it
5 was the state in which the children had lived with a parent for at least six consecutive months
6 before the commencement of the proceeding.³ This fact gave Nevada jurisdiction to make the
7 initial child custody determination and therefore Nevada acquired exclusive and continuing
8 jurisdiction over the children until a court of this state determined that the children and the
9 children's parents do not presently reside in the state.⁴ Once the children and the children's parents
10 no longer resided in Nevada, the Court lost exclusive and continuing jurisdiction in this matter,
11 but it did not lose all jurisdiction regarding child custody.⁵

12 2. At the hearing, Ms. Herrmann testified to her movements since the Decree of
13 Divorce was entered in this matter on April 13, 2022. Based upon her testimony, the Court finds
14 the children have resided outside the State of Nevada since approximately May of 2022, over 22
15 months ago.⁶ The Court further finds the children resided in California until approximately July
16 of 2023 and have resided in Pennsylvania ever since.⁷

17 3. Both parties testified to the existence of a Temporary Order for Protection issued
18 in Susanville, California in approximately January of 2023. Ms. Herrmann stated she did not
19 believe she had to contact Mr. Herrmann to get his permission to relocate as she had sole legal and
20 sole physical custody of the children.⁸ Ms. Herrmann further stated her belief that Mr. Herrmann
21 was homeless and as of June 1, 2023, she did not know how to contact him to request his
22 permission to relocate outside the State of California.

23 ////

24 ³ NRS 125A.085(1). The Court notes there is no other person acting as a parent in this matter.

25 ⁴ NRS 125A.305(1); NRS 125A.315(1)(b).

26 ⁵ *Kar v. Kar*, 132 Nev. 636, 639-40, 378 P.3d 1204, 1206 (2016).

27 ⁶ The Court notes that although Ms. Herrmann did not properly file a Notice of Change of Address after relocating to
California, the Request for Submission she filed on May 17, 2022, lists her address as being in Susanville, California.

28 ⁷ The Court notes Ms. Herrmann filed a Notice of Change of Address on July 17, 2023, which states her new address
is in Lenhartsville, Pennsylvania.

⁸ The Court clarified on the record Ms. Herrmann was granted primary physical custody, not sole physical custody,
and her custody is subject to Mr. Herrmann's visitations at the Family Peace Center.

The Court had no idea Ms. Herrmann removed

What Court order says Ms. Herrmann
was allowed to move to California with the children?
When was the trial held?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Order

The Court finds Ms. Herrmann's action of relocating the minor children to Pennsylvania without seeking the Court or Mr. Herrmann's permission was a violation of this Court's orders.

However, as the Court previously noted, Mr. Herrmann failed to file a fact-specific affidavit or declaration in support of his Motion as required by NRS 22.030(2) and WDCR 42(2). Therefore, the Court lacks jurisdiction to enter a finding of contempt.

Although Ms. Herrmann improperly relocated to Pennsylvania, the Court does find she has continued to follow the Court's order related to visitation and has worked to ensure Mr. Herrmann has been able to have supervised visitation with the minor children through the Family Peace Center. The Court therefore GRANTS enforcement of its prior orders regarding supervised visitations.⁹

Parties may obtain forms online at www.washoecourts.com.

Parties without counsel are encouraged to seek the advice of a licensed attorney or contact the Family Court Resource Center by telephone at 775-325-6731, or by email at ResourceCenter@washoecourts.us. The Resource Center cannot give legal advice but can give information regarding court procedures. Additionally, the Law Library offers a virtual "Lawyer in the Library" Program on Tuesdays that gives the public the opportunity to speak with a licensed attorney for 15 minutes on family law matters. For more information and to sign up, visit <https://www.washoecourts.com/LawLibrary/LawyerInLibrary>.

IT IS SO ORDERED.

Dated this 30 day of April 2024.

Sandra A. Unsworth
Sandra A. Unsworth
District Judge

DV21-01770

A Nevada court can only relinquish jurisdiction if it deems itself an inconvenient forum for hearing the case & that another state would be a more appropriate forum.

⁹ The Court is aware that Ms. Herrmann has domesticated the Nevada order in Pennsylvania. Further this Court has had an informal UCCJEA conference with the Pennsylvania Court wherein this Court has relinquished its ongoing jurisdiction. The Order relinquishing jurisdiction will be filed contemporaneously with this order.

id e a 3 call a recommendation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court in and for the County of Washoe, and that on April 30, 2024, I deposited in the county mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, or via e-filing, a true copy of the foregoing document addressed as follows:

ELECTRONIC FILING:

**MARSHAL WILICK, ESQ. for KELLY HERRMANN
JEREMY HERRMANN**


Judicial Assistant

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX F

Order Finding Motion Moot;

Sua Sponte Order Regarding Jurisdiction

Second Judicial District Court of Nevada

Entered April 30, 2024

Nevada Jurisdiction / Mootness Order

1 Code:
2
3
4

5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 KELLY N. HERRMANN,
10 Plaintiff,

Case No. DV21-01770

11 vs.

Dept. No. 12

12 JEREMY J. HERRMANN,
13 Defendant.
14 _____/

15 **ORDER FINDING MOTION MOOT; SUA SPONTE ORDER REGARDING**
16 **JURISDICTION**

17 Presently before the Court is Defendant, Jeremy Herrmann's ("Mr. Herrmann") Motion
18 for Change of Custody or Visitation ("Motion") filed on March 25, 2024. Plaintiff, Kelly
19 Herrmann, ("Ms. Herrmann"), was served with the Motion by eFlex on March 25, 2024, and filed
20 her Opposition to Motion for Change of Custody or Visitation et al and Countermotion¹ for the
21 Court to Relinquish Jurisdiction and For Attorney's Fees and Costs ("Opposition") on April 5,
22 2024. Mr. Herrmann filed his Reply to Opposition to Motion on April 17, 2024. Ms. Herrmann
23 submitted the matter to the Court for consideration on April 22, 2024.

24 The parties are the parents of two minor children: Jackson Herrmann, born March 23, 2015;
25 and Kennedy Herrmann, born August 10, 2020. Pursuant to the Findings of Fact, Conclusions of
26 Law and Decree of Divorce ("Decree") entered April 13, 2022, Ms. Herrmann was awarded sole

27 _____
28 ¹ As counsel has previously been informed, no amount of chutzpah will be able to overcome WDCR 10(3)'s clear
requirement that "any motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the
alternative."

1 legal and primary physical custody of the minor children subject to Mr. Herrmann's visitation
2 rights.

3 Based on the foregoing, the Court now finds and orders:

4 On April 26, 2024, an unrecorded judicial conference was held between this Court and the
5 Court of Common Pleas of Berks County, Pennsylvania pursuant to NRS 125A.275. After
6 conferring with the Pennsylvania Court, it was agreed that Pennsylvania has assumed jurisdiction
7 over this matter as neither party is located in the State of Nevada.²

8 Accordingly, as this Court has lost jurisdiction over this matter, Mr. Herrmann's Motion
9 is **MOOT** and any further actions shall proceed in Case No. 24-2421 in the Court of Common
10 Pleas of Berks County, Pennsylvania.

11 Parties may obtain forms online at www.washoecourts.com.

12 Parties without counsel are encouraged to seek the advice of a licensed attorney or contact
13 the Family Court Resource Center by telephone at 775-325-6731, or by email at
14 ResourceCenter@washoecourts.us. The Resource Center cannot give legal advice but can give
15 information regarding court procedures. Additionally, the Law Library offers a virtual "Lawyer
16 in the Library" Program on Tuesdays that gives the public the opportunity to speak with a licensed
17 attorney for 15 minutes on family law matters. For more information and to sign up, visit
18 <https://www.washoecourts.com/LawLibrary/LawyerInLibrary>.

19 **IT IS SO ORDERED.**

20 Dated this 30 day of April 2024.

21
22 
23 Sandra A. Unsworth
24 District Judge

25 DV21-01770
26

27
28 ² At the hearing held in this matter on February 15, 2024, Mr. Herrmann testified he is a "full time traveler;" was attending the hearing remotely from Parker, Arizona; and that his mailing address is in Montana. Ms. Herrmann testified she relocated to Pennsylvania on July 1, 2023.

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court in and for the County of Washoe, and that on April 30, 2024, I deposited in the county mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, or via e-filing, a true copy of the foregoing document addressed as follows:

ELECTRONIC FILING:

**MARSHAL WILLYCK, ESQ. for KELLY HERRMANN
JEREMY HERRMANN**

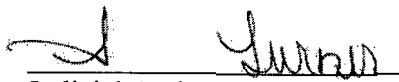

Judicial Assistant

EXHIBIT "1"

Topic: DV21-01770 HERRMANN V HERRMANN
Time: Feb 15, 2024 02:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://washoecourts.zoom.us/j/83532778217?pwd=DaYUqUUNwePMKaR8MfLyMQaZJKnb1d.1>

Meeting ID: 835 3277 8217
Passcode: 019880

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX G

Order of Affirmance

Nevada Court of Appeals

Entered September 20, 2024

Nevada Appellate Affirmance

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEREMY J. HERRMANN,
Appellant,
vs.
KELLY N. HERRMANN,
Respondent.

No. 88635-COA

FILED

SEP 20 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jeremy J. Herrmann appeals from a district court order relinquishing jurisdiction in a child custody matter. Second Judicial District Court, Family Division, Washoe County; Sandra A. Unsworth, Judge.

Jeremy and respondent Kelly N. Herrmann were married in 2007 and share two minor children. In December 2021, Kelly filed a complaint for divorce seeking sole legal and primary physical custody of the parties' minor children. At the time Kelly filed the complaint for divorce in Nevada, she had relocated back to California, where the parties had originally resided, while Jeremy resided in Nevada. The district court entered a default decree of divorce in April 2022, awarding Kelly sole legal and primary physical custody of the children. The decree also stated that it was in the minor children's best interests to relocate back to California to allow Kelly to continue to reside there.

In July 2022, Jeremy filed a notice of change of address indicating that he had changed his address from Reno, Nevada to Montana. In July 2023, Kelly filed a notice of change of address indicating that she had relocated from California to Pennsylvania. Shortly thereafter, in

August 2023, Jeremy filed a motion for an order to enforce the divorce decree and/or for an order to show cause regarding contempt. In his motion, Jeremy alleged that Kelly relocated from California to Pennsylvania with the minor children without first submitting a motion for permission to relocate or seeking his consent. Kelly filed an opposition.

The district court held a hearing on the matter in February 2024. At the hearing, Jeremy testified that he was currently in Arizona but was not residing there as he is a "fulltime traveler." He further testified that he is currently homeless, but his address on file with the district court is a Montana address. Kelly testified that she was currently in Pennsylvania with the minor children. The district court subsequently took the matter under advisement. Shortly after the hearing, Kelly filed a petition to modify custody in Pennsylvania. Jeremy subsequently filed a motion to modify custody in Nevada and Kelly filed an opposition and countermotion for the district court in Nevada to relinquish jurisdiction, noting that she had since registered the decree of divorce and initiated a petition to modify custody in Pennsylvania. She argued that Nevada was divested of jurisdiction given that all the parties had left the state and now there were proceedings ongoing in Pennsylvania. In his reply, Jeremy argued that Kelly had unlawfully relocated with the minor children and that the minor children needed to be returned immediately to California.

Jeremy also filed a request for the district court to hold a conference with the Pennsylvania court to resolve the issue of jurisdiction.

Subsequently, the district court entered an order resolving Jeremy's motion to enforce/or for an order to show cause regarding contempt. The order noted that, at the time the divorce proceedings were initiated, Nevada was the home state of the children. However, at the

February 2024 hearing, Kelly had testified that after the decree was entered in April 2022, the minor children had resided outside Nevada since approximately May 2022. The court further found that the children resided in California until approximately July 2023 and had resided in Pennsylvania ever since. Thus, the court found that once the children and the parties no longer resided in Nevada, the court lost exclusive, continuing jurisdiction in the matter. The court further noted that it had held an informal conference with the Pennsylvania court and would be issuing a contemporaneous order relinquishing jurisdiction to Pennsylvania. With regard to the contempt issue itself, the court found that, while Kelly relocated without seeking the court's permission, Jeremy failed to file a fact-specific affidavit or declaration in support of his motion as required by NRS 22.030(2) and WDCR 42(2), such that the court lacked jurisdiction to enter a finding of contempt. The court subsequently entered a separate order regarding jurisdiction. The court noted that, after conferring with the Pennsylvania court, it was agreed that Pennsylvania had assumed jurisdiction. As a result, the court found that it lost jurisdiction, such that Jeremy's motion to modify custody should be denied as moot. This appeal followed.

On appeal, Jeremy argues that the district court erred as it allowed Kelly to unlawfully relocate with the minor children to California and later allowed them to unlawfully relocate from California to Pennsylvania without seeking his or the district court's permission. Jeremy further argues that the district court was "corrupt." Conversely, Kelly argues that Nevada lost exclusive, continuing jurisdiction over the children given that the parties and the minor children had left Nevada, and that the district court properly held a conference with the court in Pennsylvania and

the two judges agreed that Pennsylvania would assume jurisdiction. She also asserts that Jeremy cannot demonstrate that the district court was biased or corrupt. In his reply, Jeremy acknowledges that the parties have moved out of Nevada, but he asserts that Kelly's alleged illegal relocation would prevent her from obtaining residency in Pennsylvania, and thus, Nevada would continue to have jurisdiction.

Subject matter jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), is a question of law subject to de novo review. *Kragen v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 49, ___ P.3d ___ (Ct. App. 2024). The district court's factual findings are given deference and will be upheld so long as "they are supported by substantial evidence, which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007) (footnote omitted).

Preliminarily, we note that neither party disputes that Nevada had jurisdiction under NRS 125A.305 to make the initial child custody determination when it entered the divorce decree. Thus, Nevada initially had "exclusive, continuing jurisdiction" under NRS 125A.315(1). However, NRS 125A.315(1)(b) states that exclusive, continuing jurisdiction ceases when "[a] court of this state or a court of another state determines that the child, the child's parents and any person acting as a parent do not presently reside in this state." See also UCCJEA (1997) § 202, comment 2 ("Continuing jurisdiction is lost when the child, the child's parents, and any person acting as a parent no longer reside in the original decree State" and jurisdiction is not reestablished if the noncustodial parent returns to the state.).

determination (1) when it is the home state of the child or was the home

state within 6 months of the initiation of the proceedings and a person

remains in Nevada (2) when another state's court lacks jurisdiction or the

home state court declines to exercise jurisdiction because Nevada is a more

appropriate forum, (3) all courts that

Open to

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEREMY J. HERRMANN,
Appellant,
vs.
KELLY N. HERRMANN,
Respondent.

No. 88635-COA

FILED

SEP 20 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jeremy J. Herrmann appeals from a district court order relinquishing jurisdiction in a child custody matter. Second Judicial District Court, Family Division, Washoe County; Sandra A. Unsworth, Judge.

Jeremy and respondent Kelly N. Herrmann were married in 2007 and share two minor children. In December 2021, Kelly filed a complaint for divorce seeking sole legal and primary physical custody of the parties' minor children. At the time Kelly filed the complaint for divorce in Nevada, she had relocated back to California, where the parties had originally resided, while Jeremy resided in Nevada. The district court entered a default decree of divorce in April 2022, awarding Kelly sole legal and primary physical custody of the children. The decree also stated that it was in the minor children's best interests to relocate back to California to allow Kelly to continue to reside there.

In July 2022, Jeremy filed a notice of change of address indicating that he had changed his address from Reno, Nevada to Montana. In July 2023, Kelly filed a notice of change of address indicating that she had relocated from California to Pennsylvania. Shortly thereafter, in

August 2023, Jeremy filed a motion for an order to enforce the divorce decree and/or for an order to show cause regarding contempt. In his motion, Jeremy alleged that Kelly relocated from California to Pennsylvania with the minor children without first submitting a motion for permission to relocate or seeking his consent. Kelly filed an opposition.

The district court held a hearing on the matter in February 2024. At the hearing, Jeremy testified that he was currently in Arizona but was not residing there as he is a "fulltime traveler." He further testified that he is currently homeless, but his address on file with the district court is a Montana address. Kelly testified that she was currently in Pennsylvania with the minor children. The district court subsequently took the matter under advisement. Shortly after the hearing, Kelly filed a petition to modify custody in Pennsylvania. Jeremy subsequently filed a motion to modify custody in Nevada and Kelly filed an opposition and countermotion for the district court in Nevada to relinquish jurisdiction, noting that she had since registered the decree of divorce and initiated a petition to modify custody in Pennsylvania. She argued that Nevada was divested of jurisdiction given that all the parties had left the state and now there were proceedings ongoing in Pennsylvania. In his reply, Jeremy argued that Kelly had unlawfully relocated with the minor children and that the minor children needed to be returned immediately to California. Jeremy also filed a request for the district court to hold a conference with the Pennsylvania court to resolve the issue of jurisdiction.

Subsequently, the district court entered an order resolving Jeremy's motion to enforce/or for an order to show cause regarding contempt. The order noted that, at the time the divorce proceedings were initiated, Nevada was the home state of the children. However, at the

February 2024 hearing, Kelly had testified that after the decree was entered in April 2022, the minor children had resided outside Nevada since approximately May 2022. The court further found that the children resided in California until approximately July 2023 and had resided in Pennsylvania ever since. Thus, the court found that once the children and the parties no longer resided in Nevada, the court lost exclusive, continuing jurisdiction in the matter. The court further noted that it had held an informal conference with the Pennsylvania court and would be issuing a contemporaneous order relinquishing jurisdiction to Pennsylvania. With regard to the contempt issue itself, the court found that, while Kelly relocated without seeking the court's permission, Jeremy failed to file a fact-specific affidavit or declaration in support of his motion as required by NRS 22.030(2) and WDCR 42(2), such that the court lacked jurisdiction to enter a finding of contempt. The court subsequently entered a separate order regarding jurisdiction. The court noted that, after conferring with the Pennsylvania court, it was agreed that Pennsylvania had assumed jurisdiction. As a result, the court found that it lost jurisdiction, such that Jeremy's motion to modify custody should be denied as moot. This appeal followed.

On appeal, Jeremy argues that the district court erred as it allowed Kelly to unlawfully relocate with the minor children to California and later allowed them to unlawfully relocate from California to Pennsylvania without seeking his or the district court's permission. Jeremy further argues that the district court was "corrupt." Conversely, Kelly argues that Nevada lost exclusive, continuing jurisdiction over the children given that the parties and the minor children had left Nevada, and that the district court properly held a conference with the court in Pennsylvania and

the two judges agreed that Pennsylvania would assume jurisdiction. She also asserts that Jeremy cannot demonstrate that the district court was biased or corrupt. In his reply, Jeremy acknowledges that the parties have moved out of Nevada, but he asserts that Kelly's alleged illegal relocation would prevent her from obtaining residency in Pennsylvania, and thus, Nevada would continue to have jurisdiction.

Subject matter jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), is a question of law subject to de novo review. *Kragen v. Eighth Jud. Dist. Ct.*, 140 Nev., Adv. Op. 49, ___ P.3d ___ (Ct. App. 2024). The district court's factual findings are given deference and will be upheld so long as "they are supported by substantial evidence, which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007) (footnote omitted).

Preliminarily, we note that neither party disputes that Nevada had jurisdiction under NRS 125A.305 to make the initial child custody determination when it entered the divorce decree. Thus, Nevada initially had "exclusive, continuing jurisdiction" under NRS 125A.315(1). However, NRS 125A.315(1)(b) states that exclusive, continuing jurisdiction ceases when "[a] court of this state or a court of another state determines that the child, the child's parents and any person acting as a parent do not presently reside in this state." See also UCCJEA (1997) § 202, comment 2 ("Continuing jurisdiction is lost when the child, the child's parents, and any person acting as a parent no longer reside in the original decree State" and jurisdiction is not reestablished if the noncustodial parent returns to the state.).

As detailed above, the district court found that Jeremy, Kelly, and the minor children no longer reside in Nevada. None of the parties dispute this finding, which is supported by substantial evidence in the record. Indeed, the record demonstrates that neither parent nor the minor children had resided in Nevada for over a year before Jeremy filed his motion to enforce/or for an order to show cause regarding contempt in August 2023. While Jeremy argues that the district court's initial decision, in the divorce decree, allowing the minor children to relocate to California was improper, that issue is not properly before us given that Jeremy failed to timely appeal the divorce decree. See NRAP 3(a)(1) (requiring the timely filing of a notice of appeal for appeals permitted by law); NRAP 4(a)(1) (providing a notice of appeal must be filed no later than 30 days after the date written notice of entry of the order appealed from is served). Under these circumstances, Jeremy's argument that Nevada retained continuing, exclusive jurisdiction because Kelly should not have been allowed to relocate to California with the children under the divorce decree does not provide a basis for relief. As a result, the district court properly determined that Nevada lost continuing, exclusive jurisdiction over the parties' child custody dispute as the parties and the children no longer resided in Nevada.

This does not end our analysis, however, because in certain circumstances, a Nevada court can modify its prior custody order even if it has lost exclusive, continuing jurisdiction. In particular, once exclusive, continuing jurisdiction ceases, a court can modify its prior child custody determination "only if it has jurisdiction to make an initial [child custody] determination pursuant to NRS 125A.305." *Friedman v. Eighth Jud. Dist. Ct.*, 127 Nev. 842, 848, 264 P.3d 1161, 1166 (2011). Under NRS 125A.305, a Nevada district court has jurisdiction to make an initial custody

determination (1) when it is the home state of the child or was the home state within 6 months of the initiation of the proceedings and a parent remains in Nevada, (2) when another state's court lacks jurisdiction or the home state court declines to exercise jurisdiction because Nevada is a more appropriate forum, (3) all courts with jurisdiction have declined to exercise jurisdiction because Nevada is the more appropriate forum, or (4) no other court would have jurisdiction.

In arguing that the district court could continue to exercise jurisdiction despite the fact neither the parties nor the children reside in Nevada, Jeremy focuses on his contention that Kelly improperly relocated to Pennsylvania as providing the district court with jurisdiction to resolve the parties' custody dispute. But in making this argument, he fails to explain how the allegedly improper relocation impacts the district court's jurisdictional analysis or otherwise provides the district court with jurisdiction to act under NRS 125A.305. Indeed, Jeremy wholly fails to cite or address NRS 125A.305 or point to any authority supporting the proposition that Kelly's allegedly improper relocation from California to Pennsylvania would allow Nevada to exercise jurisdiction over the parties' custody dispute even though Nevada no longer had exclusive, continuing jurisdiction. As a result, Jeremy has failed to offer any cogent argument demonstrating that the district court's decision to relinquish jurisdiction to Pennsylvania was improper under the circumstances presented here. See Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider an appellant's argument that is not cogently argued).

In light of the foregoing and given that the district court properly held a conference with the Court of Common Pleas of Berks

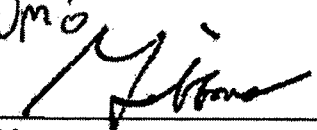
In Hev did not!

Opening
Statement
My failure
I hope I
do better
on this
one
I have
done better

County, Pennsylvania—at Jeremy's request—at which it was agreed that Pennsylvania had assumed jurisdiction, we discern no basis to disturb the district court's decision to relinquish jurisdiction to Pennsylvania.¹

Accordingly, we ORDER the judgment of the district court **AFFIRMED.**²

*does not mean Pennsylvania
is a convenient forum*


Gibbons

C.J.


Bulla

J.


Westbrook

J.

cc: Hon. Sandra A. Unsworth, District Judge, Family Division
Jeremy Jon Herrmann
Willick Law Group
Washoe District Court Clerk

¹To the extent that Jeremy contends the district court's order should be reversed because the court was "corrupt," nothing in the record before this court demonstrates that the district court's decisions in the underlying case were based on knowledge acquired outside of the proceedings or that its decisions otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible," *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted).

²To the extent Jeremy raises other arguments that are not specifically addressed in this order, we have considered the same and conclude they do not present a basis for relief.

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX H

Request for Conference Between Judges

to Establish Jurisdiction

Second Judicial District Court of Nevada

Filed April 17, 2024

Petitioner's UCCJEA Conference Request

1 Code:
2 Name: Jeremy Herrmann
3 Address: 75 Court Street
4 Reno, NV, 89501
5 Telephone: 4069310936
6 Email: herrmannjeremy24@gmail.com
7 Self-Represented Litigant

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

Kelly Herrmann
Plaintiff/Petitioner,

Case No. DV21-01770

vs.

Dept. No. 12

Jeremy Herrmann
Defendant/Respondent.

REQUEST FOR CONFERENCE BETWEEN JUDGES
TO ESTABLISH JURISDICTION

I request that the Judge in this matter contact the following Judge to establish jurisdiction:

Fill in the following information regarding the other court case.

Judge's Name: Justin D. Bodor, J.

Name of Court: COURT OF COMMON PLEAS OF BERKS COUNTY, PA

Address of Court: 633 Court Street, Reading, Pennsylvania, 19601

Telephone number of Court: 610-478-6550

Case Number: 24-2421

1 Explain in detail why there is a need for a conference between the Judges.

2 The Judges should hold a conference for the following reasons: Ms. Herrmann lied under oath
3 during are divorce proceedings saying she moved to Nevada from California for medical care of
4 are now deceased child Katie Herrmann. We never lived in California before moving to 105
5 appaloosa circle, Reno, Nevada. We moved from 431 Hawk Mountain Road, Kempton PA to
6 Reno, Nevada. I have included a background check on Ms. Herrmann to show this lie on page 7
7 lines 12-17 of are divorce decree. We both worked across the state border which a lot of people
8 do for tax reasons and in are case we had to live in Reno for medical care. Even after I
9 moved jobs for a double in pay from Herlong Army Depot, to Herlong Correctional Institute Ms.
10 Herrmann would not be a stay at home mom for are family. On Ms. Hermann's criminal record/
11 abuse history verification with Berks county court page 4 number 5 Ms. Herrmann says i was
12 arrested for domestic violence against her and are child Kennedy Herrmann. I have also included
13 the original arrest record to show that is a lie.
14
15
16
17

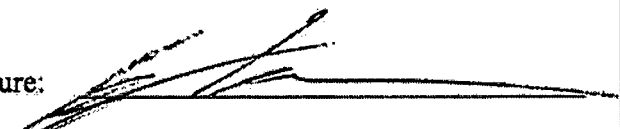
18 PAGE 3 Cont-

19 If more room is needed, attach additional sheets.

20 This document does not contain the personal information of any person as defined by NRS
21 603A.040.

22 I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true
23 and correct.

24 Date: 4/17/2024

25 Your Signature: 

26 Print Your Name: Jeremy Herrmann
27
28

1 Ms. Herrmann misleads the court on the petition to modify custody order number 4; By reason of
2 a prior custody order dated April 13th 2022, the mother shall have sole legal and primary physical
3 custody of the minor children, with father having supervised visits no less than two video phone
4 calls with the children per week. What the order actually says, on page 2, paragraph 4, of the
5 November 4th, 2022 continued status hearing is after six favorable reports, unsupervised
6 visitation may be addressed at that time. Ms. Herrmann refuses my two video calls a week.
7 During the February 15th cause hearing Ms. Herrmann said as of June 1st she did not know how
8 to get in touch with me. If the court would please look at Ms. Herrmann's certificate of service it
9 says, I certify that I deposited copies of the notice of change of address in the U.S. mail in
10 Lenhartsville, Pennsylvania addressed to the persons listed below on 7/17/2023. It then lists
11 Jeremy Herrmann address Fam Camp on Beale AFB. Ms. Herrmann did not ask the court for
12 permission before she moved and did not make a attempt to text me, email me, call me, or send
13 mail to me about this move. Ms. Herrmann just served me with this lawsuit outside the family
14 peace center on the 23rd of March right before I went in to spend time with are children. The
15 protection order Ms. Herrmann has in Lassen county, California, does not prohibit Ms. Herrmann
16 to contact me, it is only for me to not contact her. Ms. Herrmann failed to bring the children to the
17 family peace center for are February 2024 supervised visitation. Ms. Herrmann continues to not
18 allow me my video visitation with are children.

19 Now it is time to get into the real meat and potatoes of the law and why Berks County has no
20 jurisdiction over this case and why the courts need to hold a conference.

21 NRS 125C.0075 Unlawful Relocation with child; Attorney's fees and costs. If a parent with
22 primary physical custody or joint physical custody relocates with a child in violation of NRS
23 200.359;

24 1) The court shall not consider any post-relocation facts or circumstances regarding the welfare of
25 the child or the relocating parent in making any determination.

26 2) If the non-relocating parent files an action in response to the violation, the non-relocating
27 parent ins entitled to recover reasonable attorney's fees and costs incurred as a result of the
28 violation.

The foregoing statue directs the court to ignore any facts or circumstances resulting from a
parent's early relocation and makes evidence of the same inadmissible. As such, the court can
only consider circumstances and facts known to the parties occurring up until the date of the early
relocation which in are case is June 1st 2023.

Ms. Herrmann could have filed for domestication of the divorce decree in Lassen County, CA but
chose not to. She then could have sought child custody modification there, she did not. Ms.
Herrmann can not game the system, window shop for a better deal, that is why the UCCJEA was
enacted, for people like MS. Herrmann. Also the court has not ruled on the illegal move. Just
because it is taking time for the judge to make a ruling, does not allow Ms. Herrmann to gain
residency in PA. The children need to be returned to Susanville CA until all this is sorted out. The
only court that has jurisdiction at this time is 2nd Judicial court in Reno, NV. The only court that
can take jurisdiction over this case is Lassen superior court in Susanville, CA.

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX I

Recommended Order

By Kelly S. Kline

Berks County Recommended Order

KELLY N. HERRMANN,
Plaintiff

vs.

JEREMY J. HERRMANN,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF BERKS COUNTY, PENNSYLVANIA
: CIVIL ACTION – LAW
: CHILD CUSTODY
: No. 24-2421
:
: Assigned to: Justin D. Bodor, J.

NOTICE

Attached is the report of the Custody Hearing Officer of Berks County. You are advised that either party has twenty (20) days from the date of the filing of this notice to file written exceptions with the Prothonotary of Berks County, to the Recommended Order. Further, upon the failure to file such exceptions within twenty (20) days, the Recommended Order of the Custody Hearing Officer will be submitted to the Court for entry of an Order.

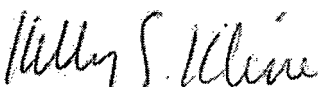
A copy of the Notice of Exceptions and proposed Order of Court was mailed on

June 14, 2024, to:

Atty. for Plaintiff: Rebecca Ann Smith, Esquire
1118 Penn Avenue
Wyomissing, PA 19610

Pro Se Defendant: Jeremy J. Herrmann, Pro Se
P.O. Box 236
Verdi, NV 89439

Exceptions must be filed by: July 5, 2024



Kelly S. Kline, Esquire
Custody Hearing Officer

KELLY N. HERRMANN,
Plaintiff

vs.

JEREMY J. HERRMANN,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF BERKS COUNTY, PENNSYLVANIA
: CIVIL ACTION – LAW
: CHILD CUSTODY
: No. 24-2421
:
: Assigned to: Justin D. Bodor, J.

ORDER

AND NOW, this _____ day of _____, 2024, upon motion of Kelly S. Kline, Esquire, Custody Hearing Officer, it is hereby ORDERED and DECREED that Kelly N. Herrmann, "Mother" shall have sole legal custody of the minor children, J.H., born in 2015, and K.H., born in 2020. Jeremy J. Herrmann, "Father" shall have the right, notwithstanding Mother's sole legal custody, to obtain any and all information regarding the minor children directly from the school, including report cards, records of attendance, disciplinary information, and conference information, as well as information directly from medical providers.

1. Mother shall have primary physical custody of the minor children.
2. Father shall have periods of unsupervised visitation one weekend per month to be exercised in Father's home state. Father shall have a period of visitation on Saturday from 12:00 NOON until 5:00 P.M. and from Sunday at 9:00 A.M. until 1:00 P.M.¹
3. Mother shall be exclusively responsible for transportation.
4. Father shall have the right to contact the minor children through

¹ This Hearing Officer makes this recommendation based on the following: 1. The April 30, 2024, Order from the Honorable Sandra A. Unsworth clearly states that "[t]he Court finds Ms. Herrmann's action of relocating the minor children to Pennsylvania without seeking the Court or Mr. Herrmann's permission was a violation of this Court's orders." Unfortunately, Mr. Herrmann is unrepresented and did not follow proper procedure to address this violation; and 2. It is clear that Mr. Herrmann lacks the financial means to fly to Pennsylvania to visit with the children and to change the Order to accommodate Ms. Herrmann's actions would result in the children losing contact with their Father.

FaceTime/Skype/telephone call two times per week, Wednesday evening at 5:00 P.M. Eastern Standard Time and Saturday morning at 10:00 A.M. Eastern Standard Time.

5. If you are planning to relocate with the children and your relocation will significantly impair any other party's exercise of their custodial rights, you are obligated to provide a detailed notice and counter-affidavit by certified mail, return receipt requested to all individuals who have custody rights to the children at least 60 days in advance of the proposed relocation in compliance with 23 Pa. C.S.A. Section 5337.

6. This Order shall be a Final Order resolving the issues raised in the Plaintiff's Petition for Modification of Custody Order filed March 15, 2024.

BY THE COURT:

JUSTIN D. BODOR, JUDGE

IN THE

SUPREME COURT OF THE UNITED STATES

JEREMY J. HERRMANN,

Petitioner,

v.

KELLY N. HERRMANN,

Respondent.

APPENDIX J

Decision and Order

Entered March 17, 2026

Judge Taylor Order

KELLY HERRMANN,
Plaintiff

v.

JEREMY HERRMANN,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF BERKS COUNTY, PENNSYLVANIA
: CIVIL ACTION
: CUSTODY
: NO. 24-02421
:
:
: Assigned to: Eric J. Taylor, J.

DECISION AND ORDER, TAYLOR, J.

Before the Court is Plaintiff's Petition for Contempt and Special Relief, filed January 6, 2026; Defendant's Response and Preliminary Objections to Petition for Contempt, filed January 15, 2026; Defendant's Letter to Plaintiff with Petition for Contempt, filed January 15, 2026; and Defendant's Motion to Dismiss Petition for Contempt filed on January 27, 2026. After consideration of the evidence presented, the Court enters the following Decision and Order:

Plaintiff's Petition for Contempt, filed January 6, 2026, is GRANTED, as I find Defendant was clearly and repeatedly in Contempt of Paragraph 7 of Judge Bodor's Final Custody Order dated February 11, 2025. Paragraph 7 directs that all communications between the parties should be through App Close, and that "[t]here shall be no derogatory remarks permitted on the App or that party shall be held in contempt of court." Even counting very conservatively¹, I tallied 81 derogatory remarks² that Defendant made toward Plaintiff. Defendant's

¹ In this conservative calculation, I excluded Defendant's numerous threats of legal action and many other messages which were clearly inappropriate but perhaps not derogatory.

² I again counted the derogatory remarks very conservatively. For example, even though the message "[a]lways will be trash stinky nasty pussy" (Plaintiff's Exhibit 1, page 24) contained multiple derogatory words, I only counted this as one derogatory remark.

derogatory messages run the gamut from “[a]lways will be trash stinky nasty pussy” (Plaintiff’s Exhibit 1, page 24) through “Love you J[] and K[]³ I am sorry your mother is mentally ill” (*Id.* at page 47).

Since I find Defendant willfully (and repeatedly) in contempt, under 23 Pa. C.S.A. § 5323(g)(1)(i)-(v), I can order, *inter alia*, jail up to six months, a fine up to \$500, and/or counsel fees and costs.

I am not ordering jail time at this time. My hope is that from here forward, Defendant will stop making derogatory remarks when communicating with Plaintiff. However, I am imposing two sanctions on Defendant: 1) he shall pay Plaintiff’s attorney’s fees and 2) Defendant shall pay a \$405 fine (though this fine will be suspended if Defendant successfully completes the online parenting class as explained later in this decision and order).

First, Defendant shall pay \$2,077.50 in attorney’s fees by check or money order payable to Rebecca A. Smith delivered to the office of Plaintiff’s counsel at Bentley Kopecki Smith, P.C., 1118 Penn Ave., Wyomissing, PA 19610 no later than three (3) months from today, which is June 16, 2026. These attorney’s fees are NOT subject to suspension if Defendant completes the online parenting class.

Second, Defendant shall pay a fine of \$405 by check or money order to the Berks County Prothonotary’s Office, Berks County Courthouse, 2nd Floor, 633

³ I redacted the full first names of the minor children pursuant to the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*, which designates minors’ names as confidential.

Court St., Reading, PA 19601, to be paid within three (3) months from today, which is June 16, 2026. I assigned \$5 for each derogatory remark and I counted 81 derogatory remarks that Defendant communicated to Plaintiff, which is how I arrived at a \$405 fine.

However, this \$405 fine will be suspended (i.e., Defendant does not have to pay it), if Defendant successfully completes the Children in Between Class (signing up for Berks County, Pennsylvania), which costs only \$49.95, found at: <https://divorce-education.com/classes/children-in-between-class/> and Defendant files the certificate of completion with the Berks County Prothonotary's Office by 3 months from today, which is June 16, 2026.

This is an online class, which Defendant can pay for and complete while in Nevada, and includes "effective communication strategies". I think the best interests of the children involved would be better served by Defendant learning how to properly communicate with the children's mother, i.e., Plaintiff, rather than paying the \$405 fine. Successfully completing this class will also save Defendant \$355.05 (\$405 fine versus the \$49.95 for the class). So Defendant shall pay a \$405 fine to Berks County's Prothonotary's Office by 3 months from today, which is June 16, 2026, unless he files the certificate of completion of Children in Between with the Berks County Prothonotary's Office by 3 months from today.

The second part of Plaintiff's motion, Plaintiff's Petition for Special Relief, is GRANTED. Plaintiff shall have sole legal custody, and Defendant shall not have the right to directly obtain information from the children's school or medical status. This order hereby RESCINDS all but Paragraphs 5, 6, 7, 8, and 10 of the Appendix to Custody Order of the February 11, 2025, Final Custody Order (i.e., Appendix A). The language that "all parties shall also have the following rights" and that includes "[t]he right to be fully informed concerning the progress of the child in school and the child's medical status, including the right to obtain information directly from the child's school or medical practitioner" is specifically rescinded. Defendant shall no longer have these rights.

Once a month and no later than the last day of each month, Plaintiff shall provide in writing via App Close to Defendant a summary of each child's relevant medical and educational status for that particular month. This summary will include any medical visits, dental visits, and/or emergency room visits, along with child's current grades (if known) and any other noteworthy scholastic information. At her discretion, Plaintiff may exclude the names of medical personnel, medical practices, hospitals, teachers, and/or schools.

Defendant's Response and Preliminary Objections to Petition for Contempt and Defendant's Letter to Plaintiff with Petition for Contempt, both filed January 15, 2026, are DENIED. In the latter, Defendant alleged that Plaintiff "failed and refused to comply" with Judge Bodor's February 11, 2025, Final Custody Order,

and Defendant specifically alleged that "Plaintiff ... refused to provide Defendant with: the children's school enrollment information and educational records; and the children's medical provider information and medical documentation."

In Judge Bodor's Order, Mother was awarded "sole legal custody." Nowhere in the Order itself is Mother ordered to provide Father with information regarding school and medical information.

The Appendix states that "all parties shall also have the following rights", which include "[t]he right to be fully informed concerning the progress of the child in school and the child's medical status, including the right to obtain information directly from the child's school or medical practitioner". However, the prior sentence reads "[i]f any of these general rules conflict with any specific provisions of the Order, the Order shall control" (underlining added). I also note that nowhere in the Appendix does Mother have an affirmative duty to give Father this information.

The Order and the Appendix may not directly contradict each other in this respect, but they are certainly inconsistent.

From the evidence presented on February 4, 2026, Plaintiff testified that she had not provided school and medical information to Defendant on the advice of counsel and because the Order gave her sole legal custody of the Children. The evidence showed that Defendant learned this information on his own and then exceeded it, including ascertaining where Plaintiff works and lives. Defendant

probably accomplished this by using the language in the Appendix of the Order. Father then proceeded to misuse this information to send communications to jeopardize Plaintiff's job.

I find that Plaintiff is not in willful contempt, because the Order is inconsistent with the Appendix, and Plaintiff's counsel advised her not to provide it. Furthermore, Plaintiff did not have an explicit affirmative duty to provide Defendant with the information.

Defendant's Motion to Dismiss Petition for Contempt filed on January 27, 2026, is DENIED. In this Motion, Defendant asks the Court to dismiss Plaintiff's Petition for Contempt of Judge Bodor's February 11, 2025, Final Order, arguing on page three that "this Court never lawfully acquired subject-matter jurisdiction" and "[a] contempt petition . . . without jurisdiction cannot be sustained", later on page 11 "Plaintiff's contempt petition is an improper attempt to weaponize void orders" and "contempt cannot stand on void orders", and finally on page 13, "[a] void custody determination cannot be enforced by contempt."⁴

⁴ Defendant's argument here completely undercuts his own Petition for Contempt against Plaintiff, filed just 12 days earlier (see above), where Defendant asked this Court to find Plaintiff in Contempt of violating that same February 11, 2025, Order. This is a perfect example of Defendant's mindset - the February 11 Order can not and should not restrict him, as he contends it lacks jurisdiction to govern him. Yet Defendant argues that the Court should ignore this alleged lack of jurisdiction and hold Plaintiff in contempt when she allegedly violates his custodial rights contained within the same Order. To paraphrase Defendant's contention, what is good for the goose is NOT good for the gander.

This Court has jurisdiction. Judge Bodor ruled that he had jurisdiction in his February 11, 2025 Final Order. Defendant appealed, *inter alia*, this jurisdictional issue. On March 13, 2026, the Pennsylvania Superior Court affirmed Judge Bodor's decisions. Specific to jurisdiction, the Superior Court wrote "[i]n sum, the trial court had jurisdiction ... to enter the custody order on appeal." KELLY N. HERRMANN v. JEREMY J. HERRMANN, 334 MDA 2025, 2026 WL 711548, at *12 (Pa. Super. Ct. Mar. 13, 2026). Under stare decisis two different courts have decided that Berks County, Pennsylvania has jurisdiction over this custody case, and I will follow their rulings.⁵ Defendant will not get a different decision from me on the same issue, regardless of the myriad ways and times he reargues them.

BY THE COURT:



ERIC J. TAYLOR, JUDGE

⁵ On March 13, 2026, the same day of the Superior Court's decision, Defendant filed an allocatur petition with the Pennsylvania Supreme Court, found in docket number 142 MAL 2026.

APPENDIX K

December 4, 2024 Pennsylvania Custody Trial Transcript Excerpts

N.T. 12/4/24, pages 5-6

showing the trial court acknowledged jurisdiction was contested
and proceeded with trial to avoid bringing Petitioner back and forth across the country.

1 Phila

2

3 FIRST, Judge?

4

5 both parties see, right?

6

7

8 that's why I didn't. But if you could both please stand and
9 raise your right hand?

10 JEREMY HERRMANN, sworn

11 KELLY HERRMANN, sworn.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

THE COURT: Can you state your name.

MR. HERRMANN: Jeremy Herrmann.

THE COURT: Kelly Herrmann.

THE COURT: Thank you. You may have a seat,
folks.

All right. So, I think your -- if I am
correct in reading your motion with regard to your objection
to me interviewing the children has to do with -- again,
goes back to your argument -- your petition with regard to
jurisdiction -- is that correct?

MR. HERRMANN: Correct, sir.

THE COURT: Okay. Well, here's what I am
going to do. I am going to interview the child -- if we do
keep jurisdiction here in Pennsylvania, that is something

*So that the Judge said that Kelly Herrmann
was self defendant*

1 that has to be done, okay?

2 Now, with regard to jurisdiction, I have that
3 scheduled for today on your motions. I am going to listen to
4 your arguments on jurisdiction. I do have the background
5 information from Nevada as well with regard to that issue.
6 But certainly, I understand you have arguments that you want
7 to make, and I will allow you to make them. Okay?

8 That being said, I'm also going to proceed
9 with the trial today because should -- you know, depending
10 on what the decision is, I don't want to come back here in
11 three months and have -- run you back and forth across the
12 country. So at least I'll have the testimony taken as well.
13 Okay? So I'm preserving your objection and your argument
14 with regard to that issue with jurisdiction. Okay? So I
15 think that is the cleanest, you know, most efficient way to
16 handle the proceedings. Okay? All right.

17 MS. SMITH: And, Your Honor, as a preliminary
18 matter in that regard --

THE COURT: Yeah.

MS. SMITH: -- I will just note that on
September 20th of 2024, the appeals court in Nevada affirmed
their decision to relinquish jurisdiction.

THE COURT: Okay.

MS. SMITH: I was going to mark that as P-1.

MR. HERRMANN: It doesn't matter. This is

APPENDIX L

July 17, 2023 Nevada Notice of Change of Address and Certificate of Service

Second Judicial District Court of Nevada, Case No. DV21-01770

This appendix item is included because Respondent filed a Nevada notice of change of address after moving to Pennsylvania and executed a certificate of service reflecting service on Petitioner and the Nevada Supreme Court.

COURT CODE: 2525

Your Name: Kelly Herrmann

Address: 210 Wert Road

City, State, Zip: Lenhartsville, PA 19534

Telephone: 610-223-4638

Email Address: kherrmann8705@gmail.com

Self-Represented

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

In the Matter of the Guardianship of the:

- ☒ Person
☐ Estate
☐ Person and Estate

of:

Jackson Herrmann & Kennedy Herrmann

(name of person who has a guardian)

A Protected Person.

CASE NO.: DV21-01770

DEPT: 12

NOTICE OF CHANGE OF ADDRESS

PLEASE TAKE NOTICE of the following new mailing address:

Your Name: Kelly Herrmann

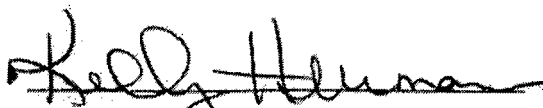
Street Address: 210 Wert Road

City, State, Zip: Lenhartsville, PA 19534

This document does not contain the personal information of any person as defined by
NRS 603A.040.

DATED (month) July (day) 17, 2023.

Submitted By: (your signature)



Printed Name: Kelly Herrmann

CERTIFICATE OF SERVICE
BY MAIL

I certify that I deposited copies of the Notice of Change of Address in the U.S. mail in (city) Lenahadsville, Nevada, addressed to the persons listed below on (date) 7/17/2023. Pennsylvania

Name: Jeremy Herrmann
Address: FAM Camp
Beale AFB

Name: _____
Address: _____

Name: Nevada Supreme Court
Address: 201 South Carson St. Suite 201
Carson City, NV 89701

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

ELECTRONIC

I served the following persons pursuant to the court's electronic service rules on (date) _____:

Name: _____
Email Address: _____

Name: _____
Email Address: _____

Name: _____
Email Address: _____

Name: _____
Email Address: _____

Name: _____
Email Address: _____

Name: _____
Email Address: _____

Name: _____
Email Address: _____

Name: _____
Email Address: _____

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

This document does not contain the personal information of any person as defined by NRS 603A.040.


(Your Signature)
Kelly Herrmann
(Printed Name)