

graduate assistant position at Lock Haven University, where she worked as she earned her masters of education. Mother has nearly completed the requirements of the degree, and she expects to graduate this summer. In anticipation of completing her degree, Mother sent out applications for employment to several schools throughout Pennsylvania and Florida. Mother testified that she decided to apply in the Florida schools, because they had visited her stepdaughter when she lived there, and they had liked the area. Her stepdaughter has since moved back to Pennsylvania. On June 30, 2000, Mother received an offer of employment from one of the school districts she applied to Florida. Father opposes the move, asserting that it is in the children's best interest to remain in Pennsylvania.

The Superior Court in Gruber v. Gruber, 400 Pa.Super. 174, 583 A.2d 434 (1990), identified several competing interests that the trial court must consider in addressing relocation disputes: the custodial parent's desire to exercise autonomy over basic decisions affecting his or her life and the lives of the children, the child's strong interest in maintaining and developing a meaningful relationship with the non-custodial parent, the non-custodial parent's interest in sharing in the love and rearing of his or her children, and the state's interest in protecting the best interests of the children. Gruber, supra, 400 Pa.Super at 184. In order to assess these interests, the Superior Court developed three factors to be considered in determining whether the custodial parent and children should be permitted to relocate at a geographical distance from the non-custodial parent.

- 1) The potential advantages of the proposed move and the likelihood that the move would substantially improve the quality of life for the custodial parent and the children and is not the result of a momentary whim

on the part of the custodial parent.

2) The integrity of the motives of both the custodial and non-custodial parent in either seeking the move or seeking to prevent it.

3) The availability of realistic, substitute visitation arrangements which will adequately foster an ongoing relationship between the child and the non-custodial parent.

Gruber, supra, 400 Pa.Super. at 185. Additionally, while the factors are helpful in resolving these disputes, the Superior Court “has repeatedly noted that they do not create a new standard and that ‘the polestar of our analysis in this case, just as it was in Gruber, and a legion of prior custody cases, remains the best interests of the child.’” Baldwin v. Baldwin, ____ Pa.Super. ____, 710 A.2d 610 (1998), *citing* Lee v. Fontine, 406 Pa.Super. 487, 489-90, 594 A.2d 724 (1991).

With respect to the first Gruber factor, the Mother testified that she expects the salary from the teaching position in Florida to be no less than \$30, 969.00.¹ The Court notes that the salary is less than the salary she received from her last full time employment in this area at the Office of Vocational Rehabilitation.

AND NOW, this 8th day of August, 2000, it is ORDERED and DIRECTED that the Petition for Emergency Relief is GRANTED.

By The Court,

Nancy L. Butts, Judge

cc: Brad Hillman, Esquire
Joy McCoy, Esquire

¹ This includes an additional amount included for her masters degree.