

09.16.19

Weber   
Gallagher

## Can a stepparent get any form of custody as to a step-child?

Can a stepparent get any form of custody as to a step-child? The simple answer to that question is yes. Assume for a minute that a father has custody of his daughter. Mother is, for whatever reason, out of the picture; she has either moved across the country, has mental health or substance abuse issues, or just plain does not care to be in her daughter's life. Father enters into a relationship with another woman and they eventually marry. This woman, the stepmother, becomes more of a mother to the child than the birth mother. A few years later, the father and stepmother split up and divorce. Initially, the father lets the stepmother spend time with the child but, when the father enters into a relationship with a third woman, the visits with stepmother are shut down.

This is essentially the fact pattern in Liebner v. Simcox, 834 A.2d 606 (Pa.Super. 2003). In that case, the Pennsylvania Superior Court affirmed the finding of the Dauphin County of Common Pleas that the stepparent stood in loco parentis to the child, meaning the stepparent had acted as a parent, and that visits between the stepparent and the child were in the child's best interest. The courts overlooked the lack of a blood relationship between the child and stepmother, instead of focusing on the best interest of the child.

Lawrence J. "Skip" Persick handles various issues concerning stepparents such as third party custody, stepparent adoption and the implications of stepparent relationships on child support. Should you find yourself or know someone in a similar position, please reach out to Skip Persick at 610-278-1503 or [spersick@wglaw.com](mailto:spersick@wglaw.com).