

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

ELVIRA M. JENNINGS-KANUSS, : NO. 89-20,231
Petitioner :
 : Domestic Relations Section
vs. : Exceptions
JAMES KANUSS, :
Respondent :

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order of April 28, 2000, in which Respondent was directed to contribute to certain medical bills for the parties' minor child. Argument on the exceptions was heard August 9, 2000.

Respondent first argues that the Master erred in not granting his counsel's continuance request, presented at the beginning of the hearing. The record indicates that Petitioner and her counsel appeared and that Respondent's counsel appeared but that Respondent did not appear. Respondent's counsel indicated to the hearing officer that she did not know why Respondent was not present but nevertheless asked for a continuance of the hearing. It appears Respondent had not called the Family Court Office nor had he called his counsel to indicate why he was not present. At argument on the exceptions, Respondent's counsel indicates only that Respondent was working out of town at the time. The Court finds no error in the hearing officer's refusal to grant the continuance under those circumstances.

Respondent also contends in his exceptions that the hearing officer erred in ordering him to contribute to medical bills which would have been reimbursed if submitted through the insurance company. Absolutely no evidence of that alleged fact was presented at the hearing on March 9, 2000. It appears Petitioner provided copies of all bills for which she sought reimbursement to Respondent's counsel, albeit late, and that Respondent was, pursuant to a previous Order entered in this matter, obligated to inquire

of his insurance company whether such bills would have been covered had they been submitted in a timely manner. Respondent did not at the hearing in Family Court nor does he now allege that he ever obtained that information. The Court therefore finds no error in the Master's consideration of those medical bills.

ORDER

AND NOW, this day of August, 2000, for the foregoing reasons, the Order of April 28, 2000 is hereby affirmed.

By The Court,

Dudley N. Anderson, Judge

cc: Domestic Relations (Barbra Hall)
Family Court
Patricia Bowman, Esq.
Janice Yaw, Esq.
Gary Weber, Esq.
Hon. Dudley N. Anderson