

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

SHIRLEY PAULHAMUS,
Petitioner

: NO. 97-21,702

vs.

: Domestic Relations Section
: Exceptions

DAVID PAULHAMUS,
Respondent

:

OPINION AND ORDER

Before the Court are Petitioner's exceptions to the Family Court Order of March 16, 2000 in which Respondent was directed to pay child support to Petitioner. Argument on the exceptions was heard July 19, 2000.

In her exceptions, Petitioner contends the hearing officer erred in assessing her an earning capacity, in awarding the dependency exemptions for the children to Respondent, in deviating below the guidelines by 15%, in failing to consider health insurance provided by her boyfriend, in calculating Respondent's child support obligation, and in determining the percentage responsibility of each party toward the children's medical expenses. These exceptions will be addressed seriatim.

First, with respect to Petitioner's earning capacity, a review of the transcript does not support Petitioner's contention that no earning capacity should be assessed based upon her responsibilities to her children. This exception will therefore be denied.

Next, with respect to the dependency exemptions, Petitioner contends the exemptions should be retained by her as her boyfriend is able to claim the children. At argument, Petitioner also noted that she is now married to her boyfriend and that her husband will be able to claim the children in future years. As Petitioner is not employed, the exemptions may benefit her husband but will not benefit her. The Court therefore finds no error in awarding the exemptions to Respondent and inasmuch as Respondent has been directed by the Family Court Order to provide his tax return to the Domestic

Relations Office so that his support may be recalculated, if necessary, based upon any refund as a result of claiming the exemptions, no further inquiry into the matter is necessary.

With respect to the deviation below the guidelines, it appears the Family Court Officer deviated 15% below the guidelines based on Respondent's medical bills and also considering Petitioner has other income in the household, that is, that her boyfriend (now husband) pays the mortgage and lot rent. The Court does not believe that Respondent's medical bills are such that a deviation is appropriate and therefore this exception will be granted.

With respect to Petitioner's contention the hearing officer should have considered the cost of health insurance, provided by her boyfriend (now husband), at argument, Petitioner conceded the matter was not raised at the hearing in Family Court. She offered evidence, however, that currently her husband provides health insurance for the three (3) children as well as himself and Petitioner, and two (2) of his own children, at a cost of \$243.60 per month. Petitioner seeks to have this Court order a contribution from Respondent, effective this date. Respondent's counsel agreed to having this Court consider that matter, rather than attending a further hearing in Family Court, which would result since Petitioner planned to file a Petition to modify to include the health insurance contribution, this date. Since seven (7) people are covered by the insurance, the cost to cover the three (3) children in the instant matter is determined to be \$104.00 per month and Respondent's obligation is determined to be \$68.11 per month.

Next, with respect to the contention the hearing officer erred in calculating the child support obligation, although at argument Petitioner's counsel indicated this exception addresses the hearing officer's failure to include Respondent's unemployment compensation in his income, the Court finds the exception is not specific enough, failing to even mention Respondent's income as a basis for error, and therefore this matter will not be addressed further.

With respect to the percentage of contribution toward the children's medical expenses, as this Court is not adjusting the parties' earning capacities or incomes, the

percentage contribution toward medical expenses also does not need to be modified.

ORDER

AND NOW, this day of July, 2000, for the foregoing reasons, Petitioner's exceptions #1, #2, #3, #6 and #8 are hereby denied and exceptions #4, #5 and #7 are hereby granted. The Order of March 15, 2000 is hereby modified to provide for a payment of \$569.74 per month, effective January 10, 2000 and for a contribution toward health insurance of \$68.11 per month, effective July 19, 2000.

As modified herein, the Order of March 16, 2000 shall continue in effect.

By The Court,

Dudley N. Anderson, Judge

cc: Domestic Relations Office (Barbra Hall)
Family Court
Michael Morrone, Esq.
William Miele, Esq.
Gary Weber, Esq.
Hon. Dudley N. Anderson