

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

NRD, : NO. 95-21,228  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
MTG, :  
Respondent :

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order of September 12, 2000, in which Respondent was directed to pay child support to Petitioner for the support of the parties' one (1) minor child. Argument on the exceptions was heard November 8, 2000.

In his first exception, Respondent contends the hearing officer erred in assessment of Petitioner's earning capacity. Specifically, at argument Respondent's counsel indicated that Petitioner had been assessed an earning capacity in a previous Order entered in another case involving another child and that the hearing officer should not have revisited the matter as there had not been a change in her circumstances. It appears that in the matter of ND v TD, an Order entered April 19, 2000 did consider Petitioner's circumstances, which admittedly have not changed since that time as the hearing officer's findings are similar in both cases, and assessed her with an earning capacity of \$963.00 per month. In the instant matter, the hearing officer assessed Petitioner with an earning capacity of \$970.00 per month. While the Court is inclined to recalculate an increase to Respondent's support obligation, to consider the previous earning capacity assessed to Petitioner in a lower amount, the Court will not do so because the change is de minimis and the Domestic Relations Office has better things to do with their time than to enter an adjusted Order of such a small amount. The Court does note that a little effort on counsel's part, prior to excepting to anything and everything, could have

saved this Court time, time which could have been devoted to other, more significant matters.

In his second exception, Respondent contends the hearing officer erred in not requiring Petitioner to pay child support to Respondent during a period of time in which it was determined he had custody of the child 64.11% of the time. As there was no Petition for Child Support filed by Respondent against Petitioner, the hearing officer could not have ordered Petitioner to pay child support to Respondent, but the Court does agree that Respondent should not have continued to be obligated to pay Petitioner during this period of time. The hearing officer's Order will therefore be amended to suspend Respondent's obligation from the date of his Petition to Suspend through September 6, 2000, at which time the custody arrangements were modified such that Respondent no longer had more than 50% of the time.

ORDER

AND NOW, this 21<sup>st</sup> day of November, 2000, for the foregoing reasons, the Family Court Order of September 12, 2000 is hereby modified such that Respondent's obligation to pay child support is hereby suspended from April 11, 2000 through September 6, 2000.

As modified herein, the Order of September 12, 2000 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Richard Callahan, Esq.  
Janice Yaw, Esq.  
Family Court  
Domestic Relations  
Gary Weber, Esq.  
Hon. Dudley N. Anderson