

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

L J F, : NO. 91-21,166
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
J J J, :
Respondent :

L J F, : NO. 00-20,657
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
C L B, :
Respondent :

OPINION AND ORDER

Before the Court are Respondent J's exceptions to the Family Court Order of September 7, 2000, as amended by Order dated September 28, 2000, in which he and Respondent B were both directed to pay child support for the support of their child in the custody of Petitioner. Argument on the exceptions was heard November 1, 2000.

Respondent contends simply that the hearing officer erred in assessing him with additional income attributable to a tax refund. The Court agrees. The hearing officer assessed Respondent an earning capacity of \$30,000.00 per year gross, calculated his actual tax liability and then based his child support obligation on that net monthly earning capacity. To further assess an arbitrary tax refund based on the fact that Respondent did not provide his federal income tax return, is inappropriate as the actual tax liability has been considered.

Without the \$250.00 per month refund amount, Respondent J has a monthly net income/earning capacity of \$1,942.00. Considering that income/earning capacity and Respondent B's income of \$1,047.00 per month, Respondent J has a child support obligation of \$430.87 per

month and Respondent B has a child support obligation of \$232.31 per month.

ORDER

AND NOW, this 3rd day of November, 2000, for the foregoing reasons, the Family Court Order of September 7, 2000 as amended by the Order of September 28, 2000, is hereby modified to provide that Respondent J pay support for the parties' one (1) minor child in the amount of \$430.87 per month and Respondent B pay support for the parties' one (1) minor child in the amount of \$232.31 per month. Respondent J shall be responsible for 64.97% of the child's unreimbursed medical expenses and Respondent B shall be responsible for 35.03% of such.

As modified herein, the Order of September 7, 2000, as amended by Order of September 28, 2000, is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Barbra Hall, Domestic Relations
Patricia Bowman, Esq.
L F
CB
Gary Weber, Esq.
Hon. Dudley N. Anderson