

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

RDT-T,	:	NO. 99-20,965
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
CAW,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Petitioner's exceptions to the Family Court Order of September 21, 2000, in which Respondent's child support obligation was lowered from a previous Order. Argument on the exceptions was heard December 13, 2000.

In her first exception, Petitioner contends the hearing officer erred in assessing her an earning capacity of \$1,185.00 per month inasmuch as an Order entered July 18, 2000 found her to be a nurturing parent with no earning capacity. The Court agrees. In the Order dated July 18, 2000, the hearing officer determined that since Petitioner had six (6) children in her home she was a nurturing parent and was not to be assessed an earning capacity. No exceptions were taken to that Order. Without finding a change of that circumstance, a different hearing officer determined that the previous earning capacity should be reinstated. The Court finds this to be in error.

In her second exception, Petitioner contends the hearing officer erred in lowering the arrearage payment from \$100.00 per month to \$45.72 per month. The hearing officer did not find that Respondent's income had decreased but in fact considered the same income as had been found for Respondent in the Order of July 18, 2000. Without further explanation from the hearing officer, there is no justification for reduction of the arrearage payment.

ORDER

AND NOW, this      day of January, 2001, for the foregoing reasons, Petitioner's exceptions are hereby granted, the Order of September 21, 2000 is hereby vacated and the Order of July 18, 2000 is hereby reinstated.

By the Court,

Dudley N. Anderson, Judge

cc:            Christina Dinges, Esq.  
                William Miele, Esq.  
                Charles Ward  
                Family Court  
                Domestic Relations  
                Gary Weber, Esq.  
                Hon. Dudley N. Anderson