

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

ROBIN SUE ULSAMER, : NO. 95-21,624  
Petitioner :  
 :  
 :  
vs. : Domestic Relations Section  
 : Exceptions  
JOSEPH H. ULSAMER, :  
Respondent :

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order of June 8, 2000 which requires Respondent to pay child support to Petitioner. Argument on the exceptions was heard August 30, 2000. At argument, Respondent withdrew exceptions #1, #2, and #5.<sup>1</sup>

With respect to the remaining exceptions, Respondent first argues the hearing officer erred in assessing his wife an earning capacity of \$2,000.00 per month. A review of the transcript indicates there was no evidence introduced by Respondent other than her gross earnings at prior employment. Although Respondent argues that the capacity was "a little high" he has offered no evidence to support a lower capacity. The Court finds no error in the earning capacity assessed.

Respondent also contends the hearing officer erred in determining that his multiple obligations do not exceed 50% of his income. Respondent specifically contends the hearing officer failed to consider his obligation to Jeremy, Petitioner having primary physical custody of their son Luke and Respondent having primary physical custody of their son Jeremy. Respondent also has two (2) children to his current wife. The hearing officer stated that in determining his obligation to the children in his home, she found he had a

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<sup>1</sup>It is noted that the matter addressed in exception #5 has been rectified by an Administrative Order issued by the Domestic Relations Office.

child support obligation of \$1,921.54 per month, and then added that to his obligation to Luke. Respondent assumes this refers to the two (2) children to his current wife and seeks to add an additional \$1,128.00 per month obligation for Jeremy. Since Jeremy and the two (2) children to his current wife are in the same household, the Court does not believe that adding three (3) separate obligations is the appropriate method for calculating Respondent's total child support obligation. The more appropriate method, the Court believes, is to consider the three (3) children in Respondent's home together. In the instant matter, the income for Petitioner at \$1,828.00 per month and the earning capacity for Respondent's current wife at \$2,000.00 per month are similar enough to easily allow such consideration. The guidelines provide for a support obligation for three (3) children, based on a weighted average of the Petitioner's incomes/earning capacities and Respondent's income, of \$1,921.00 per month. Adding that \$1,921.00 per month to his obligation to the child in Petitioner's custody, of \$1,128.00 per month (not considering the offset) results in a total obligation of \$3,049.00 per month, less than 50% of Respondent's net income. Therefore, while the hearing officer did not specifically state that she was considering all three (3) children in Respondent's home, it appears that she did so and her method of consideration was appropriate.

#### ORDER

AND NOW, this 7<sup>th</sup> day of September, 2000, for the foregoing reasons, Respondent's exceptions are hereby denied and the Order of June 8, 2000 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge