

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

CPA, : NO. 97-20,719  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
JEC, SR., :  
Respondent :  
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L R-D, : NO. 01-20,230  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
JEC, SR., :  
Respondent :

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order dated July 24, 2001 in which Respondent was directed to pay child support to each Petitioner. Argument on the exceptions was heard October 10, 2001.

In his exceptions Respondent contends first that Petitioner D receives social security and child support for her older child and the hearing officer erred in failing to consider such. There was no evidence of any social security payment presented at the hearing and at argument, Petitioner D indicated that she does not receive social security for the child. This exception will not be addressed further.

Respondent also contends he presented his 1999 federal income tax return at the hearing but should have presented his 2000 return inasmuch as the 1999 return shows a federal refund of \$4,367.00 and a state refund of \$504.00, whereas the 2000 return shows a federal refund of \$3,222.00 and no state refund. Respondent explained at argument that he had both returns in his car

and simply took in the wrong one. The 2000 return indicates, however, that it was not prepared until August 8, 2001, the hearing having been held July 12, 2001. The Court will therefore treat Respondent's request for consideration as a Petition for Modification, and the appropriate adjustment will be made effective the date of argument, October 10, 2001.

Considering Respondent's lower refund, which averages \$269.00 per month, his total monthly net income is \$1,485.00. Considering Petitioner A's income of \$1,527.00 per month, the guidelines suggest a payment for the support of one (1) minor child of \$327.37 per month. Considering Petitioner D's income of \$828.00, the guidelines suggest a payment for the support of one (1) minor child of \$346.04 per month. Considering his wife's minimum wage earning capacity of \$750.00, the guidelines suggest a payment for the support of one (1) minor child of \$350.82 per month. All three (3) obligations exceed 50% of his income and the obligations in the instant matters must be therefore be reduced proportionately, Petitioner A's to \$237.31 per month and Petitioner D's to \$250.84 per month. Respondent's child care obligation to Petitioner D is also recalculated, based upon his reduced income, to \$41.73 per month.

#### ORDER

AND NOW, this 15<sup>th</sup> day of October, 2001, for the foregoing reasons, the Family Court Order of July 24, 2001 is hereby modified, effective October 10, 2001 to provide for a payment to Petitioner D of \$250.84 per month plus a child care contribution of \$41.73 per month, and for a payment to Petitioner A of \$237.31 per month. The percentage responsibility for excess unreimbursed medical expenses is hereby modified such that Respondent shall be responsible for 64.20% of the child's expenses in the D matter and Petitioner D shall be responsible for 35.80% of such. Respondent shall be responsible for 49.30% of such expenses in the A matter and Petitioner A shall be responsible for 50.70% of such.

As modified herein, the Order of July 24, 2001 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
CA  
L R-D  
JC  
Gary Weber, Esq.  
Hon. Dudley N. Anderson