

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

VLF, : NO. 84-21,065  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
RAH, :  
Respondent :  
\*\*\*\*\*  
TLH, : NO. 00-20,971  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
RAH, :  
Respondent :

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order dated July 10, 2001 in which Respondent was directed to contribute to a child care obligation incurred by TH. Argument on the exceptions was heard September 12, 2001.

In his first exception, Respondent contends the hearing officer erred in holding the hearing as Respondent requested a continuance at the time of the hearing in order that he might be represented by counsel. It appears his counsel had telephoned the Family Court office to indicate that he was delayed in the office of a District Justice due to the schedule of the District Justice and asked that the matter in Family Court be continued. The hearing officer denied the request and proceeded with the hearing. The Court believes that such an action does not serve the interests of the public, which is the Court's main purpose. While admittedly the Family Court hearing officers do have discretion with respect to continuance requests, where an attorney is delayed by other in-Court proceedings and calls

the Family Court office to request a continuance based thereon, or even asks for a slight delay, unless the party indicates that they wish to proceed without counsel, the Family Court officer should grant the continuance request. The matter will therefore be remanded for another hearing, at which Respondent may be represented by counsel.

Considering the Court's disposition of Respondent's first issue, the remaining issues need not be addressed.

ORDER

AND NOW, this 14<sup>th</sup> day of September, 2001, for the foregoing reasons, the Family Court Order of July 10, 2001 is hereby vacated and the matter is remanded for another hearing on the Petition filed December 6, 2000.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
VF  
Janice Yaw, Esq.  
William Miele, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson