

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JG, : NO. 93-20,178
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
BL, :
Respondent :

OPINION AND ORDER

Before the Court are Petitioner's exceptions to the Family Court Order of December 7, 2000, in which Petitioner's Complaint for Child Support was dismissed. Argument on the exceptions was heard February 7, 2001.

Petitioner's request for child support was dismissed based upon the hearing officer's finding that even though Petitioner was named as primary custodian in a custody order filed October 10, 2000, Petitioner did not de facto have primary custody of the child, as the child spent most of her time with the maternal grandmother. In his exceptions, Petitioner argues the hearing officer erred in dismissing the Petition, indicating that although the child does spend a significant amount of time with the maternal grandmother, as he works out of town, he contributes to her support by providing the maternal grandmother with money for the child's needs. Petitioner then provided the Court with copies of checks to support that claim. A review of the checks, however, which cover a period of time from March 1999 through September 2000, shows, for example, only one (1) contribution toward food expense, a check written to Bi-Lo for \$50.23 on September 22, 2000, on the memo notation of which is indicated "work and B". There are checks written to clothing stores which are notated for "B clothes", there are checks for various school related items, as well as checks written to the maternal grandmother, notated "child care". Petitioner apparently pays the maternal grandmother

\$25.00 per week to care for the child. The checks do not indicate any other significant contribution to her care, however. Any contribution toward medical expenses or extracurricular activities such as cheerleading are required over and above any child support obligation. The Court does not find that Petitioner has supported his claim that he provides for the child's care in spite of the fact that she resides with the maternal grandmother most of the time.

ORDER

AND NOW, this 9th day of February, 2001, for the foregoing reasons, Petitioner's exceptions are hereby denied and the Order of December 7, 2000 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Michael Morrone, Esq.
BL
Family Court
Domestic Relations
Gary Weber, Esq.
Hon. Dudley N. Anderson