

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DLK,	:	NO. 00-21,085
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
JMK,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order of December 29, 2000, in which Respondent was directed to pay child support to Petitioner. Argument on the exceptions was heard on February 28, 2001.

In his exceptions, Respondent contends the hearing officer erred in failing to consider his child support obligation for the child of his first marriage. The hearing officer noted in the Order of December 29, 2000 that Respondent testified to a child support obligation of \$35.00 per week for the support of a child not a child of the parties. Since Respondent did not provide any written verification of that obligation, however, the hearing officer refused to consider the obligation in determining Respondent's child support obligation in the instant matter. At argument, counsel for Petitioner indicated that at the hearing in Family Court Petitioner never questioned the credibility of Respondent's assertion and presented no evidence to the contrary. Therefore, even without written verification, the hearing officer should have considered Respondent's obligation to the child of his first marriage.

At \$35.00 per week, Respondent is paying \$152.00 per month for the support of his other child. \$152.00 per month, when combined with the \$546.00 per month obligation calculated in the instant matter, results in Respondent having a total obligation for basic child support of \$698.00 per

month. One half of his net income of \$1,224.00 per month is \$612.00 per month. The obligation in the instant matter must therefore be reduced proportionately, resulting in an obligation of \$478.59 per month. Applying the same reduction factor to the \$35.00 per week paid in the other matter¹ results in an obligation of \$133.00 per month. Subtracting those two (2) obligations from Respondent's income of \$1,224.00 per month leaves Respondent with \$612.00 per month. He therefore can contribute only \$62.00 per month toward the child care obligation to Petitioner before reducing him below \$550.00 per month, the computed allowance minimum.

ORDER

AND NOW, this 2nd day of March, 2001, for the foregoing reasons, the Family Court Order of December 29, 2000 is hereby modified to provide for a payment for the support of four (4) minor children in the amount of \$453.89 per month² and a child care contribution of \$62.00 per month.

As modified herein, the Order of December 29, 2000 is hereby affirmed.

By The Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations Office, Barb Hall
Michael Morrone, Esq.
Pat Thorne, Esq.
Gary Weber, Esq.
Hon. Dudley N. Anderson

¹Although the Court does not have jurisdiction over that other matter as Respondent is paying his first wife directly, not through the Domestic Relations Office, and thus cannot actually impose a reduction, the calculation is made so as not to adversely affect Petitioner in the instant matter.

²This considers an offset of Petitioner's obligation toward the health insurance premium, of \$24.70 per month.