

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

KLP, : NO. 87-21,177
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
CS, :
Respondent :

RSS, : NO. 91-21,800
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
CS, :
Respondent :

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated July 5, 2001, in which Respondent was directed to pay child support to each Petitioner for the support of one (1) minor child in the custody of each Petitioner. Argument on the exceptions was heard September 19, 2001.

In his exceptions, Respondent contends the hearing officer erred in the amount of the earning capacity assessed to him, and in a determination of RS’s income.

With respect to Respondent’s earning capacity, the hearing officer found that although Respondent is currently employed with Joey Prato’s Produce earning \$769.19 per month net, he had voluntarily terminated a position with Amp Industries where, according to a previous wage verification, he had a monthly net income of \$3,206.00. Respondent testified that he left the job because the employer had changed the work schedule from three (3) twelve (12) hour days to five (5) eight (8) hour days. Respondent also testified that the \$3,206.00 income included a 10% bonus for

evening work and a 12% bonus for working three (3) twelve (12) hour days. Since the employer had changed the schedule to five (5) eight (8) hour days, the hearing officer deducted the 10% bonus for evening work but it appears the 12% bonus for working three (3) continuous twelve (12) hour days should also be deducted. After deducting 22%, rather than 10%, Respondent's monthly net earning capacity is \$2,500.00.

With respect to RS's income, Respondent indicates that he has no evidence that her income should be higher, simply that he just believes it is. The Court will address this exception no further.

Considering KP' monthly net income of \$1,647.00 and Respondent's monthly net income of \$2,500.00, the guidelines require a child support payment for the support of one (1) minor child of \$487.10 per month. Considering RS's monthly net income of \$2,460.00 and Respondent's income of \$2,500.00, the guidelines require a payment for the support of one (1) minor child of \$463.68 per month. A contribution toward health insurance of \$36.43 per month is also required.

ORDER

AND NOW, this 20th day of September, 2001, for the foregoing reasons the Order of July 5, 2001 is hereby modified to provide for a payment of \$487.10 per month in KP' case and a payment of \$463.68 per month plus a health insurance contribution of \$36.43 per month in RS case. Further, paragraph 5 of the Order of July 5, 2001 shall be modified to provide that Respondent shall be responsible for 50.40% of the child's excess unreimbursed medical expenses and RS shall be responsible for 49.60% of such. Paragraph 6 shall be modified to provide that Respondent shall be responsible for 60.28% of the child's excess unreimbursed medical expenses and KP shall be responsible for 39.72% of such.

As modified herein, the Order of July 5, 2001 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge