

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

LAW,	:	NO. 00-21,563
Petitioner	:	
	:	DOMESTIC RELATIONS SECTION
vs.	:	Exceptions
	:	
WFW,	:	NO. 01-20,190
Respondent	:	
	:	CIVIL ACTION LAW - In Divorce
	:	Exceptions

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order dated April 2, 2001 in which Respondent's child support obligation was modified based upon Petitioner's request for alimony pendente lite. Argument on the exceptions was heard July 25, 2001.

In his exceptions, Respondent objects simply to the hearing officer's failure to add Petitioner's income tax refund to her income/earning capacity in calculating his support obligation. Petitioner provided this Court with a copy of her income tax return which shows a refund of \$751.00, consisting of an earned income credit of \$1,318.00 less her self-employment tax of \$567.00. She paid no federal income tax. Petitioner was assessed a minimum wage earning capacity of \$750.00 per month, however. Her actual income was \$4,010.00 and therefore, the refund of \$751.00 does not increase her monthly net income above the \$750.00 assessed to her. The Court will therefore not adjust the obligations.

ORDER

AND NOW, this 15<sup>th</sup> day of August, 2001, for the foregoing reasons Respondent's exceptions are hereby denied and the Order of April 2, 2001 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
Janice Yaw, Esq.  
Joy McCoy,  
Dana Jacques, Esq.  
Hon. Dudley N. Anderson