

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

CLW, : NO. 00-21,878  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
KAW, :  
Respondent :  
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KAW, : NO. 01-20,058  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
CLW, :  
Respondent :

OPINION AND ORDER

Before the Court are cross-exceptions to the Family Court Order of April 26, 2001 in which KW was directed to pay child support to CW. The parties have equally shared custody of their one (1) minor child and both had filed petitions for child support. Argument on the exceptions was heard on September 5, 2001.

In her exceptions, CW contends the hearing officer erred in requiring her to contribute to the cost of the child's health insurance as carried by KW. The Court agrees with CW. It appears that both parties have comparable health insurance and, from the information provided at argument, it appears that CW's insurance may even be slightly better than KW's insurance. It also appears that KW does not pay any additional amount to carry the child on his insurance and that the cost would be the same even if he were the only one covered. The insurance carried by CW is at no cost to her. The hearing officer required CW to contribute to the coverage carried by KW but the Court sees no reason for both parties to carry insurance for the child. The contribution to health insurance will therefore be eliminated.

In his exceptions, KW contends the hearing officer erred in not considering CW's capital gains. According to the Order of April 26, 2001, CW had capital gains of \$2,136.00 and capital losses of \$3,115.00, as shown on her 2000 federal income tax return. KW argues that the hearing officer should consider the gain of \$2,136.00 but not consider the loss of \$3,115.00. At the hearing, CW had requested the hearing officer subtract \$979.00 from her other income, representing the offset of loss over gain. The hearing officer chose to do neither. He did not consider the gain nor did he consider the offsetting losses. The Court finds this treatment of the matter appropriate.

Finally, KW contends the hearing officer's failure to require CW to pay child support to him is a denial of equal protection. Since the child support obligation was calculated correctly in accordance with the statewide support guidelines, the Court will not address this argument further.

ORDER

AND NOW, this 7<sup>th</sup> day of September, 2001, for the foregoing reasons, the Order of April 26, 2001 is hereby modified to eliminate the contribution to KW's health insurance and as modified herein is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Christina Dinges, Esq.  
Janice Yaw, Esq.  
Family Court  
Domestic Relations  
Gary Weber, Esq.  
Hon. Dudley N. Anderson