

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

KLW,	:	NO. 98-21,251
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
MAE,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order dated April 9, 2001 in which Respondent was directed to pay to Petitioner support for the parties' two (2) minor children, as well as a contribution to the increased costs of Petitioner's car insurance, spending money for a Myrtle Beach trip made by one of the children, and the cost of the other child's summer school class. Argument on the exceptions was heard June 27, 2001.

In his exceptions, Respondent contends the hearing officer erred in calculating his income, consequently erred in the determination of his percentage responsibility for unreimbursed medical expenses, erred in requiring him to contribute to the increased cost of the car insurance, erred in requiring him to contribute to the Myrtle Beach spending money, and erred in requiring him to contribute to the cost of the child's summer school tuition. These will be addressed seriatim.

With respect to the hearing officer's determination of Respondent's monthly net income, the hearing officer found Respondent to have a monthly net income of \$2,285.69, based on a wage verification which covered a period of twenty-six (26) weeks in 2000-2001. Respondent contends that a pay stub was reviewed at the hearing in Family Court and at that time, the hearing officer determined his monthly net income to be \$2,086.00. A review of that pay stub indicates that, indeed, the twelve (12) weeks covered thereby do result in a monthly net income of \$2,090.23. The hearing

officer did not rely on the pay stub, however, as it covered only twelve (12) weeks but instead, relied on a twenty-six (26) week wage verification. It is interesting to note that the wage verification also contains a copy of Respondent's 2000 W-2 from Keystone Friction Hinge, which indicates a monthly net income of \$2,405.71. The Court finds no error in the hearing officer's use of the wage verification which covers a more significant period of time than does the pay stub.

With respect to the increased cost of car insurance, the hearing officer found that since the minor child, Mark began driving, Petitioner's car insurance increased by \$421.20 per year. She then required Respondent to contribute to that cost. The Court believes that such a contribution is not appropriate under the guidelines.

With respect to the spending money for the trip to Myrtle Beach, the hearing officer found that the child M plans to participate in a trip to Myrtle Beach with his baseball team and that Petitioner wished to send along spending money for the trip, in accordance with the recommendation of the baseball team. Again, the Court believes that such a contribution is not appropriate under the guidelines.

With respect to the cost of the summer school class, it appears that the class taken by the child, J is not required or even recommended for his necessary education. It is simply an elective and therefore the Court believes that Respondent should not be required to contribute to that cost under the guidelines.

Finally, with respect to the percentage of unreimbursed medical expenses, since the Court is affirming the hearing officer's income finding, the Court will also affirm the percentage responsibility for unreimbursed medical expenses.

ORDER

AND NOW, this 6th day of July, 2001, for the foregoing reasons, the Order of April 9, 2001 is hereby modified to eliminate the contribution for car insurance, spending money, and summer school tuition. As amended, the Order of April 9, 2001 is hereby affirmed.

By the Court,

Kenneth D. Brown, Judge

cc: Family Court
Domestic Relations
Mark Taylor, Esq.
ME
Gary Weber, Esq.
Stacy Griggs, Esq., Law Clerk