

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

MALINA G. HARTLEY, Plaintiff	:	
	:	
v.	:	No. 98-20,985
	:	
JAMES R. SHEARER, Defendant	:	
	:	
ANGELA L. HAUPT, Plaintiff	:	
	:	
v.	:	No. 00-21,884
	:	
JAMES R. SHEARER, Defendant	:	
	:	

OPINION

In this case the Master increased a child support obligation without being asked to do so. While the Master was acting in what she perceived to be the best interest of the child, that assessment is best left to the parents. Only when the parents disagree should the courts interfere. Generally courts, like people, should mind their own business unless their opinion is requested.

Factual Background

Mr. Shearer has one child to Ms. Hartley and another child to Ms. Haupt. Both sets of parents had previously come to an agreement on a child support amount, and both agreements were reduced to court orders. Ms. Hartley became dissatisfied with the amount of support she was receiving, and filed for a modification, which she had every right to do. Ms. Haupt did not request an increase and did not attend the modification hearing. The Master correctly increased the support owed to Ms. Hartley. The Master also, however, increased the support owed to Ms. Haupt.

Discussion

In support of her action, the Master cited the policy stated in Rule 1910.16-7: All of a parent's children should have equal access to his or her resources, and no child should receive priority. That rule, however, addresses how and when a court should reduce a parent's child support obligation if that parent has children in multiple families. It does not give the court license to automatically increase support for a child without being asked to do so.

The Master obviously acted out of what she perceived to be the best interest of Mr. Shearer's other child. The problem, however, is that *the parents* are in the best position to determine what is in the best interest of their children. Normally, the courts must assume parents are acting in the best interest of their children, and should step in only when the parents disagree. Here, Mr. Shearer and Ms. Haupt reached an agreement regarding support, and the Master had no right to invalidate that agreement.

Child support agreements for less than the Guideline amount are often bargains negotiated by the parents. Many different things are involved in the bargaining process, some of which are financial. For instance, in return for a reduction in child support, the obligor might be purchasing clothing and other items normally purchased mainly by the custodial parent. And as we all know, many child support bargains involve non-financial things, such as custody issues. One parent gives in on a custody battle in return for a break in child support. We are not prepared to say such bargains are harmful to children. Sometimes, given the severe contention involved in all too many custody cases, it may be better for the children to have a little less money in return for peace between their parents. After all, children do not live on bread alone.

Of course, when either parent becomes dissatisfied with the support

agreement, he or she may file a petition to have the support changed, and the court will not be bound by the parental bargain. However, when both parents have reached an agreement for support, and are happy with that agreement, the courts should not interfere. Custody and support issues involve enough friction between parents without further provocation by the courts.

ORDER

AND NOW, this _____ day of January, 2002, the Exceptions filed by James Shearer to the Master's order of December 20, 2001, are disposed of as follows:

1. Increase in Support Due to Angela Haupt: This exception is granted, and it is ordered that the support obligation due from James Shearer to Angela Haupt shall remain at \$200.00 per month.
2. Child Care: This exception is granted, and it is ordered that Mr. Shearer's support obligation is reduced by \$89.97 per month, to eliminate his obligation for the child care costs currently being incurred. However, if Ms. Hartley files a Motion for Reconsideration by 19 February 2002, this provision shall be suspended and shall not take effect until further order of court, pending a hearing on the issue in front of the undersigned judge.
3. Ms. Hartley's Lack of Expenses: This exception is dismissed.

BY THE COURT,

Clinton W. Smith, P.J.

cc: Dana Jacques, Esq., Law Clerk
Hon. Clinton W. Smith
Jocelyn Hartley, Family Court Hearing Officer
Bradley Hillman, Esq.
Randi Dincher, Esq.
Domestic Relations
Gary Weber, Esq.