

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

MICHELLE D. HECKMAN, Plaintiff	:	
	:	
	:	
v.	:	No. 00-21,589
	:	PACES NO. 843102765
MARK D. DURUSSELL, Defendant	:	
	:	
	:	
MARK D. DURUSSELL, Plaintiff	:	
	:	
	:	
v.	:	No. 01-20,097
	:	PACES No. 606000533
MICHELLE HECKMAN, Defendant	:	
	:	

OPINION and ORDER

This case involves exceptions filed by both parties to a Master’s order on child support. The only exception that merits an analysis and discussion is Ms. Heckman’s request to receive a deviation from the Guidelines amount of child support assessed to her. She argues that application of the Guidelines in her instance creates an absurd result.

The court acknowledges the oddity of the situation: When the parties had a 50/50 custody arrangement, Mr. Durussell was assessed monthly child support varying between \$457.63 per month and \$535.65 per month. Now, after the custody arrangement changed to Ms. Hackman having the child only 42.74% of the time, Ms. Heckman has to pay \$218.38 a month. Yet she has only lost one overnight with the child each two weeks.

The Guidelines themselves recognize that the method of calculating support when the parents have a shared physical custody arrangement is problematic. See Explanatory Comment–1998 for Rule 1910.16-1(C)(4). By definition, the Guidelines

draw lines, and stepping one inch over those lines sometimes results in a dramatic difference in the exchange of money between parents. That is the nature of Guidelines. Such bright-line rules have benefits as well as a down side. One benefit is that they promote consistency and predictability: all people in a similar situation will be treated similarly. In that respect, the Guidelines limit judicial discretion by providing a uniform scheme for all courts to follow. Not all aspects of the Guidelines make perfect sense, nor is there any perfect way to handle such matters. The Guidelines do, however, offer a reasonable solution to the quandary of child support.

Deviations from the Guidelines are permitted. However, Rule 1910.16-5, which sets forth the considerations for a deviation, clearly is geared toward financial considerations. Ms. Heckman has presented no compelling financial reason why she cannot pay the assessed child support. Instead, she points to what she views as an absurd result of the Guidelines.

What Ms. Heckman fails to point out, however, is the equal absurdity of the prior arrangement, where Mr. Durussell had to pay as much as \$535.65 a month to Ms. Heckman, even though the parties had the child an equal amount of time. Ms. Heckman apparently had no trouble accepting this money. She did not complain about the Guidelines when she was on the receiving end. Now that she is on the paying end, however, she finds them absurd.

Ms. Heckman argues that this is an exceptional case, but it is not exceptional at all. It is merely a good example of the consequences of stepping over the bright line of 50/50 custody. Many cases do that, and we cannot give deviations for every one of them without rendering the Guidelines meaningless.

We recognize that enforcing the Guidelines makes custody cases all the harder, as parents will fight tooth-and-nail for those all-important overnights. But we

have a sneaking suspicion that if we were to liberally grant deviations, those same parents would merely relocate their fight from custody court to the domestic relations realm. The bottom line is that if parents want to fight, the court system provides them ample opportunity to do so.

No one forced Ms. Heckman and Mr. Durussell into Domestic Relations or Family Court. They were perfectly free to sit down together and discuss what was best for their child in terms of custody, and how much money each parent needed to provide for the child. Instead, they chose to spend their money on court battles. Even now, these two parents are perfectly capable of working out a fair financial arrangement, if only they are willing to give each other a break. If they cannot or will not do so, they will not be heard to complain about the unfairness of the system they have chosen to be ruled by.

ORDER

AND NOW, this _____ day of February, 2002, the Exceptions filed by Michelle Heckman on 28 December 2001 are dismissed and the Exceptions filed by Mark Durussell on 2 January 2002 are dismissed.

BY THE COURT,

Clinton W. Smith, P.J.

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