

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DMB,	: NO. 95-20,274
Petitioner	:
	:
vs.	: DOMESTIC RELATIONS SECTION
	: Exceptions
DLH,	:
Respondent	:

JMG,	: NO. 97-21,064
Petitioner	:
	:
vs.	: DOMESTIC RELATIONS SECTION
	: Exceptions
DLH,	:
Respondent	:

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated January 29, 2002, in which Respondent was directed to pay child support to each Petitioner. Argument on the exceptions was heard April 3, 2002.

In his exceptions, Respondent raises several procedural issues, an issue regarding each Petitioner’s potentially reduced living expenses, and an issue regarding his income. These will be addressed seriatim.

Procedurally, Respondent alleges error in the hearing officer’s refusal to consolidate the hearings, which were scheduled back to back rather than together, in the hearing officer’s decision to proceed with the first hearing although Respondent’s counsel would not appear until the time of the second hearing, and in the hearing officer’s decision to proceed with the hearing although Petitioner Jamie Green was not present. With respect to the consolidation, such is in the discretion of the hearing officer and the Court sees no basis to disturb that decision in the instant matter. With respect

to the decision to proceed without counsel during the first hearing, it appears Respondent indicated to his counsel that the first hearing was a conference and not a hearing and therefore he would not be needed until the time of the second hearing. Respondent was mistaken as the notice clearly indicates that the time was scheduled for a hearing, not a conference. The Court therefore finds no error in the hearing officer's decision to go ahead with the hearing without counsel present. With respect to the absence of Petitioner Jamie Green, it appears that Jamie Green was present at the time of the hearing and this exception is therefore without merit.

With respect to the issue of the Petitioners' potentially reduced living expenses, Respondent contending Petitioner Debra Banks resides with her parents and Petitioner Jamie Green resides with her boyfriend, since Respondent has failed to show extraordinary expenses justifying a deviation, any such potentially reduced living expenses of the Petitioners is irrelevant.

Finally, with respect to Respondent's income, it appears the hearing officer relied on a single pay stub for the first pay period ending in 2002, finding a monthly net income of \$1,618.26. It appears there was available a wage verification and that such shows a monthly net income of \$1,684.00, averaging the year to date figures shown on the final pay stub in that verification over the nine (9) weeks covered by those pay stubs (the first pay stub covering only one (1) week, rather than two (2)). While the Court could calculate Respondent's obligations based upon this higher income, since it is not significantly higher and would result in only a minimally higher amount of support in each matter, the Court believes the efforts required by the Domestic Relations Office to adjust the support obligation do not justify the change.

ORDER

AND NOW, this 5th day of April, 2002, for the foregoing reasons, Respondent's exceptions are hereby denied and the Order of January 29, 2002 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Domestic Relations Office
Family Court
DB
William Miele, Esq.
Jack Felix, Esq.
Dana Jacques, Esq.
Gary Weber, Esq.
Hon. Dudley N. Anderson