

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

GKC, : NO. 01-20,825
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
AAC, :
Respondent :

OPINION AND ORDER

Before the Court are cross-exceptions to the Family Court Order dated October 10, 2001, amended October 12, 2001, in which Respondent was directed to pay child support to Petitioner and Petitioner was directed to provide health insurance for Respondent. Argument on the exceptions was heard January 16, 2002.

At argument, Respondent withdrew her exceptions. In his exceptions, Petitioner contends the hearing officer erred in calculating his income, in finding that Respondent had a regular child care expense and requiring him to contribute to such, and in directing him to continue to provide health insurance coverage for Respondent. These will be addressed seriatim.

With respect to his income, Petitioner contends specifically the hearing officer erred in the calculation of his income from SCI Muncy and further that inclusion of interest income is inappropriate in this case. The income from SCI Muncy was based on a pay stub for pay period ending September 1, 2001 and Petitioner is correct in his contention the hearing officer erred in the calculation. The hearing officer considered the year-to-date figures to cover a period of 36 weeks but such actually cover a period of 38 weeks. Petitioner's income is therefore correctly calculated at \$2,410.66 per month. At argument, counsel agreed the Court could consider a statement covering Respondent's entire 2001 income from SCI Muncy and such a statement was provided after argument. That

statement shows a monthly net income of \$2,402.23. With respect to the interest income, at argument both counsel agreed the document presented in Family Court showed interest from a Roth IRA. The Court therefore agrees with Petitioner that the interest income from such IRA should not be considered for child support purposes.

With respect to the child care issue, Petitioner's counsel indicated a transcript would be necessary to show that the hearing officer erred in finding a regular child care expense and then requiring Respondent to contribute to such. A separate Order will be issued directing the preparation of a transcript, and further Order will be entered addressing the child care issue. It is noted Respondent indicated at argument that any child care ended when school began in the fall and therefore the further Order will be addressing a lump sum contribution to a summer child care expense only.

Finally, with respect to the requirement that Petitioner continue to provide health insurance coverage for Respondent, available through his employment, the Court agrees with Petitioner that such was inappropriate, in light of the parties' agreement whereby Respondent waived her right to any support, alimony pendente lite, temporary or permanent alimony, past, present or future. The requirement that Petitioner continue to provide health insurance coverage for Respondent will therefore be vacated.

ORDER

AND NOW, this 17th day of January, 2002, for the foregoing reasons the Family Court Order dated October 10, 2001, as amended by Order dated October 12, 2001, is hereby modified to provide for a child support payment of \$121.61 per month. The percentage of responsibility for excess unreimbursed medical expenses is also modified, in accordance with the parties' respective net incomes: Petitioner having a monthly net income of \$2,665.39 and Respondent having a monthly net income of \$1,102.00. The requirement that Petitioner continue to provide medical insurance coverage for Respondent is hereby vacated. The requirement that Petitioner pay a child care contribution of \$77.70 per month is also vacated and further Order with respect to the child care expense will be entered in the future.

As modified herein, the Order of October 10, 2001, as amended by Order dated October 12, 2001, is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

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