

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

PD,	:	NO. 89-21,660
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
RW,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated March 5, 2002, in which Respondent was directed to pay support to Petitioner for the support of the parties’ one (1) minor child. Argument on the exceptions was heard April 17, 2002.

In his exceptions, Respondent contends the hearing officer erred in assessing him an earning capacity despite his incarceration. Respondent alleges that an earning capacity is inappropriate inasmuch as he was not employed at the time of his incarceration. It appears Respondent lost his employment just prior to his incarceration, but it does not appear that he lost that employment through no fault of his own. Considering the history of the matter, the Court finds the assessment of an earning capacity is appropriate.

ORDER

AND NOW, this 18th day of April, 2002, for the foregoing reasons, Respondent’s exceptions are hereby denied and the Order of March 5, 2002 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations
PD, 49 ½ East Mountain Avenue, South Williamsport PA 17702
RW, c/o Lycoming County Prison
RW, 179 Old Cement Road, Lot A-20, Montoursville PA 17754
Dana Jacques, Esq.
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Hon. Dudley N. Anderson