

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JLH, : NO. 00-20,905
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
PRC, :
Respondent :

OPINION AND ORDER

Before the Court are Petitioner’s exceptions to the Family Court Order dated January 30, 2002, in which Respondent was directed to pay child support to Petitioner for the support of the parties’ one (1) minor child. Argument on the exceptions was heard April 10, 2002.

In his exceptions, Petitioner contends the hearing officer erred in requiring him to contribute to the cost of health insurance carried by Respondent and in failing to assess Respondent with income attributable to an income tax refund.

With respect to the health insurance, the hearing officer noted that both parties carried health insurance for the child, and that Petitioner’s was available free of cost, whereas Respondent’s cost \$132.86 per month. The hearing officer advised the parties to discuss the issue of health insurance coverage and to determine which coverage was the most advantageous with the least cost. The hearing officer did not make the decision nor, as Petitioner sought to have done, have Respondent drop the children from her coverage so as to eliminate the cost. After a discussion of the issue at argument, it appears the coverage afforded by Respondent’s insurer is only slightly more advantageous than that afforded by Petitioner’s insurer, but at a cost of approximately \$1,600.00 per year. The advantages are far outweighed by the cost. The Court will therefore grant Petitioner’s exception in this regard, and will not require him to contribute to the cost of the health insurance carried by Respondent, and Respondent shall be free to eliminate that coverage.

With respect to the income tax refund, although the hearing officer found that Respondent did not have a tax refund, it appears that while she did not have her tax return with her, she did indeed have a tax refund this year. At argument she indicated to the Court that her tax refund was \$2,394.00 for tax year 2001. This provides her with an average monthly net income of \$199.50, giving her a total monthly net income of \$2,177.00.

Considering Petitioner's income of \$2,562.00 per month and Respondent's income of \$2,177.00 per month, the guidelines require a payment for the support of one (1) minor child of \$409.78 per month.

ORDER

AND NOW, this 11th day of April, 2002, for the foregoing reasons, the Order of January 30, 2002 is hereby modified to provide for a payment for the support of one (1) minor child of \$409.78 per month. The requirement that Petitioner contribute to the cost of Respondent's health insurance is hereby eliminated, effective May 1, 2002. Respondent shall be free to disenroll the children from her health insurance coverage, without prejudice to seek to re-enroll them if circumstances change such that her health insurance is more cost effective than Petitioner's health insurance.

The percentage responsibility for excess unreimbursed medical expenses is also modified such that Petitioner shall be responsible for 54.06% of such and Respondent shall be responsible for 45.94% of such.

As modified herein, the Order of January 30, 2002 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations
Janice Yaw, Esq.
PC
Dana Jacques, Esq.
Gary Weber, Esq.
Hon. Dudley N. Anderson