

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

PN,	:	NO. 99-20,062
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
DN,	:	
Respondent	:	

**OPINION AND ORDER**

Before the Court are Petitioner's exceptions to the Family Court Order dated August 23, 2001 in which Respondent was directed to pay child support to Petitioner. Argument on the exceptions was heard December 12, 2001.

In her exceptions Petitioner contends the hearing officer erred in assessing her an earning capacity of \$2,000.00 per month after August 13, 2001, in assessing her an earning capacity of \$1,200.00 per month from May 22, 2001 through August 12, 2001, and in misstating her testimony respecting her anticipated earnings as a teacher. These will be addressed seriatim.

With respect to the earning capacity of \$2,000.00 per month after August 13, 2001, the hearing officer based such on Petitioner's graduation from Lock Haven University as a health and physical education teacher on May 12, 2001. Petitioner testified that she was certified to teach kindergarten through 12<sup>th</sup> grades in the areas of health and physical education. The hearing officer considered Petitioner's testimony in a previous hearing that the Williamsport Area School District had a starting salary of \$30,000.00. The hearing officer gave Petitioner from May 12, 2001 through August 12, 2001 to find appropriate employment. The Court finds no error in this regard.

With respect to the earning capacity assessed from May 12, 2001 through August 12, 2001, the time from Petitioner's graduation through three (3) months later, the hearing officer assessed an earning capacity of \$1,200.00 per month based on a previous earning capacity assessed in 1999. That earning capacity had been based upon Petitioner's experience and employment as the officer

manager/bookkeeper for the family business for the previous 12 years. Apparently Petitioner seeks to continue the minimum wage earning capacity assessed to her during the time she attended Lock Haven University. Since she graduated May 12, 2001, the Court finds no error in the hearing officer's assessment of an increased earning capacity at that time, and the continuation of the previous earning capacity is appropriate.

Finally, with respect to Petitioner's contention the hearing officer misstated her testimony regarding her anticipated earnings, the Court notes that Petitioner testified at the previous Master's hearing the Williamsport Area School District paid teachers \$30,000.00 per year to start but also testified that in outlying areas she believed the pay was less, from \$20,000.00 to \$25,000.00 to start. In her exceptions, Petitioner offers no reason for utilizing the lower figure rather than the higher figure, however. Actually, the best evidence upon which to base an earning capacity would have been the average starting salary in Pennsylvania, rather than limiting such to the Williamsport area, but for lack of anything better, the Court sees no error in relying on Petitioner's testimony regarding what the Williamsport Area School District pays its beginning teachers.

### ORDER

AND NOW, this 9<sup>th</sup> day of January, 2002, for the foregoing reasons, the Family Court Order dated August 23, 2001 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
Patricia Bowman, Esq.  
Brad Hillman, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson

