

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

HM,		: NO. 95-21,408
	Petitioner	:
		:
vs.		:
		: DOMESTIC RELATIONS SECTION
MKZ,		:
	Respondent	: Exceptions

DA,		: NO. 97-21,431
	Petitioner	:
		:
vs.		:
		: DOMESTIC RELATIONS SECTION
MKZ,		:
	Respondent	: Exceptions

**OPINION AND ORDER**

Before the Court are Respondent’s exceptions to the Family Court Order of June 12, 2002, in which Respondent was directed to pay child support to each Petitioner. Argument on the exceptions was heard July 31, 2002.

In his exceptions, respondent contends the hearing officer erred in the effective date of the Order, in calculating his income, and in calculating each party’s proportionate share of unreimbursed medical expenses. These will be addressed seriatim.

With respect to the effective date of the Order, Respondent argues that because the hearing was post-poned from its originally scheduled date, the increase in support provided for by the resultant Order should not be retroactive to the date of the petition but only to the date of hearing. The Court does not agree. The Rules of Civil Procedure provide for retroactivity to

the date of the petition. Pa.R.C.P. Rule 1910.17. The delay of a few months does not, without more, justify non-retroactivity. This exception will therefore be denied.

With respect to the calculation of his income, Respondent seeks to calculate such by considering his net pay and adding back only the child support which was deducted. This method would allow for deduction from his gross income, items which are not proper under the guidelines. Pursuant to Pa.R.C.P. Rule 1910.16-2(c)(1), in arriving at net income the Court is to deduct only federal, state and local income taxes, FICA payments and non-voluntary retirement payments, union dues and alimony paid to the other party. A review of the four Leave and Earnings Statements presented at the hearing in Family Court shows a monthly net income of \$1804.22.<sup>1</sup> This is confirmed by the 2001 W-2, which shows a monthly net income of \$1828. Although the hearing officer calculated a monthly net income of only \$1650.54, Petitioner has not filed exceptions to this finding and the Court will therefore not disturb the calculation of Respondent's obligations.

Finally, with respect to the percentage responsibility for unreimbursed medical expenses, Respondent argues simply that if his net income has indeed been calculated incorrectly, his percentage responsibility has also been calculated incorrectly. While the Court agrees that the calculation of the percentage responsibility follows the calculation of net income, since no adjustment is being made to the income, none is required with respect to the percentage responsibility.

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<sup>1</sup> The LES for February 2002 shows a Selective Reenlistment Bonus of \$1868.73 and additional federal income tax of \$504.56. These amounts were deducted from the four-month

ORDER

AND NOW, this 2<sup>nd</sup> day of August 2002, for the foregoing reasons, Respondent's exceptions are hereby DENIED, and the Order of June 12, 2002, is hereby AFFIRMED.

BY THE COURT,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations Section  
HM  
DA  
MZ  
Gary Weber, Esq.  
Dana Jacques, Esq.  
Hon. Dudley Anderson

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totals, annualized and the resulting average monthly bonus was added to the average monthly income calculated by averaging the remaining totals over four months