

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

MAA, : NO. 95-20,795  
Petitioner :  
:   
vs. : DOMESTIC RELATIONS SECTION  
: Exceptions  
CMA, :  
Respondent :

OPINION AND ORDER

Before the Court are Petitioner’s exceptions to the Family Court Order dated December 17, 2002 in which Respondent was directed to pay child support to Petitioner. Argument on the exceptions was heard February 19, 2003.

In her exceptions, Petitioner contends the hearing officer erred in issuing the Order without first securing necessary documentation. It appears the previous Order in this matter dated April 14, 2000 provided for a payment of child support, and a payment of private school expense and also indicated that Respondent’s wife was providing insurance for the parties’ two minor children and no credit was given to Respondent. Respondent filed a Petition for Modification on October 21, 2002, indicating as a basis for review that his wife has a new job and would have to pay \$200.00 per month for health insurance coverage. The hearing officer gave Respondent the opportunity to provide certain information about that health insurance coverage but Respondent failed to do so. Respondent was therefore given no credit for any health insurance coverage provided by his wife. The hearing officer also had asked Petitioner to provide an updated verification of the private school expense but that was also not provided. No contribution toward the private school expense was therefore ordered. The Court agrees with Petitioner that since there was no evidence the children no longer attended private school, because in fact they do continue to attend private school, the previous contribution for private

school expense should have been continued in effect even if no increase was ordered due to the lack of documentation. The Court will therefore reinstate the prior private school expense.

ORDER

AND NOW, this 26<sup>th</sup> day of February 2003, for the foregoing reasons, the Order of December 17, 2002 is hereby modified to continue in effect the private school expense provided for in the Order of April 14, 2000.

As modified herein, the Order of December 17, 2002 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

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