

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

DLB, : NO. 97-21,394  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
SDB, :  
Respondent :

OPINION AND ORDER

Before the Court are Petitioner's exceptions to the Family Court Order dated November 6, 2002 in which Respondent was directed to pay child support, including a childcare contribution, to Petitioner. Petitioner's exceptions address the childcare contribution. Argument on the exceptions was heard December 11, 2002.

Petitioner filed a request for review on September 3, 2002. The hearing officer retroactively modified Respondent's childcare contribution to August 1, 2001 and also provided for a contribution effective September 3, 2002. It appears the modification of the childcare contribution retroactively is without a basis and the previous Order should continue in effect, which required Respondent to pay one-half the childcare contribution. Effective September 3, 2002, the hearing officer erred in calculating the childcare contribution by applying the 25% tax credit to the entire amount, rather than simply the first \$2,400.00.

From August 1, 2001 through September 2, 2002, Petitioner paid \$102.50 per week, or \$444.16 per month. Respondent's obligation of 50% is thus \$222.08 per month. Effective September 3, 2002, Petitioner is now paying \$178.50 per week or \$9,282.00 per year. Reducing the first \$2,400.00 by 25% results in an annual childcare expense toward which Respondent must contribute of \$8,682.00, or \$723.50 per month. His proportionate share,

63.48%, is \$459.28 per month.

ORDER

AND NOW, this 3<sup>rd</sup> day of January, 2003, for the foregoing reasons, the Order of November 6, 2002 is hereby modified such that from August 1, 2001 through September 2, 2002, Respondent shall contribute to the childcare expense the sum of \$222.08 per month. Effective September 3, 2002, Respondent shall contribute \$459.28 per month. Those portions of the Order of November 6, 2002, which are inconsistent with these childcare contribution amounts are hereby vacated.

As modified herein, the Order of November 6, 2002 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
DB  
John Felix, Esq.  
Dana Jacques, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson