

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

JWB,	:	NO. 95-21,264
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
CAS,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order dated October 17, 2002 in which Respondent was directed to pay child support and a contribution to orthodontic expenses to Petitioner. Argument on the exceptions was heard January 8, 2003, at which time Respondent withdrew her issues regarding the arrearage of child support, as the Domestic Relations Office has made the correct administrative adjustments, leaving only the issue regarding the payment of the orthodontic expense. Respondent seeks to modify the Order such that the parties each pay the orthodontist directly, rather than Respondent paying the amount to Petitioner and Petitioner being responsible for the payment.

Respondent contends Petitioner has not been making the orthodontist payments, even though ordered to do so, and offered to provide the Court with proof, in the form of documentation from the orthodontist. Counsel agreed this Court could accept documentation from the orthodontist and such documentation has been received. Indeed, Respondent is correct. According to the records of Dr. Oberheim, Respondent has paid \$700.00 since the initiation of the treatment on September 25, 2001, and Petitioner has paid nothing. As an aside, it appears the Family Court Order establishing an arrearage balance for Respondent at \$1,710.02 did not credit Respondent with all of her \$700.00 payments.

Since Petitioner has failed to make payments to the orthodontist even though the Order made him responsible to do so, and since the records of the orthodontist indicate at this time that

Respondent is the responsible party, the Court will modify the Order of October 17, 2002 such that Respondent shall be the party to make the payments directly to the orthodontist. In order to effectuate this arrangement, the Court will direct the Domestic Relations Office to back out the \$1,710.02 arrearage added to Respondent's account, and credit Respondent's account with Petitioner's obligation of \$1,505.00 and a further credit for his share of the \$250.00, or \$73.98. The total credit will therefore be \$1,578.98. This credit is to be consumed by any current arrearage and also by lowering Respondent's monthly child support payments by \$52.80 per month<sup>1</sup> until the credit is consumed in full.

### ORDER

AND NOW, this 16<sup>th</sup> day of January, 2003, for the foregoing reasons, the Order of October 17, 2002 is hereby modified to provide that Respondent be responsible for making the actual payments to Dr. Oberheim. The Domestic Relations Office is directed to back-out the arrearage of \$1,710.02 and to enter a credit to Respondent's account in the amount of \$1,578.98. Respondent's child support payments shall be modified such that she of course no longer pays the \$71.25 per month toward the orthodontic bill and further, that her payments be lowered by \$52.80 per month until the credit provided for above is consumed in full.

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

---

<sup>1</sup> According to the records of the orthodontist, the contract calls for monthly payments of \$110.00. Petitioner's proportionate share of this is \$52.80. If the Court were to Order each party to pay his or her proportionate share directly to the Orthodontist, Petitioner would be paying \$52.80 out of his pocket. Since Respondent is making the payments to the orthodontist, Petitioner's share is being transferred to Respondent to enable her to make that payment.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
Brad Hillman, Esq.  
Dave Raker, Esq.  
Dana Jacques, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson