

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

KSG,	: NO. 90-21,151
Petitioner	:
	:
vs.	: DOMESTIC RELATIONS SECTION
	: Exceptions
JWG, JR.,	:
Respondent	:

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated January 14, 2003, in which Respondent was directed to pay child support for the support of the parties’ one minor child. Argument on the exceptions was heard February 19, 2003.

In his exceptions, Respondent contends the hearing officer erred in deducting voluntary retirement contributions in determining Petitioner’s income, in calculating his income on the living expenses presented in his exhibit, and in requiring him to contribute to the cost of health insurance which covers both the Petitioner’s 20 year old child as well as the minor child in question.

With respect to the retirement contributions, Petitioner is employed by the United States Post Office and it appears she has contributions to both a mandatory retirement plan as well as a 401K, which is indeed voluntary. As the Court will be remanding this matter, as explained hereinafter, the hearing officer will be directed to ensure that only the mandatory contributions are deducted in calculating Petitioner’s income. The Court notes it is not possible from the Order itself to determine whether this has indeed been correctly calculated, or whether the voluntary 401K contributions have also been deducted.

With respect to the living expenses, Respondent contends the exhibit introduced into evidence shows expenses incurred by both he and his wife and that his wife was employed during the time

period covered by the expenses shown. Respondent thus argues that some of those expenses were paid for from his wife's income and if the hearing officer is going to calculate his income based on his expenses, she should use only the expenses for which he paid. The Court agrees, and it is not possible to determine without further hearing exactly which expenses were paid by Respondent. The Court will therefore remand the matter for such a determination.

Finally, with respect to the health insurance, Respondent argues that the health insurance carried by Petitioner which covers herself and two children will possibly be less expensive if it covered only Petitioner and the minor child in question. Respondent has presented no evidence that this would indeed be the case, however. Moreover, the hearing officer calculated Respondent's contribution based on 2/3, not the entire expense. No adjustment to the hearing officer's assessment of a contribution to health insurance will be made.

ORDER

AND NOW, this 26th day of February, 2003, for the foregoing reasons, the matter is hereby remanded for further proceedings consistent with this Opinion.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations
KG
JG, Jr.
Gary Weber, Esq.
Hon. Dudley N. Anderson