

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

MM,	:	NO. 88-21,517
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
FJS, V.,	:	
Respondent	:	

VAG,	:	NO. 90-21,524
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
FJS, V.,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated May 22, 2003, as amended by Order dated June 12, 2003, in which Respondent was directed to pay child support to Petitioner, MM and his obligation to Petitioner, VG was suspended. Argument on the exceptions was heard July 2, 2003.

In his exceptions, Respondent contends the hearing officer erred in his finding regarding Petitioner M’s income and in the effective date of the suspension of his obligation to Petitioner G as well as the effective date of the modification of the obligation to Petitioner M.

With respect to Petitioner M’s income, Respondent contends her income is actually less than found by the hearing officer as she has expenses that were not considered. Petitioner M did not appear at the hearing in Family Court and no evidence regarding her expenses was presented. The Court will therefore address this exception no further.

With respect to the effective date, the hearing officer retroactively modified Respondent’s obligations but only to the date of his Petition for Modification/Suspension. The Court finds no error in this choice of dates, as Respondent’s previous attempt at modification was properly dismissed for failure to produce the requested verification of an inability to work.

The Court notes that Respondent’s obligation to Petitioner G was incorrectly suspended,

however, based upon the hearing officer's misapplication of the rule regarding receipt by a child of social security disability based on a parent's claim. The child's portion must be subtracted from the base support obligation of both parents before apportioning any remainder. The hearing officer subtracted the child's receipt of disability from Respondent's proportionate obligation instead. Making the correct calculation, by subtracting the child's \$317.00 per month from the base support obligation of \$500.00 results in a remainder of \$183.00, which must be apportioned based upon Respondent's proportionate net income, and doing so results in an obligation of \$107.59 per month. The Court notes the hearing officer did correctly apply the rule in calculating the obligation to Mrs. M in the amended Order dated June 12, 2003 and no modification of that amount is necessary.

ORDER

AND NOW, this 3rd day of July, 2003, for the foregoing reasons, Respondent's exceptions are hereby denied. The Order dated May 22, 2003, as amended by Order dated June 12, 2003 is hereby modified, however, to provide for a payment in No. 90-21,524 effective April 14, 2003 of \$107.59 per month. Further, Respondent shall be responsible for 58.79% of the excess unreimbursed medical expenses of the child in No. 90-21,524.

As modified herein, the Order of May 22, 2003, as amended by Order dated June 12, 2003, is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations Office
MM
VG
FS, V.
Gary Weber, Esq.
Dana Jacques, Esq.
Hon. Dudley N. Anderson