

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

BM,	: NO. 02-21,745
Petitioner	:
	:
vs.	: DOMESTIC RELATIONS SECTION
	: Exceptions
RM,	:
Respondent	:

RM,	: NO. 02-21,041
Petitioner	:
	:
vs.	: DOMESTIC RELATIONS SECTION
	: Exceptions
BM,	:
Respondent	:

OPINION AND ORDER

Before the Court are BM’s exceptions to the Family Court Order dated April 11, 2003 in which RM was directed to pay child support and alimony pendente lite, as well as a contribution to the cost of private school tuition. Argument on the exceptions was heard May 14, 2003.

In her exceptions, Ms. M contends the hearing officer erred in failing to order a lump sum payment toward arrearages, in including her tax refund in her income but failing to include Mr. M’s tax refund in his income, and in terminating the contribution to the private school tuition as of the end of May 2003. These will be addressed seriatim.

With respect to the payment toward arrearages, the hearing officer did direct a payment of \$100.00 per month and the Court finds no error in this regard.

With respect to the tax refunds, the Court agrees with Ms. M that Mr. M's tax refund should have been included in his income, just as Ms. M's refund was included in her income. Mr. M did provide his tax return to the hearing officer prior to entry of the Order but the refund was not included in his income. That return shows a refund of \$3,592.00, which averages to \$299.33 per month. He thus has a total monthly net income of \$1,903.63 per month. Considering this income, and Ms. M's income of \$1,162.00 per month, the guidelines suggest a payment for the support of two minor children of \$601.75 per month and a payment for the support of one minor child of \$416.07 per month. When Mr. M is paying support for only one child, alimony pendente lite is calculated at \$97.78 per month. Finally, the tuition contribution is recalculated at \$155.25 per month, based upon the fact that Mr. M now has 62.10% of the income.

With respect to the contribution to the private school tuition, although Ms. M indicated at argument that the payments toward the tuition were on a calendar year basis, rather than a school year basis and thus, although the child graduates May 30, 2003, the payments continue through July 2003, counsel for Ms. M admits that this information was not provided to the hearing officer. The Court will therefore not address this exception further.

ORDER

AND NOW, this 19th day of May, 2003, for the foregoing reasons, BM's exceptions are hereby granted in part and denied in part. The Order of April 11, 2003 is hereby modified such that effective February 3, 2003 through May 30, 2003, Mr. M shall pay for the support of two minor children the sum of \$601.75 per month, and toward private school tuition the sum of \$155.25 per month. Effective May 31, 2003, Mr. M shall pay for the support of one minor child the sum of

\$416.07 per month and alimony pendente lite of \$97.78 per month. The percentage responsibility for excess unreimbursed medical expenses is also modified such that Mr. M shall be responsible for 62.10% of such and Ms. M shall be responsible for 37.90% of such.

As modified herein, the Order of April 11, 2003 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations
William Miele, Esq.
RM
Dana Jacques, Esq.
Gary Weber, Esq.
Hon. Dudley N. Anderson