

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JER, JR.,	: NO. 94-20,262
Petitioner	:
	:
vs.	: DOMESTIC RELATIONS SECTION
	: Exceptions
RLF, JR.,	:
Respondent	:

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated May 16, 2003 in which Respondent was directed to pay child support to Petitioner, the children’s maternal grandfather. Argument on the exceptions was heard July 2, 2003.

In his exceptions, Respondent contends the hearing officer erred in using the particular income upon which his obligation was based. Specifically, Respondent contends use of the pay stub for pay period ending March 1, 2003 over emphasized overtime worked in January of this year, whereas he has not worked overtime since January of this year. Examination of the pay stub provided with his exceptions, showing pay periods from December 28, 2002 through May 10, 2003 verifies that he has not worked overtime since January. Respondent indicated at argument that he may or may not work overtime later in this year. A W-2 was presented to the hearing officer, the figures thereon covering a period of 48 weeks (Respondent having begun employment January 28, 2002), and it appears that use of the W-2 would be more appropriate than the pay stub that was actually used, which covered only 10 weeks. That W-2 shows a monthly net income of \$1,399.00. Subtracting the health insurance premium of \$94.00 per month results in an income for purposes of child support of \$1,305.00 per month.

It also appears the hearing officer erred in failing to consider the children’s mother’s income/earning capacity. The circumstances enumerated by the Domestic Relations Officer appear to support a minimum wage earning capacity of \$750.00 per month. The parents would

therefore have a total monthly net income of \$2,055.00. Respondent's share of the support obligation owed by both parents is thus calculated at \$444.50 per month.

ORDER

AND NOW, this 3rd day of July, 2003, for the foregoing reasons, the Order of May 16, 2003 is hereby modified to provide that effective February 27, 2003, Respondent shall pay for the support of two minor children the sum of \$444.50 per month. The Order is further modified to provide that Respondent shall be responsible for 63.5% of the children's excess unreimbursed medical expenses.

As modified herein, the Order of May 16, 2003 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations
JR
RF, Jr.,
Gary Weber, Esq.
Dana Jacques, Esq.
Hon. Dudley N. Anderson