

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

MAS, : NO. 99-21,688
Petitioner :
 :
vs. : DOMESTIC RELATIONS SECTION
 : Exceptions
RGS, :
Respondent :

OPINION AND ORDER

Before the Court are Petitioner’s exceptions to the Family Court Order dated September 17, 2002 in which Petitioner’s request for child and spousal support was dismissed “based upon the fact that RGS is back in the marital residence and is paying the household bills and providing the needs of the family.” In her exceptions, Petitioner contends the hearing officer erred in failing to hold a hearing to determine whether the parties were financially separated while residing in the same household. At argument on the exceptions, held November 6, 2002, it was determined that a transcript of the proceedings in Family Court would be necessary to determine whether Petitioner is correct in this regard. By Order dated November 6, 2002, a transcript was ordered.

The Court has been informed by the court reporter assigned to transcribe the tape of the proceedings in Family Court that because of technical difficulties with the equipment, such transcription is not possible. In the interest of justice, therefore, the Court will remand this matter for a hearing to determine whether the parties were financially separated even though living in the same household.

ORDER

AND NOW, this 31st day of January, 2003, for the foregoing reasons, the Order of September 17, 2002 is hereby vacated and the matter is remanded for further proceedings consistent with this Opinion.

The Prothonotary is directed to return to Petitioner the deposit of \$75.00, through her counsel, Brad Hillman, Esq.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations
Brad Hillman, Esq.
Michael Morrone, Esq.
Prothonotary
Dana Jacques, Esq.
Gary Weber, Esq.
Hon. Dudley N. Anderson