

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

|            |   |                            |
|------------|---|----------------------------|
| JSV,       | : | NO. 02-20,747              |
| Petitioner | : |                            |
|            | : |                            |
| vs.        | : | DOMESTIC RELATIONS SECTION |
|            | : | Exceptions                 |
| KJ,        | : |                            |
| Respondent | : |                            |
| *****      |   |                            |
| SLH,       | : | NO. 03-20,673              |
| Petitioner | : |                            |
|            | : |                            |
| vs.        | : | DOMESTIC RELATIONS SECTION |
|            | : | Exceptions                 |
| KJ,        | : |                            |
| Respondent | : |                            |

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated October 23, 2003. Argument on the exceptions was heard December 10, 2003. In his exceptions, Respondent contends the hearing officer erred in calculating his support without considering the obligation he has to other children. After a thorough review of the Order, the Court agrees. In addition, the Court discovered other errors in the calculation and therefore has completely recalculated the obligations.

For the period of time from September 14, 2003 to October 14, 2003, considering Petitioner H’s earning capacity of \$1,957.05 per month and Respondent’s income of \$5,025.29 per month, the guidelines suggest a payment for the support of one minor child of \$864.37 per month. Also based on those incomes, Petitioner H has an obligation to Respondent for the minor child in his custody of \$336.64 per month. Considering Petitioner V’s earning capacity of \$1,649.00 per month and Respondent’s income of \$5,025.29 per month, Respondent has an obligation for the minor child in Petitioner V’s custody of \$868.12 per month. Considering his other obligations, as outlined in the Order of July 31, 2003, specifically \$902.29 per month for the child for whom Respondent receives support from JH, \$934.00 per month for the child with JC, and \$877.74 per month for each of the children with CB, Respondent’s total child support

obligation is \$6,188.63 per month. His obligations to Petitioner V and Petitioner H must therefore be reduced proportionately. Doing so results in an obligation to Petitioner V of \$352.44 per month, and to Petitioner H of \$350.93 per month. Subtracting the obligation owed from Petitioner H to Respondent of \$336.64 per month results in an offset payment of \$14.29 per month.

Effective October 14, 2003 through July 27, 2004, considering that Petitioner H began residing with Respondent as of that date, with both children in that home, Respondent's obligation for those two children in a single home is calculated at \$1,247.26 per month. Considering his other obligations as enumerated above, his total obligations at that time are \$5,707.15 per month. The obligation to Petitioner V is thus reduced proportionately to \$382.23 per month.

Effective July 27, 2004, when Respondent's income no longer includes the retroactive portion of the worker's compensation payments, and is \$2,569.53 per month, the obligation to Petitioner V is recalculated at \$496.38 per month. His obligation to the child for whom he receives support from Mr. H is recalculated to \$536.40 per month. His obligation to the child with JC is recalculated at \$593.00 per month. His obligation for the children with CB is recalculated at \$506.15 per month for each child and his obligation for the two children to Petitioner H, in his home, is recalculated to \$706.67 per month. The total of these obligations is \$3,344.75 per month. The obligation to Petitioner V must be reduced proportionately and doing so results in an obligation to her of \$190.67 per month.

#### ORDER

AND NOW, this 12<sup>th</sup> day of December, 2003, for the foregoing reasons, the Order of October 23, 2003 is hereby modified as follows:

1. Paragraph #1 shall be modified to indicate a payment for the support of one minor child in the amount of \$14.29 per month.
2. Paragraph #2 shall be modified to indicate a payment for the support of one minor child in the amount of \$352.44 per month.
3. Paragraph #3 shall be modified to indicate that the child support obligation to Petitioner H shall be terminated effective October 14, 2003. There shall be no

ending date for the termination of the support obligation.

4. Paragraph #4 shall be modified to indicate a payment for the support of one minor child to Petitioner V in the amount of \$382.23 per month, from October 14, 2003 through July 27, 2004.
5. Paragraph #5 shall be modified to indicate a payment for the support of one minor child to Petitioner V in the amount of \$190.67 per month.

Inasmuch as the instant Order creates a credit to Respondent, the credit for amounts payable to Petitioner H shall be addressed by the Department of Public Welfare since those monies have been forwarded to that department. The credit for payments made to Petitioner V shall be considered by reducing the current payment by \$100.00 per month until the credit is consumed in full.

As modified herein, the Order of October 23, 2003 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
JV  
SH  
KJ  
Dana Jacques, Esq.  
Gary Weber, Esq.  
Hon. Dudley N. Anderson