

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

Y.B.,	:	
Plaintiff	:	
	:	
v.	:	No. 01-20,499
	:	PACES NO. 631103384
M.C.,	:	
Defendant	:	

**OPINION and ORDER**

This opinion addresses the Exception filed by Mother to the Master’s order of December 22, 2003. Mother objects to the Master’s assessing her with a tax refund of \$260.83 per month, which the Master derived from her 2002 income tax return. The refund resulted from an earned income credit, which Mother claims she is no longer entitled to receive.

At the argument, Father agreed to eliminate the \$260.83 per month, and Mother agreed that Father should receive a 10% deviation for medical expenses. When two parties reach an agreement on child support, the court will not interfere. Therefore, these changes will be incorporated.

It is noted that the parties have three children. Father has primary physical custody of Jonathan, Mother has primary physical custody of Sophia, and the parties share physical custody of Margaret.

**A. September 30, 2003 until January 23, 2004**

The child support obligations for Jonathan and Sophia shall be calculated as follows. With Father’s income at \$3,609.72 and Mother’s income at \$1132.04, the parties’ combined total income is \$4741.76. Adding in the social security benefits of \$198.04,<sup>1</sup> the total amount is \$4939.80. The child support obligation for one child at

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<sup>1</sup> Each child gets \$198.04 per month in social security derivative benefits.

that amount is \$920. Reducing \$920 by the social security benefits of \$198.04 results in a child support obligation of \$721.96 . Mother's proportionate share, for Jonathan, is 23.87%, or \$172.33. Father's proportionate share, for Sophia, is 76.13%, or \$549.63. Father's child support is then reduced by 10%, for his medical expense deviation, for a final obligation for Sophia of \$494.67.

Father's obligation for Margaret is calculated set forth in Loudenslager v. Loudenslager, Lyc. Co. #97-20,348.<sup>2</sup> The parties' combined income is \$4741.76. To that figure is added \$398.08, for two children each receiving social security derivative benefits of \$198.04 per month.<sup>3</sup> That brings the total income to \$5137.84, which carries a child support obligation of \$1364, which is then reduced by \$398.08, resulting in a child support obligation of \$967.92 for two children. To that obligation is subtracted the child support obligation for one child, with one social security benefit, or \$721.96, resulting in a child support obligation for Margaret of \$245.96. Father's proportion of the obligation (76.13%) is reduced by 20% for share custody, which results in an obligation of \$138.06. That figure is further reduced by 10%, for Father's medical expense deviation, for a final obligation for Margaret of \$124.25.

Father's total child support obligation is thus \$446.59 (\$124.25 for Margaret, \$494.67 for Sophia, minus \$172.33 for Jonathan). Spousal support is therefore calculated at \$609.33, minus Father's 10% deviation, which results in \$548.40 per month.

**B. From January 23, 2004 until Further Order of Court**

The child support obligations for Jonathan and Sophia shall be calculated as follows. With Father's income at \$2900 and Mother's income at \$1056, the parties'

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<sup>2</sup> Calculate the child support due for two children, and subtract the support due for one child.

<sup>3</sup> It is noted that the Master incorrectly calculated this figure, using only one social security derivative payment instead of two.

combined total income is \$3956. Adding in the social security benefits of \$122,<sup>4</sup> the total amount is \$4078. The child support obligation for one child at that amount is \$798. Reducing \$798 by the social security benefits of \$122 results in a child support obligation of \$673. Mother's proportionate share, for Jonathan, is 26.69%, or \$179.62. Father's proportionate share, for Sophia, is 73.31%, or \$493.38. Father's child support is then reduced by 10%, for his medical expense deviation, for a final obligation for Sophia of \$444.04.

Father's obligation for Margaret is again calculated as set forth in Loudenslager v. Loudenslager, Lyc. Co. #97-20,348. The parties' combined income is \$3956. To that figure is added \$244, for two children each receiving social security derivative benefits of \$122 per month. That brings the total income to \$4200, which carries a child support obligation of \$1174, which is then reduced by \$244, resulting in a child support obligation of \$930 for two children. To that obligation is subtracted the child support obligation for one child, with one social security benefit, or \$673, resulting in a child support obligation for Margaret of \$257. Father's proportion of the obligation (73.31%) is reduced by 20% for shared custody, which results in an obligation of \$137.01. That figure is further reduced by 10%, for Father's medical expense deviation, for a final obligation for Margaret of \$123.31.

Father's total child support obligation is thus \$387.73 (\$123.31 for Margaret, \$444.04 for Sophia, minus \$179.62 for Jonathan). Spousal support is therefore calculated at \$436.88, minus Father's 10% deviation, which results in \$393.19 per month.

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<sup>4</sup> Each child gets \$122 in social security derivative benefits.

## ORDER

AND NOW, this \_\_\_\_\_ day of February, for the reason stated in the foregoing opinion, the petitioner's exception to the Master's order of December 22, 2003 is granted and it is hereby ordered that:

1. Effective September 30, 2003 and continuing until January 23, 2004, Michael Cooper's child support obligation for Sophia and Margaret Cooper shall be \$446.59 per month. Effective January 23, 2004, this obligation shall be \$387.73 per month.
2. Effective September 30, 2003 and continuing until January 23, 2004, Michael Cooper's spousal support obligation for Yvonne Bayza is \$548.40 per month. Effective January 23, 2004, this obligation shall be \$393.19 per month.
3. The custodial parent shall be responsible for the first \$250.00 of unreimbursed medical expenses incurred for each child during the calendar year. Medical expenses do not include over-the-counter medications. From the time period September 30, 2003 until January 23, 2004, the parents' responsibilities for unreimbursed medical expenses are as follows: Michael Cooper shall be responsible for 76.13% and Yvonne Bayza shall be responsible for 23.87%. Beginning on January 23, 2004, Michael Cooper shall be responsible for 73.31% and Yvonne Bayza shall be responsible for 26.69%.
4. In all other respects, the Master's order of December 22, 2003 is affirmed.

BY THE COURT,

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Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk  
Hon. Richard A. Gray  
Yvonne Bayza  
117 E. Penn St.  
Muncy, PA 17756  
Michael Cooper  
265 S. Main St. Apt. 2  
Hughesville, PA 17737  
Domestic Relations (JJ)  
Family Court  
Gary Weber, Esq.