

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

J.C.,	:	
Plaintiff	:	
	:	
v.	:	No. 98-20,505
	:	PACES NO. 280002460
C.S.,	:	
Defendant	:	

**OPINION and ORDER**

This opinion addresses the Exceptions filed by Father to the Master's order of December 26, 2003, in which Father was ordered to pay child support in the amount of \$935.20 per month and \$57.10 toward health insurance for Mother and child. Father argued three of the five exceptions he filed; the remaining exceptions will be dismissed.

Father's first exception addresses the Social Security benefits received by the child, in the amount of \$792.00 per month. The Master neglected to include these benefits when calculating child support. Applying the benefits as directed by Pa. R.C.P. 1910 16-2(b) results in a child support obligation of \$595.15 per month. The obligation is reduced by the 10% deviation for medical expenses granted by the Master, for a total obligation of \$535.63 per month.

Father's next exception is based upon the Master's refusal to grant him a deviation due to sabbatical research expenses.. Father was on sabbatical from August 2002 until May 2003. Although Father continued to receive his salary during this period, the reimbursement of the sabbatical expenses was cancelled, due to circumstances beyond Father's control. Father was contractually obligated to continue the research, and was therefore forced to pay the expenses himself. The total expense incurred was \$15,594. Father has argued that this is analogous to a business expense, since he took the sabbatical in order to improve himself professionally. Moreover,

when he elected to take the sabbatical he believed the expenses would be paid. The court finds that Father's argument has merit. However, rather than deduct the expenses from his income, the court finds that it would be more appropriate to grant him a deviation of 5% for the year 2003 since this is a one-time occurrence, and is more like a medical expense than a direct business expense because Father is a salaried employee. Adding the 5% deviation to the 10% deviation already granted for medical expenses results in a child support obligation of \$505.88 per month during the year 2003.

Father's last exception is in regard to the recent case of Maheer v. Maheer, 835 A.2d 1281 (Pa. 2003), which held that because there is no support liability for an ex-spouse, the portion of the premium attributable to coverage of the ex-spouse must be excluded from an allocation made between the parties for purposes of implementing a child support order. Mother argues that the Maheer holding should not be applied in this case because she filed her petition for modification before Maheer was decided. A reading of Maheer, however, convinces the court that the Pennsylvania Supreme Court was clarifying existing law, rather than announcing new law. Therefore, the court will apply Maheer, and order Father to pay only his proportionate share of the portion of the health insurance premium attributable to the child's health insurance. Although Mother did not know that breakdown at the time of the argument, the court has since received that information. The cost for the child in 2003 was \$44.18 per month, and Father's proportion of that cost is \$28.55 per month. The cost for the child in 2004 is \$42.80 per month, and Father's proportion of that cost is \$27.66 per month.

**ORDER**

AND NOW, this \_\_\_\_\_ day of February, 2004, for the reasons stated in the foregoing opinion, Fathers' exceptions #1, #2, and #4 are granted and the remaining exceptions are dismissed. It is therefore ordered that:

1. Effective July 28, 2003, Father's child support obligation shall be \$505.88 per month.
2. Effective January 1, 2004, Father's child support obligation shall be \$535.63 per month.
3. Effective July 28, 2003, Father's health insurance obligation shall be \$28.55 per month.
4. Effective January 1, 2004, Father's health insurance obligation shall be 27.66 per month.
5. In all other respects, the Master's order of December 26, 2003 shall remain in full force and effect.

BY THE COURT,

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Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk  
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