

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

R.D.,	:	
Plaintiff	:	
	:	
v.	:	No. 89-20,049
	:	PACES NO. 900106177
P.D.,	:	
Defendant	:	
	:	
G.F.,	:	
Plaintiff	:	
	:	
v.	:	No. 89-20,049
	:	PACES NO. 227002081
P.D.,	:	
Defendant	:	

**OPINION and ORDER**

This opinion addresses the Exceptions filed by Father to the Master's order of March 18, 2004, in which Father was ordered to pay child support to R.D. and G.F.

Father's first objection relates to the Master's failure to adjust the parties' net monthly income by adding in the anticipated 2003 tax refunds resulting from G.F. claiming tax exemptions for Patrick and Christina, and Father claiming tax exemptions for Nathan. The Master chose to leave, undisturbed, the income findings in the recent order of December 16, 2003. While it is true that the anticipated tax refunds should have been added to the parties' monthly incomes, the court has performed the calculations involved and has determined that doing so would be to the severe disadvantage of Father, particularly since recalculating the parties' incomes would mandate using Father's updated employment information, which shows a substantial increase in Father's income. Since neither R.D. nor G.F. have filed exceptions, and are

apparently content with the support as ordered, the court will therefore not disturb the support.

Father next argues that he should have received a deviation based upon the total amount of support he is paying. As Father's total support payment does not exceed 50% of his net income, this exception will be denied.

Father's final argument is that since Patrick chose to live with R.D., and left Father's residence of his own accord, Father should not have to pay child support. There is no support for this argument in the guidelines, nor can the court find any reason why child support should depend upon how custody was obtained. Certainly, if Father objects to Patrick being in R.D.'s custody, he may avail himself of the proper legal remedies to attempt to regain custody of Patrick.

**ORDER**

AND NOW, this \_\_\_\_\_ day of June, 2004, for the reasons stated in the foregoing opinion, the exceptions filed by the defendant to the Master's order of March 18, 2004 are dismissed.

BY THE COURT,

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Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk  
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