

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

RONALD E. DUNKELBERGER,	:	
Plaintiff	:	
	:	
v.	:	No. 90-21,739
	:	PACES NO. 223002090
MICHELE S. GEORGE,	:	
Defendant	:	

OPINION and ORDER

This opinion addresses the exception filed by Father to the Master’s order of January 12, 2004, in which the Master imposed no child support obligation on Mother for the three children in Father’s primary custody.

Mother receives \$301 per month in Social Security Disability and \$298.40 per month in Supplemental Social Security Income. Clearly, SSI may not be considered income to determine a child support obligation. Rule 1910.16-2(b). It is also clear that under Rule 1910.16-2(e)(1)(A), the guideline support amount is \$60 per month.

Should the court impose a \$60 per month child support obligation, Mother would be left with less than \$550 per month, even counting the SSI she receives, and Rule 1910.16-2(e)(1)(C) states that when the obligor’s total monthly income is \$550 or less, “the court may award support only after consideration of the obligor’s actual living expenses.”

Father argues that the court may and should order Mother to pay \$60 per month in child support because Mother’s monthly expenses are low, due to the fact that she lives with her uncle and does not pay rent. Father further argues that the SSI Mother receives may be considered as “other income in the household” for the purpose of deviating from the guidelines.

The court agrees that Mother *may* be ordered to pay child support. The rules do not prohibit a court from leaving a party with less than \$550 a month after considering

the obligor's actual living expenses. However, under Rule 1910.16-2(e)(C), the only way a court may reduce an obligor's income below \$550 per month is based upon the obligor's actual living expenses. As this is a rule, and not a guideline amount, it is not subject to deviation under the deviation rule, Rule 1910.16-5.¹ The court does not see any reason, however, why the SSI could not be considered when examining the obligor's actual living expenses, since the obvious purpose is to determine whether the obligor's living expenses are being met and whether there are extra funds available for child support.

In a proper case, the court would consider imposing a child support obligation even when the obligor's income falls below \$550 per month, and if the obligor receives a hefty SSI payment, the court would certainly take that into consideration. However, in this case, imposing the \$60 per month child support figure, or even a lower figure, would reduce Mother's income well beyond the point this court deems appropriate. Although we sympathize with Father for having to shoulder the entire financial burden of supporting the couple's three children, the court declines to impose a child support obligation upon an individual in Mother's financial circumstances.

¹ In regard to considering SSI as additional income for deviation purposes, the court agrees that in cases where the \$550 rule does not apply, SSI may properly be considered as a deviation factor.

ORDER

AND NOW, this _____ day of March, 2004, for the reasons stated in the foregoing opinion, the exception filed by Father to the Master's order of January 12, 2004 is dismissed and the order is affirmed.

BY THE COURT,

Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk
Hon. Richard A. Gray
Janice Yaw, Esq.
Joseph Campagna, Esq.
Domestic Relations (RW)
Family Court
Gary Weber, Esq.