

CHRISTAL D. MILLER,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
vs.	:	DOMESTIC RELATIONS SECTION
TIMOTHY A. WELLIVER,	:	NO. 83-20,958
Defendant	:	SUPPORT EXCEPTIONS

Date: August 12, 2004

OPINION AND ORDER

This Opinion and Order is to address the Complaint for Child Support filed by Christal Miller (hereafter “Mother”) on March 3, 2004. The Court will not assign an income to the Mother. Any income she would earn would have to be offset by the increased childcare expenses she incurs. Mother has custody of her twenty one year old daughter. The daughter is severely retarded and suffers from numerous medical problems. Consequently, Mother must provide constant care for the daughter.

The Court has determined that the income of Timothy Welliver (hereafter “Father”) is \$3,318 per month. According to the Support Guidelines, the basic support obligation is \$693. The Court will grant a 50% deviation from the Guideline amount. The reason for the deviation is that the child has available in her household significant other assets and income, which include the payments and funds from a lawsuit settlement and funds obtained from the sale of a Florida residence titled in the child’s name. The Court would note that the current residence which is being purchased is being purchased with the child’s funds and will not only provide a home for the child, but for Mother as well. It is also because of these significant assets that the Court will deny Mother’s request for an upward deviation from

the Support Guidelines. Furthermore, the medical expenses incurred by Mother for the care of her daughter can be offset by the health insurance the Court will order Father to obtain.

Accordingly, the following Order will be entered.

ORDER

It is hereby ORDERED and DIRECTED as follows:

1. Based upon Timothy A. Welliver's net monthly income of \$3,318 and Christal Miller's net monthly income of \$0, the parties combined total income is \$3,318. Mr. Welliver's income is 100% of the parties' total income, which results in a child support obligation of \$693 per month.

2. The \$693 monthly support obligation shall be reduced by 50%. That results in Mr. Welliver having a monthly support obligation in the amount of \$346.50. Timothy Welliver shall pay by check or money order to PA SCDU, P.O. Box 69110, Harrisburg, PA 17106-9110 for the support of Sabrina A. Miller the sum of \$346.50 per month effective March 3, 2004, and continuing until further Order of Court. The check or money order shall contain Mr. Welliver's social security number.

3. Timothy Welliver shall pay \$25.00 monthly on this Order for any past due support due to the retroactive effect of this Order and for any overdue support which has accrued prior to the entry of this Order.

4. Beginning March 3, 2004, the custodial parent shall be responsible for the first \$250.00 of unreimbursed medical expenses incurred for Sabrina Miller during the calendar year. Medical expenses do not include over-the-counter medications.

5. Timothy Welliver shall be responsible for 50% and Christal Miller shall be responsible for 50% of all reasonably necessary medical services and supplies, including, but not limited to, surgical, dental, optic and orthodontic services incurred on behalf of Sabrina Miller, which are unreimbursed by insurance or Medicaid within thirty (30) days of proof of such paid expense presented by Mrs. Miller to Mr. Welliver or Mr. Welliver to Mrs. Miller.

6. Unreimbursed medical, dental, optic and orthodontic expenses shall be determined after submission to both parties' insurance companies, if any, with documentation of payments or denial of payment to be presented to the Domestic Relations Section.

7. It is hereby ORDERED and DIRECTED that Timothy Welliver shall obtain medical insurance coverage for Sabrina Miller.

8. Within thirty (30) days after entry of an Order requiring a person to provide health insurance coverage, written proof of that health care coverage has been obtained or that application for coverage has been made must be documented and sent to the Domestic Relations Section and each Plaintiff. Proof of coverage shall consist of at a minimum:

- a. Name of the health care coverage provider,
- b. Any applicable identification numbers,
- c. Any cards evidencing coverage,
- d. The address to which claims should be made,
- e. A description of any restrictions on usage such as prior approval for hospital, admissions and the manner for obtaining approval,
- f. A copy of the benefit booklet or coverage contract,
- g. A description of all deductibles and co-payments,

- h. Five (5) copies of any claim forms,
- i. Date coverage began,
- j. Costs of coverage to Mr. Welliver per bi-weekly paycheck,
- k. Names of all individuals covered by the insurance.

The above information shall be provided to the DOMESTIC RELATIONS SECTION and Mrs. Miller as soon as it is received from Mr. Welliver.

9. Mrs. Miller shall comply with the insurers existing claim procedures and present to the insurer one of the following documents:

- a. A copy of the Court Order,
- b. A release signed by the insured permitting Mrs. Miller to communicate directly with the insurer.

10. Mr. Welliver shall sign a release permitting Mrs. Miller to communicate directly with the insurance provider.

11. Be advised that you have a right to file exceptions to this Order, in accordance with the Attached Notice.

Lycoming County Local Rule L1910.10c provides that filing exceptions to a Proposed Order of Court shall not affect the obligation of payment pending review by the Court on exceptions, that is, the obligation to pay support continues even if exceptions are filed.

As long as the Domestic Relations Office has administrative responsibility, all parties are under a continuing obligation to report any material change of circumstances relevant to the level of support or the administration of the Support Order as specified on the

Addendum to this Order, to both the Domestic Relations Office and all other parties, in writing, within seven (7) days of the change.

The provision of the Addendum (Form 3795), which is attached hereto, is made a part hereof and incorporated by reference as though set forth herein.

BY THE COURT,

William S. Kieser, Judge

cc: Marc S. Drier, Esquire
Timothy Welliver
205 Woodland Parkway # 138
San Marcos, CA 92069-7013
Domestic Relations