

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

KH, : NO. 90-21,608
Petitioner : PACSES NO. 607001834
 :
vs. :
 : DOMESTIC RELATIONS SECTION
KH, :
Respondent : Exceptions

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LYCOMING COUNTY JUVENILE : NO. 90-21,608
PROBATION OFFICE, : PACSES NO. 288103814
Petitioner :
 :
vs. :
 : DOMESTIC RELATIONS SECTION
KH, :
Respondent : Exceptions

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LYCOMING COUNTY JUVENILE : NO. 01-21,206
PROBATION OFFICE, : PACSES NO. 039103811
Petitioner :
 :
vs. :
 : DOMESTIC RELATIONS OFFICE
KCH, :
Respondent : Exceptions

OPINION AND ORDER

Before the Court are JZ's exceptions to the Family Court Order of March 10, 2004. Argument on the exceptions was heard April 28, 2004. Although the written exceptions themselves simply pose two questions to the Court, both of which were addressed by the Court at argument, it does appear the support obligations of both parents were miscalculated by the hearing officer. The Court will therefore recalculate the obligations and amend the Order of March 10, 2004, accordingly.

The hearing officer found Mr. Z's income to be \$1154 per month, Ms. H's earning capacity to be \$844 per month, and Ms. H's boyfriend's income to be \$1466 per month. Mr. Z's obligation for H, who is in Ms. H's custody, was correctly calculated at \$272.58 per month. His obligation for Z, who is in the custody of JPO, however, was incorrectly calculated. The incomes of both parents should be considered, a total of \$1998 per month, which suggests a total support obligation on the part of both parents of \$472 per month. Mr. Z's correct obligation is thus 57.76% of such, or \$272.58 per month. Ms. H's obligation for Z is suggested by the guidelines to be \$199.37 per month. Her obligation to H and the child to her boyfriend must also be considered, however. Her obligation for both those children, considering her earning capacity, Mr. Z's income of \$1154 per month and her boyfriend's income of \$1466 per month, is suggested by the guidelines to be \$286.78 per month.¹ Both suggested obligations total \$486.15, which would leave Ms. H with less than \$550 per month, contrary to the policy set forth in the guidelines. Since she has \$844 per month income, leaving her with \$550 per month allows \$294 for support of her three children. The support obligations must therefore be reduced proportionately by multiplying each by .6048 (294/486.15). Doing so results in an obligation to JPO of \$120.57 per month.

¹ Since both children reside in the same household the Court calculates her obligation for two children together, rather than calculating two separate obligations for one child. Since the obligation to contribute to the support of the two children in Ms. H's household falls on two different obligors, however, the Court calculated the guideline figure using Mr. Z's income (\$288.94 per month) and then using the boyfriend's income (\$284.62 per month), and then averaged the two.

ORDER

AND NOW, this 28th day of April 2004, for the foregoing reasons, the Order of March 10, 2004, is hereby modified to provide for a payment from Mr. Z for the support of Z in the amount of \$272.58 per month, effective February 5, 2004, and for a payment from Ms. H for the support of Z in the amount of \$120.57 per month, also effective February 5, 2004. Ms. H shall pay an additional \$10 per month toward the arrearage created by the retroactive effect of this Order.

As modified herein, the Order of March 10, 2004, is hereby affirmed.

BY THE COURT,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations Section
KH
JZ
Juvenile Probation Office
Gary Weber, Esq.
Dana Jacques, Esq.
Hon. Dudley Anderson