

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

<b>J.M.E.,</b>	:	
<b>Petitioner/Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>No. 05-20,502</b>
	:	<b>PACSES No. 810107293</b>
<b>C.E.,</b>	:	<b>DOMESTIC RELATIONS SECTION</b>
<b>Respondent/Defendant</b>	:	

**OPINION AND ORDER**

Before this Honorable Court, is the Petitioner/Plaintiff's January 23, 2006 Exceptions filed to the Family Court Hearing Officer's January 13, 2006 Order. She asserts that, the Family Court Hearing Officer erred when, she made her January 13, 2006 Order retroactive to the date of filing of the Petition of Modification, November 23, 2005. More specifically, the Petitioner/Plaintiff's Exceptions claim that, because the Respondent/Defendant failed to report a substantial increase in his income and misrepresented his child support obligations to his other children that the Master should have made her Order retroactive to April 20, 2005, the date of filing of the Complaint.

At the parties' first hearing in this matter (May 19, 2005), the Respondent/Defendant had recently started a new job; therefore, he could only provide the Master with a three-week pay stub as evidence of his income. From this, the Master imputed a monthly income of \$1,134.38 on the Respondent/Defendant. The Master also had to impute the Respondent/Defendant's other child support obligations because there is only a private agreement between him and the mothers; accordingly, the Master imputed a \$1,016.51 per month total child support obligation on the

Respondent/Defendant.<sup>1</sup> In November 2005, the Petitioner/Plaintiff requested a review of the July 14, 2005 Order issued after the May 19, 2005 hearing; that request gave rise to the January 12, 2006 Order currently at issue.

At the January 10, 2006 hearing on the Petitioner/Plaintiff's requested review of the Master's July 14, 2005 Order, the Master reviewed documents from the Respondent/Defendant's employers at the time of the July 14, 2005 Order and at the time of the hearing. The documents showed an increase in the Respondent/Defendant's income to \$1,936.46 and \$1,972.53 respectively. In addition, the Respondent/Defendant's total child support obligation rose to \$1,254.98 per month. Consequently, the Master amended her July 14, 2005 Order to reflect these changes and ordered the Respondent/Defendant pay the Petitioner/Plaintiff child support in the amount \$332.87 monthly for November through December 2005, \$342.89 monthly for January 2006, and \$350.69 monthly thereafter.

The Plaintiff/Petitioner contends that the Master's Order should have directed the Respondent/Defendant pay \$332.87 retroactive to April 2005, the date of the initial complaint for support instead of November 2005, the date of her request for review because his increased pay occurred prior to November 2005 and, he misrepresented what he was paying in child support to other women.

The Court will not disturb the Master's findings with regard to the Respondent/Defendant's child support obligation to other women. There are no written agreements or testimony from the other women to affirm or deny the Respondent/Defendant's testimony regarding what he pays; therefore, the court defers the Master on this matter. The

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<sup>1</sup> This figure encompasses the Respondent/Defendant's obligation to his three children of which he is not the primary custodian and, his fourth child of which he is the primary custodian. The Respondent/Defendant's monthly obligation to the child he shares with the Plaintiff/Petitioner is \$149.46.

Court does however fail to understand why the Master's January 12, 2006 Order was not made retroactive to a date prior to November 2005 when the Master had evidence (i.e. pay stubs from as early as May 2005) indicating that the Respondent/Defendant's pay increase occurred before November 2005. Accordingly, the Court will amend the Master's January 12, 2006 Order to reflect the Respondent/Defendant's increase in income following the May 19, 2005 hearing in this case.

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of February 2006, for the reasons set forth above, it is **ORDERED** and **DIRECTED** that the Exceptions filed by the Petitioner/Plaintiff to the Family Court's Order of January 12, 2006 are **GRANTED** in so much as, the Master's January 12, 2006 Order is amended as follows: the Respondent/Defendant's monthly child support obligation to the Plaintiff/Petitioner is \$332.87 effective May 20, 2005 and continuing until December 31, 2005. All other aspects of the Master's Order are **AFFIRMED**. Lastly, the Petitioner/Plaintiff's request for counsel's fees is **DENIED**.

By the Court,

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Nancy L. Butts, Judge

cc: Patricia A. Shipman, Esq.  
C.E.  
Family Court  
Domestic Relations (JJ)  
Gary L. Weber, Esq.