

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

D.L.K.,	:	
	:	
Petitioner/Plaintiff	:	
	:	
v.	:	No. 88-20,406
	:	PACSES No. 480001845
R.L.K.,	:	DOMESTIC RELATIONS SECTION
	:	
Respondent/Defendant	:	

OPINION AND ORDER

Before this Honorable Court, is the Respondent/Defendant’s August 7, 2006 Exceptions filed to the Family Court Hearing Officer’s July 28, 2006 Order. Specifically, the Respondent/Defendant contends that the Master erred when she failed to factor into her support calculations the parties disabled daughter’s Supplemental Security and Hope Enterprises incomes. In response, the Petitioner/Plaintiff notes that the effect a healthy child’s income/benefits has on an obligor’s support obligation differs from the effect a disabled child’s income/benefits may have on an obligor’s support obligation.

The parties are the parents of two children; the current dispute only involves the order of support regarding the parties twenty-three year old autistic daughter who, by virtue of her disability, is unable to support herself and, as a result, lives with her mother. The Master’s order currently at issue calculated support as follows:

Father’s Monthly Income (from SSD Benefits)	\$928.02
Mother’s Monthly Income	\$2,191.73
Daughter’s SSD	<u>\$267.00</u>
	\$3,386.73

In accordance with the support guidelines, the parties total monthly support obligation is \$781.00 less the Daughter's \$267.00 monthly SSI income¹, or \$514.00. With the Respondent/Defendant's income representing 29.75% of the parties' total income, the Master calculated his monthly support obligation as \$152.92.

The Respondent/Defendant is not challenging that, pursuant to 23 Pa.C.S. § 4321(3), the Master has the authority to order he pay support for his daughter; instead, he is challenging the amount of support the Master determined he owes. More precisely, the Respondent/Defendant argues that because his daughter receives Supplemental Security and Hope Enterprises incomes and that he himself receives Social Security Disability Benefits, the Master should take these figures into consideration when calculating his support obligation and deviate from the support guidelines by lowering his monthly support obligation.

Pa.R.C.P. No. 1910-16.5(b) explains that, when deciding whether to deviate from the support guidelines, the master should consider various enumerated factors including but not limited to the unusual needs, age, and best interests of the child. Although the Master's Order does not specifically reference the above-cited rule, or any of the enumerated factors, it is clear to the Court that the Master considered, *inter alia*, the unusual needs of the child (the Master's order mentions the Petitioner/Plaintiff's attempts to get her daughter into a behavior counseling community center for treatment of her autism) and the child's age (the Master's order explains that, although the child has reached the age of majority, under Pennsylvania case law, she is unable to support herself and therefore entitled to receive support).

The Respondent/Defendant has not presented the Court with any evidence that that the Master abused her discretion in fashioning the current support order other than the financial

¹ See, Pa.R.C.P. No. 1910.16-2(b).

impact on himself and a mediocre equitable argument that his daughter, with assistance from him, should not “make” more money per month than himself.

Although the Respondent/Defendant’s daughter’s monthly “intake” is about \$574.24 (SSI plus SSD plus Hope Enterprises income), while his is \$775.10 (SSD less his support obligation), this figure does not fall below the \$748.00 self-support reserve recognized by Pennsylvania law.

ORDER

AND NOW, this _____ day of September 2005, after the September 11, 2006 hearing on the Respondent/Defendant’s August 7, 2006 Exceptions filed to the Family Court Hearing Officer’s July 28, 2006 Order, the Court hereby DENIES the Respondent/Defendant’s Exceptions; accordingly, the Court hereby AFFIRMS the Master’s July 28, 2006 Order.

By the Court,

Nancy L. Butts, Judge

xc: Janice Ramin Yaw, Esq.
Christina Dinges, Esq.
David Irwin, Esq.
Family Court
Domestic Relations (JS)
Hon. Nancy L. Butts
Judges
Laura R. Burd, Esq. (Law Clerk)
Gary L. Weber, Esq. (Lycoming Reporter)