

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

<b>M.Z.,</b>	:	
<b>Petitioner/Plaintiff</b>	:	
	:	
<b>v.</b>	:	<b>No. 05-20,416</b>
	:	<b>PACSES No. 366107376</b>
<b>W.Z.,</b>	:	<b>DOMESTIC RELATIONS SECTION</b>
<b>Respondent/Defendant</b>	:	

**OPINION AND ORDER**

Before this Honorable Court, is the Petitioner/Plaintiff's December 28, 2005 Exceptions filed to the Family Court Hearing Officer's December 22, 2005 Order. She asserts that, the Family Court Hearing Officer erred when, she failed to include unemployment compensation that she alleges the Respondent/Defendant received, when the Officer calculated the Respondent/Defendant's earning capacity. The Petitioner/Plaintiff also alleges that the Family Court Hearing Officer erred when she reduced the amount of alimony pendente lite she was entitled to by 30% because of her living arrangement.

First, there was no evidence presented at the December 15, 2005 hearing on this matter indicating that the Respondent/Defendant received unemployment compensation after 2004. The Respondent/Defendant provided the Family Court Hearing Officer with tax documents and his most recent paycheck, neither of which suggested he received unemployment compensation. The Court therefore AFFIRMS the Family Court Hearing Officer's earning capacity assessment of the Respondent/Defendant.

Next, Pa.R.C.P. No. 1910-16-5(b)(3) permits the Family Court Hearing Officer to, with explanation, deviate from the standard alimony pendente lite assessment. In the instant matter, the Officer described how the Petitioner/Plaintiff has little to no living expenses because she is currently living with her daughter and son-in-law in exchange for her providing childcare for her

grandchildren. The Court finds that this explanation for the 30% deviation from the standard alimony pendente lite assessment is adequate; therefore, the Court AFFIRMS the Family Court Hearing Officer's 30% deviation from the standard alimony pendente lite assessment.

**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 December 22, 2005 are DISMISSED.

By the Court,

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Nancy L. Butts, Judge

cc: W. Jeffrey Yates, Esq.  
John P. Pietrovito, Esq.  
Family Court  
Domestic Relations (SF)  
Gary L. Weber, Esq.