

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

STEPHANIE M. SHNYDER,	:	
Petitioner/Plaintiff	:	
	:	
v.	:	No. 03-20,677
	:	PACSES No. 742105522
RICHARD E. SHNYDER,	:	DOMESTIC RELATIONS SECTION
Respondent/Defendant	:	

OPINION AND ORDER

Before this Honorable Court, is the Respondent/Defendant's April 6, 2006 Exceptions filed to the Family Court Hearing Officer's April 4, 2006 Support Order. He asserts that the Officer erred when she failed to admit and consider evidence that the minor children spent between 50%-65% of the time, from the date of the prior Order (July 2003), with him; he also asserts that the Officer erred when she failed to eliminate his support obligation based on the time the minor children spent with him. Lastly, the Respondent/Defendant asserts the Officer erred when she entertained the Petitioner/Plaintiff's January 31, 2006 Petition for Modification that resulted in the currently contested Order because, he contends, she failed to allege the requisite material and substantial change in circumstances that warrant a review of a support order.

First, the Master did not error when she entertained the Petitioner/Plaintiff's January 31, 2006 Petition for Modification. The Petitioner/Plaintiff's Petition requested said modification because the parties' income had risen since July 2003, and she claimed the costs of hers and the children's medical insurance went up. This Court finds that, a change in income levels and expanding expenses are sufficient grounds to request a modification of support obligations.

Second, the Master did not error when she failed to consider the Respondent/Defendant's evidence regarding the time the parties' children spent with him above and beyond the Court ordered 50/50 split. Although, pursuant to Pa.R.C.P. No. 1910.16-4(c)(1), the Respondent/Defendant is entitled to a reduction in his basic support obligations to reflect the actual time spent with his children, here the Master correctly noted, that if she were to allow the Respondent/Defendant, in this situation, to receive credit for less than one weeks worth of extra time spent with his children, she would be opening the doors to a flood of litigation seeking credit for the most miniscule amounts of extra time. Moreover, the Master intuitively states that, allowing the obligor parent to receive credit for a few extra days would likely deter the oblige/custodial parent to refuse to allow the obligor/non-custodial parent to spend this extra time with the children.

ORDER

AND NOW, this _____ day of May 2006, for the reasons set forth above, it is **ORDERED** and **DIRECTED** that the Exceptions filed by the Respondent/Defendant to the Family Court's order of April 4, 2006 are **DISMISSED** and the Officer's Order is **AFFIRMED**.

By the Court,

Nancy L. Butts, Judge

cc: Joy Reynolds McCoy, Esq.
Janice R. Yaw, Esq.
Family Court
Domestic Relations (SF)
Hon. Nancy L. Butts
Laura R. Burd, Law Clerk
Gary L. Weber, Esq.