

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

DENISE WHITE,	:	
Plaintiffs	:	
	:	No. 05-21,195
v.	:	PACSES No. 897004318
	:	DOMESTIC RELATIONS SECTION
NATHANIEL ROBINSON, JR.,	:	
Defendants	:	

OPINION IN SUPPORT OF ORDER IN COMPLIANCE WITH RULE 1925(a)
OF THE RULES OF APPELLATE PROCEDURE

Nathaniel Robinson, Jr., (Defendant) appeals this Court’s Order of September 11, 2007, which denied Defendant’s August 7, 2007 Exceptions filed to the Master’s Order of July 31, 2007. Defendant’s Notice of Appeal and Statement of Matters Complained of on Appeal were timely filed on October 12, 2007 and November 13, 2007 respectively. In Defendant’s Statement of Matters Complained of on Appeal, Defendant challenges this Court’s decision based on the United States Constitution and the Pennsylvania Constitution.

At the time of the July 30, 2007 hearing before the Family Court Hearing Officer, Defendant had a current order to pay \$150.00 per week towards the balance of \$21,078.82. Defendant argued at that hearing, that he has been a student for the last three and one-half years, working toward becoming a pastor in the United Methodist Church. Further, Defendant testified that he does not make much money, nor will he ever. The Defendant requested that the entire arrearage amount be forgiven under 1910.19(f), which allows a Court to modify or terminate an order for support when: “(2) the obligor is unable to pay, has no known income or assets and there is no reasonable prospect that the obligor will be able to pay in the foreseeable future.”

Defendant testified at the hearing that he is in good physical shape; however, due to his “desire to follow the call of the Lord and to work within the United Methodist Church,” he is not earning a paycheck. Order 7/31/07. Defendant also testified at the hearing as to his education and experience. Defendant attended two years of college at the Hampton Institute in Hampton, Virginia, has systems administration training, and has eighteen years of experience designing and administering telephone systems.

In its July 31, 2007 Order, the Family Court Hearing Officer found that “Mr. Robinson’s decision to follow the call of God is a personal, religious choice. In making this choice, Mr. Robinson also chooses to severely limit his ability to earn income and to pay the balance due on this case.” As such, the Family Court Hearing Officer ordered continuance of the current payment assessed upon Defendant to pay \$150.00 per week or \$650.00 per month.

In the instant appeal, Defendant challenges the Court’s September 11, 2007 Order. Specifically, Defendant argues that the Courts ruling places limits on his service to God, which is a violation of the First Amendment of the United States Constitution and Section Three of the Pennsylvania Constitution.

The Court references its September 11, 2007 Order in which it found that Defendant’s free exercise of religion is not infringed upon by requiring him to pay child support. Under Pennsylvania law, there are no religious exceptions to the obligation to support one’s own children. See generally Luzerne County Children & Youth Serv. v. Cottam, 603 A.2d 212 (Pa. Super. Ct. 1992). Therefore, the Court did not violate Defendant’s Constitutional rights.

For the foregoing reasons, this Court respectfully suggests that it's September 11, 2007 Order denying the Defendant's Exceptions filed to the Master's Order of July 31, 2007 be affirmed.

DATE: _____

By the Court,

Nancy L. Butts, Judge

xc: Nathaniel Robinson
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